

higher estimates and therefore a witness who is simply poor
the Kings Unlaw, it to be allowed or Rejected according as the
cause is small or important & fair & id. Because no person
can know exactly the value of another's estate; this objection
Upon account of the poverty of a witness, can only be proved by
his own oath, and it was found by the Court of Bithm in
10 Decemb. 1668 in the case of Elizabeth Moor 17 May 1675
William Gil. But one who is an actual Beggar should not
be received a witness, nor his oath taken upon what years
has McInnes Crim. part 2 pt. 2653. 39 Those are Disabled
bear witness, who come at the Desire of a party without a written
Citation, or who, tho not cited stop out and refuse to be Examined
also Untrue witnesses. Because one who thus officiously
offers himself, is presumed to depose out of Malice perhaps
to the other party, Crisp. Farin. de Testib. Quast. 80 n. 1. &
Jog. plain. ed. vend. Disables therefore when a witness appears
above the ordinary, it is to be received whether he be Examined
in the Diligence. But if Upon other Occasions a person comes
to the place, and was there cited and testifies at the bar, and
was not Desired to come for that End, he may be received. If
those are Rejected from witnessing who gave partial Counsel
in the cause, he is advised to Raise or Carry on the suit, or was
put with the pursuer at a Consultation of Counsel, who
thought to answer what was necessary to be proved; or offered
to Depose in favour of the party, or solicited for him. Lat. 2
Robt. Cap. 34. Law. ibid. Dors. Glid. 39. If one was Rejected as
a witness for a party Upon their ground, that he had Consulted
himself so far for that party, as to have been at Consultations
with him in Relation to the process: He is to be Rejected
for an exceptionable Integrity, and was free to Declare, that
at the said Consultation the point whereupon he was to
be Examined as a witness, was not under Consideration 21
January 1677 Drummezier contra E. Farin. de Testib. 80 n. 1.
Disallowed. But answering the question what they know of
such affairs. Made to them, without any Motion made on the
part, it is not a giving partial Counsel fair & id. The
giving partial Counsel by advising to Raise or carry on the
suit, can be proved only by the adviser's oath, but is
at a Consultation or solicitation for the party, is pro-
bable by witness McInnes Crim. Part. 2653. 79 Those
may be Rejected from bearing witness who, we presume

or instructed in what terms to Depose, whether they Engaged
to Depose so and so or not 31 January 1671 L. Malin contra
L. J. McInnes Crisp. Farin. de Testib. Quast. 67 n. 283. That
in instance inodium for immorality, without interfering any be-
cause upon the witness it is prompted and not consented to. It
again a witness is induced to depose, by telling after he was
cited what he will Depose; which we call inducement to testimony. In
proving the truth of a Bond, a person who in a letter to the
pursuer after Commencing of the suit in answer to one from
the pursuer acknowledged he had seen the Bond, being afterwards
cited as a witness for the pursuer, he was bound to be justly
Examined against 16 June 1681 Elliot contra D. testib. 80 n. 1.
Farin. de Testib. 80 n. 1. 32. But being cited by his letter, wherein he undertook
to the point in question, and under compulsion to answer
to it, he is bound to be justly Examined, and he is to be questioned
if he did other ways. For and being engaged in by his letter
tion is stronger than by Declaring Verbally, how he will Depose;
being not not to stand may be mistaken, where a letter
is written.

There are not allowed to bear witness except in Cir-
cumstances cases. 17 The Civil Law c. 18. 80 testib. c. 20
86. 80 testib. c. 20. 80 testib. c. 20. 80 testib. c. 20. 80 testib. c. 20.
The testimony of Women since times in civil cases Crisp.
Farin. de Testib. 80 n. 1. 32. But Equivocal not in
Criminal cases Crisp. Farin. ibid. n. 1. 3. 80 testib. c. 20.
For do the men business commonly receive them in cases for
Matters either Criminal or Civil, stat. 2 Robt. Cap. 34. Part
lb. 4. 34. 39. And Equivocal, McInnes Crim. part 2 pt. 26
54. In answer to Disallowed to be. Women witnesses
because either they are too soft and Effeminate, or that they
might not be troubled with things out of their way, or
and strangers by signing up and down to know upon all
occasions. And women were not admitted as witnesses to
prove that persons were Married, or Reputed to be Married
9 Feb. 1706. Quast. 80 testib. c. 20. 80 testib. c. 20. 80 testib. c. 20.
Or to prove the ending of a Bond 21 Feb. 1675 McInnes contra
Monney or the Denial of a Deposition 18 June 1706 Bir-
rel contra Ferguson. Sir John Nisbet (Counsel and question of the
law sit. Women witnesses) inclined to think, that women
should not be admitted to prove Adultery in order to Divorce
because they who cannot prove Marriage, ought not to prove
a ground for Dissolving thereof. But Sir James Stuart
(Counsel ibid.) seems to be of opinion, that Women witnesses
may be put in such a case, Adultery being a Crime
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