

No 8.

1634. July II. BRUCE against FORBES.

MOVEABLES pertaining to a person interdicted, are liable to the payment of his debts, and may be poided therefor, notwithstanding of the interdiction. For interdictions are not extended to moveables (no more than inhibitions), neither free they the person interdicted from personal Execution. This was found between Brown and Lands, 15th March 1637.

*Fol. Dic. v. I. p. 479. Spotiswood, p. 180.*

\* \* \* Durie reports the same case :

AFTER an interdiction and publication thereof, the person interdicted being *specifice* bound therein to contract no debt, nor do no deed, &c. as the Style is usual in these writs, &c. whereby he might be hurt in his goods and gear, or other moveables and so the tenor thereof expressly extending to his moveables, as well as to his heritables; the said person interdicted having given a bond of money, and being charged by the creditor to pay it, which being suspended upon a reason founded upon the said interdiction; it was found, that the creditor might seek personal execution by horning or caption against the debtor, and also might poid and arrest, and use all ordinary execution against his moveable goods, but no execution against his lands nor heritage; notwithstanding that the interdiction was of the foresaid tenor *per expressum*, extending to moveables, which the LORDS did not respect; for they found, That interdictions could not be of larger extent, nor have any other force or effect than inhibitions have, which extend not to moveables, but only to heritage; albeit it might appear that the like reason is to sustain interdictions, so long as they stand, as well for preservation of moveables as heritage; for if there be reason for the one, the same may be for the other, especially where it may be that the interdicted person's estate consists most part in moveables, or that he hath no heritage at all.

Act. ———.

Alt. Hope.

Clerk, Gibson.

*Durie, p. 725.*

\* \* \* This case is also reported by Auchinleck :

INTERDICTION stays not creditors from personal execution against the person interdicted, nor against his moveables.

*Auchinleck, MS. p. 110.*