

FOREIGN.

DIVISION. I.

Foreign Writs, formal according to the Law of the place,
afford action in Scotland, as obligatory *jure gentium*.

SECT. I.

Bonds without witnesses.

1610. *January 19.* ROBERT FORTOUN *against* SHEWAN.

ROBERT FORTOUN, procurator constitute by Keysars in Middleburgh, to a bond of L. 100 Flemish, made to the said Keysars by John Shewan burghess of Dundee ;—it was *alleged*, That the bond was null, because it wanted witnesses.—The pursuer *replied*, That it was sufficient, being made in Middleburgh to a stranger, according to the custom observed there betwixt merchant and merchant ; which answer the LORDS found relevant.—It was further *alleged*, That the summons was not relevant, concluding payment of annualrent for the said sum, seeing the bond bore no such promise.—It was *answered*, That the defender, by his missive letter, which was written and subscribed by his hand, had excused him to the pursuer's cedent for his delay of payment of the debt owing to him, and had promised by his said letter to recompense his loss for the want thereof ; which reply the LORDS also found relevant, and thought that the recompense of his loss could be no less than his annualrent, a ten for the hundred.

Fol. Dic. v. 1. p. 316. Haddington, MS. No 1746.

No 1.

A bond granted in another country, formal according to the law of the place, was sustained to found an action in Scotland, though wanting witnesses.