

THE COURT adhered to this judgment, after advising a reclaiming petition and answers. No 328.

Lord Ordinary, Stonefield. Act. Wight, Currie. Alt. Henry Erskine. Clerk, Campbell.
S. Fol. Dic. v. 4. p. 103. Fac. Col. No 139. p. 218.

1784. November 23.

GORDON against BOGLE.

No 329.

GORDON sued Bogle before the Admiral Court for payment of a bill which a relation of his had accepted, to whom the defender had succeeded as heir. The Admiral precept, according to its usual form, made no mention of any particular debt; and before the action had been called in Court, when the libel was first filled up with a specification of the bill, the sexennial prescription had run. It appeared, however, that before the lapse of that time, a decree had been obtained against another person, who was co-obligant in the bill. THE LORDS found, that the execution on a blank Admiral precept does not interrupt prescription; but found, that the decree taken against one of the *correi* before the six years were elapsed interrupted the prescription as to all of them.

Fol. Dic. v. 4. p. 104. Fac. Col.

* * * This case is No 247. p. 7532., *voce* JURISDICTION.

1784. November 26.

DOUGLAS, HERON and COMPANY against ROBERT RICHARDSON.

DOUGLAS, HERON and COMPANY, in 1781, raised an action for payment of certain bills which had become payable more than six years before its commencement. These bills were all of them protested, and most of the protests were registered. Within the statutory period, too, they had been all produced in a process of ranking and sale of the debtor's estate; and on some of them, in which there were other obligants besides the party now sued, diligence had been done against those persons. The defence of the sexennial prescription having been urged, it was

Pleaded for the pursuers; The prescription has been interrupted in three different ways; *First*, By the protest and registration, which import a legal demand of payment, a document taken on that demand, and a preparation made for the execution of diligence; *Secondly*, By the production of the bills in the process of ranking and sale, in the same manner as if that common action had been a particular one, instituted for the behoof of the pursuers alone; *And, lastly*, It has been interrupted by timely diligence done on these bills, though

No 330.

The production of bills with registered protests, in a process of ranking and sale, found to be sufficient interruption of the sexennial prescription.