

their respective allegations, according to the Nature and the
 Ceremony thereof. Some times, the party, as in Competitions
 Arising in Matters of Mail and Duties, when one of the De-
 fenders offers to produce a better Right than that of the
 Pursuer, and desires either to Depone himself, or to suffer the
 Pursuer to Depone upon the quantity of the Rent; the ordi-
 nary assigns such a Defendant a Day to produce his preferable
 Right, and in case of his failing so to do, assigns a further
 Day to him and the other General to Depone Concerning the
 quantity of Rent. When a Competition arises between per-
 sons who have produced their interests; the Advocates for
 the tenants are not in use to take a Day for them to Depone,
 till the preference be decided.

When the Pursuer offers to prove his libel or Copy
 by the oath of Verity of the Defendant, who was not sworn
 personally, or when either party is to prove his Allegation
 by witnesses; a Diligence is Craved and Granted for both
 the party or witnesses respective to Depone. If they can
 not come to Edinburgh to Depone, because they are out of
 Scotland, or infirm thro' Age or sickness, or in such
 Circumstances as they cannot travel so far; a Commis-
 sion, called by the Doctors of the Law *Commissio in loco*, is
 granted to some person or persons, to take their Oaths in the
 place where they live. Which if the other party Consents to
 may be granted by the Ordinary: But if he Refuses, Ap-
 plication must be made for it to the whole Lords; who if the Re-
 quest be Granted by Testification from persons of Credit, or
 Consents with the Knowledge of any of the Lords, will
 grant Commission to the other party, if he offers it, to be
 Reported upon the Expenses of him who Craves it. Some
 Judges or Gentlemen, named by the adverse party, who
 he hath no Jurisdiction, and live in London or Paris, or
 any other City, Town, or Village, are appointed to be
 used to be appointed Commissioners, with power to swear
 the said Oath. If there be any Appearance, that the Pro-
 secution is Interrogated will be Contested before the
 Commissioners, these are assigned by the Ordinary and
 inserted in the Commission, as a Directory to him in
 taking the Oaths. The Commission specifies the Day
 and place, when and where the party and witnesses

to appear and Depone, and also the Day when the Commission
 is to be Reported, which is the term assigned for proving, and
 all parties are bound these and other Acts, and in case of
 non-compliance, the Court may proceed in the Cause, and the
 party who is in the wrong may be liable to the same, as if he
 were present. Where any point to be proved requires
 Ocular Inspection, and the ground Controversed is at some
 Distance from Edinburgh, the Lord grant Commission to
 some of their own Number who had been to visit the
 ground and Examine witnesses on the Spot in the Vacations
 and if the piece is near to Edinburgh, the Lord use to grant
 such Commission to be Executed on Mondays or Tuesdays
 - some in Extraordinary cases; and in some particular Cir-
 cumstances, as Improbations, and proving of tenors, the Lord re-
 fuse to grant Commission for taking in these, or would
 they grant Commission by Authority for taking the Oath
 of a person in France where we were in a state of war with
 that Kingdom; but allowed the Commission to be Executed
 and send only with in the Dominion of our Sovereign's
 Cities, 18 Novem. 1701. In their 8 Courts contra Earl of Argyll.
 However they refused to receive Induction of the same for
 not Reporting the Commission during the War, without
 prejudice to the person who offered to prove his Allegation
 by such a ones Oath, to take the benefit thereof, if in the
 Mean time he obtained to die, 25 June 1703. In the Cause of
 Gordon. When there are strong presumptions and Testification that the
 party who is to Depone will Deny a Manifest Truth, the
 Lords, upon a petition presented to them by the other party,
 do in Matters of Importance take the Oath in presence
 and allow the most Circumstantial Testimonies to
 be proposed, as was done in a Declaration against
 Alexander Ross to whom the General had Dispensed
 some lands to give him a Title in the Kingdom, without pro-
 mise or back bond to Deny it.

If the Pursuer fear that the Defendant, to whose Oath
 the libel is referred, will Deny the same, he may crave
 a warrant from the ordinary to get some honest per-
 sons who know the Matter, W. G. who were present at
 the Defendants promising so and so, to be present
 at his Deponing, which is called Confronting a
 party. If the ordinary refuse to grant such a
 warrant, Application may be made for it by a
 party who