

S E C T. VI.

Reduction on the head of Interdiction, to whom competent.

No 41. 1554. *March 14.* URE *against* MITCHELSON.

ANENT the action pursued by F. Ure, against Robert Mitchelson, for reduction of an infertment of alienation, made by the said F. to the said R., because the said F., long before the said alienation, had interdicted himself from all manner of alienation of his lands, and of his goods, in favours of his brother and his sisters; it was *alleged* by the said R., That the said F. should not be heard, nor stand in judgment to pursue the said reduction, the interdiction standing, without consent of them in whose favour the said interdiction was made; which allegiance of the said Robert was found relevant.

Fol. Dic. v. 1. p. 481. Maitland, MS. p. 114.

No 42. 1593. *December 20.* RUTHVEN *against* CRICHTON.

THE interdictors may pursue reduction of an alienation made by the interdicted person, though he does not concur, or though his apparent heir, after his death, do not concur*.

Fol. Dic. v. 1. p. 481. Haddington, MS. v. 1.

No 43. 1610. *December 21.* BROXMOUTH *against* WAUCHOPE.

HE that is interdicted from alienation of his lands, living, and heritage, and from setting tacks, giving bonds, or becoming caution, whereby his lands, living, and heritage, may be evicted, appraised, or any ways hurt, directly or indirectly, in hail or in part; that will not be sustained to reduce a bond of cautionry, in so far as may concern the warding of his person, or pointing of his moveables, if the party renounce all action of apprising his lands. And the LORDS will not respect his inconvenience, by warding his person; in which case he cannot be relieved but by making money by selling or wadsetting his land; neither yet his danger of horning, whereby his liferent of his lands will fall. The interdictor has action and interest to reduce the bonds and alienations of

* In the MS. of Haddington's Decisions in the Advocates' Library, many cases are much obliterated, of which this is one.

him that is interdicted to them, albeit he concur not with them in the pursuit of the reduction.

No 43.

Fol. Dic. v. 1. p. 481. Haddington, MS. No 2064.

1612. February 22. GRAHAM *against* STUART, &c.

No 44.

IN a reduction of a bond granted by the interdicted person to one of his interdictors, found that he needed not the concurrence of his other interdictors to the reduction.

Fol. Dic. v. 1. p. 481. Haddington, MS.

* * This case is No 2. p. 7126.

1613. November 27.
GEORGE SANDERSON *against* INTERDICTORS of WILLIAM CRAIG.

No 45.

IN an action of reduction of an interdiction pursued by George Sanderson *contra* the Interdictors of William Craig, the LORDS found, that the interdiction could not be reduced at the instance of the said George Sanderson, who had acquired a right from William Craig himself, who was interdicted; and that because William Craig craved not the interdiction to be loosed, and the said George was in *pessima fide* to contract with him until it had been lawfully loosed by the Judge; and so in respect the LORDS found, that an interdiction could not be *ab initio* rescinded.

Fol. Dic. v. 1. p. 481. Kerse, MS. fol. 62.

1725. December 27. TENANTS *against* SPREUL.

No 46.

JOHN TENANT having granted a voluntary bond of interdiction to Robert Spreul, his eldest sister's son, who was also writer thereof, and having thereafter made a revocable settlement of his estate, failing heirs of his body, to the said Robert Spreul interdictor; in a reduction of that disposition, at the instance of the interdicted person's younger sisters, after his decease, the LORDS found, that Spreul being the writer of the interdiction, and keeping it in his custody, could not accept of the disposition in question; although it was pleaded that interdiction hinders not a man to do rational deeds; and here the disposition was of a small subject to an eldest sister's son, to prevent its mouldering to pieces among heirs-portioners, which was rational and prudent; in respect, it was *answered*,