

P R O O F.

DIVISION I.

Allegiances how relevant to be proved.

SECT. I

Judicial Acts.—Legal Acts.

1542. March 26. BLACKSTOCK *against* WILSON.

POINDING and comprysing of ony gudis and geir may not be provin be witnesses, bot be writ.

No 1.

Balfour, (Of PROBATION by WRIT.) No 23. p. 366.

* * Sinclair reports this case :

In the cause of Mr Andrew Blackstock, assignee to William ——— to a spuilzie contained in an act of adjournal against a man called Wilson, the LORDS, by interlocutor, declared, that the said Wilson's exception against the spuilzie, alleging that three kye alleged spuilzied by him, contained in the said act, were orderly poinded and apprised by him, for his mails of his lands occupied by the said ——— in the time of the alleged spuilzie, by witnesses, et quod scriptura non fuit hoc casu necessaria ad probandum præmissa, quia de consuetudine scriptura inter rusticos intervenire raro solet.

Sinclair, MS. p. 22.