

Opitnesood was sustained a good wil nepos for his land Lord
 Quia non per affectus, the former being supposed to be more
 Under their Masters Influence, than tenants in dwelling Land
 -jed can be thought liable to be influenced by their Land Lord.
 -ghis objection against Labouirng Moveable Tenants, being In-
 -duced when tenants wanting tacks might have been built
 out Summarly at their Masters pleasure; Sir James Stuart
 Chiswood to Dirlid. Doubts Gt Women witness (thinks it
 ought to have been said after the last fact 30 Part 6
 2. M.) which binds any tenant to be removed without
 40 days warning before Whil Sunday. But tho there be now
 no Moveable Tenant in the ancient sense, the objection still
 takes place. However a Moveable Tenant for, tho in fa-
 miliar Paternay may bear witness in the cause of his fallow
 Master, Spotswood part. 2. Gt. Probation by witness. Gen-
 erally, a Subtenant and Forager to a Moveable Tenant,
 is a good witness in the cause of the Lessor 4 November 1703
 Lady Cardross contra Rannelloun of Rumpshillounspire
 wood ibid. But Sir George Mackenzie ibid. 5 D & Sir James
 Stuart (ibid) think it more reasonable, that any object
 on that Act against a tenant should be sustained against
 his Cotten, as Cap. 10. ibid; it being said by Imaginable,
 that a Cotten will not stand in Law of him whom his Mas-
 -ters fears. Tenants having tacks are liable witnesses for their
 Master: Because law presumes them not to be so liable to their Mas-
 -ters Imposition. But the Lord once Resolved Tenants to be no good
 -ness for their Master, tho they had tacks, for a certain Number
 of Years of they had not different tacks
 July 1628 Gt the Lord Durie who observed the Practice does not
 perceive any great Reason of Difference therein, & is of this
 or Rannelloun Tenants having and wanting tacks is Oppos-
 of by the Doctors of the Canon Law Gloss in Cap. in Ma-
 -rit 2. de Gtlibus. Parmanius de Gtlibus Quash. 53. n. 1
 it is of Opinion, that altho Vassals who are not subject
 to their Superiors Jurisdiction, may be Received witnesses
 for him a Vassal who is subject to his Merum & Mixtum
 Imperium cannot be admitted to witness in his favour
 officia Dominus in talon Vassallum Mixtum Imperio
 a Remorem Inenlere noted to. But with us, Vassals
 in a Regality are allowed to witness for the Lord of the
 gality their Superior, which Sir George Mackenzie
 from part 2 Gt 1265 & 1268. & 1269. & 1270. & 1271. & 1272. & 1273. & 1274. & 1275. & 1276. & 1277. & 1278. & 1279. & 1280. & 1281. & 1282. & 1283. & 1284. & 1285. & 1286. & 1287. & 1288. & 1289. & 1290. & 1291. & 1292. & 1293. & 1294. & 1295. & 1296. & 1297. & 1298. & 1299. & 1300. & 1301. & 1302. & 1303. & 1304. & 1305. & 1306. & 1307. & 1308. & 1309. & 1310. & 1311. & 1312. & 1313. & 1314. & 1315. & 1316. & 1317. & 1318. & 1319. & 1320. & 1321. & 1322. & 1323. & 1324. & 1325. & 1326. & 1327. & 1328. & 1329. & 1330. & 1331. & 1332. & 1333. & 1334. & 1335. & 1336. & 1337. & 1338. & 1339. & 1340. & 1341. & 1342. & 1343. & 1344. & 1345. & 1346. & 1347. & 1348. & 1349. & 1350. & 1351. & 1352. & 1353. & 1354. & 1355. & 1356. & 1357. & 1358. & 1359. & 1360. & 1361. & 1362. & 1363. & 1364. & 1365. & 1366. & 1367. & 1368. & 1369. & 1370. & 1371. & 1372. & 1373. & 1374. & 1375. & 1376. & 1377. & 1378. & 1379. & 1380. & 1381. & 1382. & 1383. & 1384. & 1385. & 1386. & 1387. & 1388. & 1389. & 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