

No 34.

by the said Robert Grant cannot be supported by parole-evidence; and therefore that the proof founded upon by him in support of his said claim, is neither competent nor relevant, and refuse to sustain the same.'

Reporter, *Lord Stonefield.* For the Creditors, *Murray.* Act. *Buchan-Hepburn.*
Clerk, *Mitchelson.*

Fac. Col. No 94. p. 170.

1790. December 10.

No 35.

ARCHIBALD GOVAN and his ATTORNEY *against* SPENCER BOYD.

JAMES BOYD of Pinkell, by a deed executed in North America, obliged himself to convey the lands of Pinkell in Scotland to Carter Bruxton for a price agreed on. An action was brought in the Court of Session against Spencer Boyd the heir of James, to implement that deed.

THE LORD ORDINARY found, that the personal obligation to convey the lands, was obligatory upon the party and his heir; and must be actionable in Scotland.

Effect was afterwards, by the Court, refused to the deed, because it had been procured by fraud, but the principle was acknowledged, that an obligation to convey land, executed in a foreign country, agreeable to the laws of that country, ought to afford action here to force implement of the obligation.

Lord Ordinary, *Ankerville.* Act. *W. Millar.* Agent, *J. Marshall.*
Alt. *Robert Blair.* Agent, *A. Blane.* Clerk, *Home.*

1792. January 21. ROBERT ARMOUR *against* JOHN CAMPBELL.

No 36.

A bill being drawn in a foreign state on a person in Scotland, though not accepted, creates a debt, which is held not to be a foreign, but a Scotch one.

CAMPBELL, a Scotsman, who was settled as a merchant at New York, became indebted to Armour in the course of trade. Towards payment of a part of the debt, Campbell drew a bill on his father at Greenock, payable to Armour, which, however, was not accepted.

Soon afterwards Campbell became bankrupt, and, by the law of that state, obtained a statutory discharge, similar to that resulting from the certificate of conformity in England.

On his returning to Scotland, personal diligence was raised against him upon the bill, which he brought under suspension, on the ground of the claim being extinguished by the act of the *lex loci* above mentioned. This plea gave occasion to the same sort of discussion as occurred in the case of *Watson contra Renton*, Diy. 9. Sec. 5. b. t.