

## 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 infestment 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.