the printed Act of Sederunt anent renunciations of infeftments after the renouncer was inhibited. *Vol. I. Page* 86.

1680. *February* 19. ANENT the LONG PRESCRIPTION.

IT was debated, though bonds prescribe after forty years, if not pursued for, yet what if one be out of the country near forty years, and, after the forty years, he pursue for the debt, and do not make use of the bond which is prescribed, but refer the forty years old debt to his oath; will he be obliged to pay, if he compear, and swear that he was once indeed owing that debt, but that it is past forty years since it was lent; will the grand prescription assoilyie him? I think it will. *Vol. I. Page* 86.

1680. *February* 20. PHILIP NISBET *against* STEPHEN BRUNTSFIELD.

IN this action, the Lords found, on report, that the subscribed account produced is not sufficient to infer a debt against the defender, unless the pursuer will instruct, either by the defender's oath, or by witnesses, that the salmon contained in the subscribed account was meddled with by the defender's father after the date of the discharge, *in anno* 1665, of the copartnery betwixt them, produced in process; and repel the exception of the nullity proponed against the account, as wanting writer's name and witnesses, in respect of the answers made thereto, *viz.* that, there being four parties subscribers, they are witnesses one to another; and, 2*do*, that it is *in re mercatoria*. See the contrary, Dury, 14*th Feb.* 1663, *Rankine*.

So the discharge 1665 cuts off the counting for any salmon preceding its date; but they allow the pursuer to prove thir salmon in the account 1669 were furnished after the said discharge. *Vol. I. Page* 86.

1680. *February* 20. BOTHWEL of GLENCORSE, and the CHILDREN of SIR ROBERT PRESTON, *against* JOHN LUTFOOT, W. S.

IN an action betwixt Bothwel of Glencorse, and the Children of Sir Robert Preston, against John Lutfoot, Writer to the Signet, the Lords found, that the forty years' prescription began to run against an inhibition from the date of the last execution, and not from the date of the registration thereof, as was alleged it ought only to be counted: *ut sic valeret actus;* and prescription, which is odious, might be evited. *Vide* a remark anent Registration of Writs, [page 293.] *Vol. I. Page* 86.

1680. *February* 20. MARION AITKEN *against* WILLIAM HAMILTON.

IN an advocation raised by Marion Aitken against William Hamilton, the