

counts, &c. *2dly*, Though it did fall under that short prescription, yet the currency of the furnishing would preserve it as it does merchant's accounts; and, *3tio*, The bond and acknowledgment under the defunct's hand was sufficient to exclude the defence of prescription.

No 481.

30th June 1724.—THE LORDS sustained the bond in so far as it was onerous; and, of this date, they found, That Patrick Moubray having on death-bed granted bond to his mother, bearing the cause to be for alimending, excludes the defence of prescription, they always proving alimending.

Reporter, *Lord Forglen*. Act. *Arch. Hamilton, jun.* Alt. *Ja. Boswell*. Clerk, *Justice*.  
*Fol. Dic. v. 2. p. 256. Edgar, p. 178.*

1734. February. CHRISTISONS *against* KER.

No 482.

A BILL granted upon death-bed found not to prove its onerous cause. See APPENDIX.

*Fol. Dic. v. 2. p. 255.*

## SECT. III.

In what cases a private Deed not probative betwixt the Granter and Receiver.

1622. December II.

MR ALEXANDER CUMING *against* HENRY SEATON, and AITCHISON, his Wife.

THE LORDS sustained a voluntary interdiction made by a goodfather to his sons-in-law, to take away a personal bond made to a stranger; and when it was *alleged*, That it depended upon an anterior cause, viz. a bond of the like sum owing to the defender's husband, and which was confirmed in testament, to whom the defender was executor, and offered to prove, at the renewing of the last bond, the first was given back and destroyed;

THE LORDS would not sustain the said duply to be proved by witnesses, notwithstanding that they offered to prove the same by witnesses' oaths inserted, and not as subscribers of the said bond, except they would prove the same by writ or oath of party, specially in respect the bond made after interdiction bore borrowed money.

No 483.  
The Lords would not admit evidence by the writer and witnesses of a bond, that the onerous cause was one not mentioned in the bond.

*Fol. Dic. v. 2. p. 25. Kerse, MS. fol. 62.*

\*\*\* Durie's report of this case is No 7. p. 7128, *voce* INTERDICTION.