

former manner of the entries, the places of the books where they are entered, any alleged razures in the entries, or other circumstances whatever, which may appear to them material to the issue. The whole to be reported to the Court on the 12th day of November next."

See the rest of this case below.

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1774.

BUCHANAN *against* PAXTON.

IN processes of divorce, on the head of adultery,—it is competent for either party to examine the third party, with whom the adultery is alleged to have been committed. This was allowed on the part of the pursuer in the case of Mrs Nicolson; in the case of Buchanan *against* Paxton, Summer 1774, and others.

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1775. *August* . FIFE *against* CHRISTIAN WILSON.

FIFE, a chairmaster, brought a process of divorce, on the head of adultery, against his wife, Christian Wilson, for alleged adultery with Paton. The Commissaries assolied, and found the libel not proven. Fife complained by way of advocacy, and insisted that the proof was sufficient. The Lords found so, and remitted the cause to the Commissaries, with an instruction to find so.

In arguing this case, the Judges were unanimous, that it was competent to Fife to examine Paton, if he thought proper; but his counsel, thinking the proof already adduced, sufficient, declined it. If it was competent to Fife to do so, it was certainly equally competent for the defender to have done it; but her counsel, though they acquiesced in Paton's examination should Fife demand it, yet, on their part, they did not insist for it.

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1776. *November 19.* WILSON *against* M'LEAN.

IN the process, Wilson *against* M'Lean, formerly mentioned, the Lords, 14th November 1776, proceeded to the examination of evidence. The first step taken was, to order parties to give in a condescence of the names of such witnesses who they desired to be examined in presence. The pursuer did so. The Lords ordered accordingly, and remitted the examination of the rest to the Sheriff of Edinburgh. It turned out, that all those to be examined in presence, on the part of the pursuer, were to be reëxamined; and that some of them could not be examined in English, but behoved to be examined in the Gaelic or Earse language: for this purpose, an interpreter was necessary; this form was observed:—"Before further procedure, it was represented to the