1634. *February* 7.   HYDE *against* WILLIAMSON.

An Englishman, Hyde, pursues Williamson, *Scotum*, for payment of a certain sum of money which he was obliged to pay him by a bond made at London, at a certain day. The defender offered him to prove that the sum was paid. It was *duplied*, That the bond being made in England, to an Englishman, might be proven by witnesses, as use is in England; which the LORDS sustained.

<div align="right">No 12.
Found as
above.</div>

Fol. Dic. v. 1. *p.* 317. *Auchinleck, MS. p.* 17.

1702. *January* 10.   WILLIAM CHATTO *against* WILLIAM ORD.

In a case between William Chatto and William Ord, Englishmen, who being pursued on a double bond, in the English form, *alleged*, The same was not probative by the law of England, unless the witnesses compeared, and, by affidavit, attested the verity of their subscription. *Answered*, Though that was the form and procedure in England, yet hundreds of these bonds had been pursued for in the courts of Scotland, and that never was demanded nor exacted. THE LORDS found, though as to the manner of probation, and solemnities in writs, the Lords judged conform to the municipal customs of other nations; but to refuse to sustain process on English bonds, till they were adminiculate and fortified by the witnesses oaths, was impracticable here, and therefore repelled the allegeance ; but thus far they sustained the English custom, that the currency of annualrent should stop when it came to equal the principal sum, and that payment of a sum contained in a written bond may be proven by witnesses, though none of these hold as to bonds drawn up in the Scots form.

<div align="right">No 13.
Found as
above.</div>

Fol. Dic. v. 1. *p.* 317. *Fountainhall, v.* 2. *p.* 138.

SECT. II.

Cedent's Oath.

1666. *June* 28.   JOHN M'MORLAND *against* WILLIAM MELVILL.

William Melvill, and one Hatter an Englishman, both residing in England, gave bond to Gawin Lourie residing there, after the English form, who assigns it to John M'Morland. Melvill suspends upon this reason, that he had made

<div align="right">No 14.
A bond was
executed in
England after
the English
form, and as-</div>