No 28. 1780. *July* 18. COLEBROOK *against* DOUGLAS.

THE oath of an agent to a banking company was admitted in supplement of the proof arising from a private marking by him of intimation given of the dishonour of a bill negotiated by the company, and of which he himself was an indorser.

Fac. Col.

*** This case is No 165. p. 1605., *voce* BILL of EXCHANGE.

No 29. 1781. *February* 13. DOUGLAS, HERON & Co. *against* ALEXANDER.

THE oath of a cashier of a great trading company, and who likewise possessed a small share of their stock, was admitted in supplement of a proof of the due intimation by them of the dishonour of a bill.

Fac. Col.

*** This case is No 166. p. 1606., *voce* BILL of EXCHANGE.

DIVISION III.

Oath of Calumny.

No 30. Oath of calumny cannot be given by proxy. 1577. *April* 5. LADY LOVAT *againot* LORD LOVAT.

ANENT the action pursued by the Lady Lovat against her son, the Lord Lovat was summoned to a peremptory day to give *juramentum calumniæ*, at the which day, the said Lord sent a procurator to give the said oath, as compearing himself. It was *alleged* by the said Lady, that it was not enough to the said Lord to send a procurator, but he should compear himself personally; which allegeance of the said Lady was admitted by the LORDS, and the said articles whereupon the said Lord should have given oath holden *pro confesso*.

Fol. Dic. v. 2. *p.* 12. *Maitland, MS. p.* 121.

No 31. 1558. *February* 4. LAIRD of DRUMQUHASSIL *against* LAIRD of GLENHEGIES.

THE persewar may not be compellit to give *juramentum calumniæ* upon the libel, efter that the samin is admittit to his probatioun, and witnessis, or uther