

No. 98. 1685. *March.* BISHOP OF EDINBURGH *against* WILLIAM HAY.

The advising to raise or carry on a process, or doing service therein as an agent, found to be partial counsel. But the telling some matter of fact by one before he was cited as a witness, upon which relation process was raised, was not understood to be partial counsel, he not having advised to raise the process. And a Bishop's quote-master, though he received salary therefor, was a habile witness for the Bishop, he not being a menial servant.

Harcarse, No. 791. p. 224.

No. 99. 1685. *March 20.* DUKE OF GORDON *against* CATHARINE GORDON.

Found that witnesses in a charter subscribing, but not insert or designed, before the late act of Parliament, might be condescended on; but the defender not having designed them before extracting, the Lords would not in a reduction allow it, as being omitted.

Harcarse, No. 792. p. 224.

No. 100. 1685. *March 31.* PROVOST DRUMMOND *against* ———.

One who had a *benorum*, deponing he was worth £10, (though properly it [was] not free gear) received as a witness.

Harcarse, No. 794. p. 224.

No. 101. 1685. *March.* DR. SIBBALD.

In Dr. Sibbald's process of fire and burning his house, the Lords sustained the seryant-maid in the house as a necessary witness *in facto domestico*.

Harcarse, No. 796. p. 225.

No. 102. 1685. *January 28:*
WILLIAM CRAIGIE OF GAIRESY IN ORKNEY *against* MOODY OF MELSETTER.

Depositions,
bearing only
that the wit-

Upon report of Redford, the Lords refuse, either to make the Steward of Orkney's fiars, or the Exchequer prices, the rule of compt and reckoning between.