

THE LORDS were of opinion, that the Judge-Admiral, in causes mercantile, and not maritime, exclusive of any other jurisdiction, could not grant warrant for imprisonment until caution were found *judicio sisti et judicatum solvi*; and therefore past the bill.

No 230.

Reporter, *Shewalton.*Act. *Philp.*Alt. *Lockhart.**D. Falconer, v. 2. No 159. p. 183.*

* * * The like was decided, British Linen Company against Clarkson, No 14. p. 2054, *voce* CAUTIO JUDICIO SISTI ET JUDICATUM SOLVI.—See No 232. *infra.*

1752. *June 6.*A. *against* B.

THIS day the Lord Elchies, Ordinary on the bills; reported a bill of suspension of a decree of the Judge of the High Court of Admiralty, laid upon this ground, that the decree was *a non suo judice*, being for a balance due upon an inland bill.

No 231.
The Court of Admiralty competent to grant decree for a debt due by an inland bill.

THE LORDS 'remitted to the Ordinary to refuse the bill of suspension.'

In reasoning upon this case, it was observed, that no doubt had even been made of the Judge-Admiral's jurisdiction in the case of foreign bills, as in some sort concerning the sea; a reason, which, it is true, does not apply to inland bills: Yet, even as to these, the constant practice of the Court of Admiralty had been to judge in inland bills; as the Admiral, though he has no exclusive jurisdiction, but in matters properly maritime, has yet a cumulative jurisdiction in matters mercantile; and it was by some of the LORDS remembered, that judgments of the LORDS had proceeded in a competition of arresters before the Admiral, in the hands of the debtor in an inland bill, where the objection made to the jurisdiction was repelled.

Fol. Dic. v. 3. p. 353. Kilkerran, (JURISDICTION.) No 3. p. 300.

1755. *January 9.*ROWAND *against* FREEMAN.

THE Judge-Admiral cannot exact caution *judicio sisti et judicatum solvi*, in a mercantile cause, but only in such as are maritime.

Fol. Dic. v. 3. p. 352. Fac. Col.

No 232.

* * * This case is No 10. p. 2043., *voce* CAUTIO JUDICIO SISTI ET JUDICATUM SOLVI.