

1735. *November 14.* A. *against* B.

No. 5.

THE act 1696 for registering summonses and instruments of interruption, as it extends to interruptions before the act, so purchasers before that act, as well after, have the benefit of it, though they did not purchase upon of it.

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1736. *January 20, 31.* MERCER *against* IRVINE.

No. 6.

A TUTOR nominate has the benefit of the act of Parliament, though he neglect to make up inventories, and though two be a quorum, and only one accept and act; for the Lords thought, that even pro-tutors have the benefit of it, as doubtless the pupils would have of the *actio contraria* against them. (See DICT. No. 193. p. 10996.)

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1736. *February 3.* BLAIR *against* SUTHERLAND.

No. 7.

SUMMONS executed within 40 years upon a title null and ineffectual, and which cannot be completed, not sufficient to interrupt prescription, albeit the pursuer had then in his person an incomplete title sufficient *ad fundandam litem*, and could have been afterwards completed, but was not libelled, nor founded on, or produced within the 40 years. (See DICT. No. 438. p. 11270.)

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1736. *February 6.*

JEAN and ELIZABETH HALIBURTON *against* GRAHAM of Mosknow.

No. 8.

THOUGH prescription may be interrupted by a bond of corroboration, or any other writing acknowledging a particular debt, yet a general obligation to pay all debts, accounts, &c. resting, will not interrupt the prescription of any particular debt; therefore the Lords sustained the defence of prescription of two bonds in 1683 and 1684, by Irvine of Bonshaw to Captain Blair, notwithstanding an obligation granted by Mosknow, (who got Bonshaw's estate) in 1687 to pay to Captain Blair all debts, sums of money, and accounts resting by the deceased Bonshaw to the Captain, upon whatever account, according to instructions of the same to be given to him by