

No 100.

'THE LORDS found, that the Lord Chancellor's certificate of conformity, obtained by James Renton in England, does operate as a proper discharge, so as to bar action in this country as to Mr Renton's accepted bill; but as to the other debt, find, that the Lord Chancellor's certificate does not operate as a proper discharge, so as to prevent the execution of a border-warrant, or an action in this country.'

Lord Ordinary, *Hailes*. For Watson, *Dean of Faculty, Steuart, A. Campbell, jun.*

Alt. *Macleod-Bannatyne, Sir W. Miller, Hepe.* Clerk, *Colquhoun.*

S.

*Fol. Dic. v. 3. p. 229. Fac. Col. No 197. p. 409.*

## S E C T. VI.

Mode of proving debts contracted in England pursued for in Scotland.—Cohabitation in a foreign country.—Foreign trust-deeds in favour of Creditors.—Divorce.

No 101.

1748. June 30.

FRASER against LOOKUP.

ALEXANDR FRASER, victualler in Westminster, having pursued Mr John Lookup advocate, for L. 32 : 3 : 6 Sterling, as the price of wines furnished at London to Mrs Lookup before her marriage; and having brought what appeared to the LORDS a *semiplena probatio* of the furnishing, the LORDS 'allowed him his oath in supplement.' And Mr Lookup having reclaimed upon this ground, that by the law of England, where the debt was supposed to be contracted, the pursuer's own oath is never admitted to any effect, the petition 'was refused without answers.'

It might with the same reason be pleaded, that a debt contracted in England could not, in a process brought for it in Scotland, be proved by the defender's oath: Though we sustain defences upon the law of England with respect to contracts made there, yet we still observe our own forms.

N. B. If the method of proof falls under what is called the forms of the Court, How comes it that we allow payment of a bond granted in England to be proved by witnesses?

*Fol. Dic. v. 3. p. 230. Kilkerran, No 5 p. 207.*