

OATH OF PARTY.

No. 1. 1736, Jan. 2. PROCURATOR-FISCAL OF EDINBURGH *against* ARCHIBALD CAMPBELL.

THE Lords found the libel proveable by the party's oath, and found that Campbell might bring Stewart as a witness to prove his exculpation or alleviation.

No. 2. 1747, June 24. JEAN LAW *against* LUNDIN AND LUMSDEN.

THIS woman sued these two defenders on furnishings to them by her deceased husband, and she adduced one witness against each. One of them proved nothing. The other proved very little, and she then stopped and referred her libel to oath; but Drummore, Ordinary, after advising with us, found the oath of party not competent after adducing witnesses. The pursuer reclaimed, and this day first we altered as to the process against Lundin, wherein Kilkerran concurred, because the witness proved nothing; 2dly, we also altered as to Lumsden, wherein Kilkerran voted against the present interlocutor, because the witness in this case seemed to prove something. However we found both defenders must still depone, *renit.* also Drummore, Arniston, &c.

OBLIGATION.

No. 2. 1734, Nov. 28. DICKIE *against* ANDERSON'S CREDITORS.

THE Lords found the inhibition ineffectual *quoad futura*, and found the horning also ineffectual *quoad futura* after the date of the horning though before the execution.

No. 3. 1736, Feb. 20. RICHARDSONS, &c. *against* CRAIGENDS.

THE Lords found that Richardson and Mrs Chaplain must transfer the whole debt to Craigends without reservation against either Blair or Merchieston, otherwise cannot have the benefit of the transaction with Craigends. The consequence thereof is that Marshall must be preferred on the third share; but they remitted that to the Ordinary.

No. 4. 1741, July 15. IRVINE *against* EARL OF ABERDEEN AND DUFF.

THE Lords would not affirm the two first points in Arniston's interlocutor finding that action did not lie on the unsigned agreement, nor secondly on the ratification; and they