

1784. June 23. JAMES GORDON *against* WILLIAM BOGLE.

JURISDICTION.—PRESCRIPTION.

1. Found, that the Court of Admiralty is competent to grant Decree for a Debt due by an Inland Bill.
2. Found, that a blank summons does not interrupt prescription ; but that action against one of the *correi debendi* does.

[*Fac. Coll. IX. 249 ; Dict. 7532.*]

BRAXFIELD. Every bill of exchange is held to be mercantile, and the Judge-Admiral has a jurisdiction therein by practice. As to the *second* point, it is clear, because one of the *correi debendi* was cited within the six years.

JUSTICE-CLERK. Perhaps it had been better if the jurisdiction of the Admiral had not been so far extended as it has been ; but there is no help for that now. I should doubt as to the *second* point, that a blank summons can interrupt prescription, since the law requires a proper document : but Lord Braxfield's argument on the specialty of the case is conclusive.

PRESIDENT. The interlocutor of the Judge-Admiral is singular. His own court, notwithstanding what he has found, is competent, from practice. I am clearly of opinion that a blank precept is no interruption of prescription. Suppose the pursuer to be creditor in different bills, how can a blank precept apply to one bill more than another ? The *document* required by the statute must be taken on a particular debt.

ESK GROVE. In the case of the long prescription, a *document* is necessary ; but, in the case of the short prescription, a *demand* made seems sufficient, because that takes off the presumption of payment.

SWINTON. Action cannot be said to be commenced on a blank precept.

On the 23d June 1784, " The Lords sustained the jurisdiction of the Admiral ; found that a blank summons does not interrupt prescription, but that action against one of the *correi debendi* does ;" varying the interlocutor of Lord Eskgrove.

*Act.* John M'Laurin. *Alt.* Archibald Campbell.

1784. June 25. JAMES HAY, &c. *against* ROBERT DOW.

HYPOTHEC.

A Landlord may, *currente termino*, not only sequester, but also rousp the hypothecated Effects of his Tenant, if insolvent.

[*Fac. Coll. XI. 253 ; Dict. 6202.*]

BRAXFIELD. The landlord's hypothec must be used with discretion. The