

1725. December.

TENANT *against* SPREUL.

No 5.

JOHN TENANT granted a voluntary deed of interdiction to Robert Spreul, his sister's son, who was also writer thereof; and thereafter made a revocable settlement of his estate, failing heirs of his own body, to this Robert Spreul, interdictor.—In a reduction of that disposition, at the instance of the disponent's younger sisters, after his death, 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 the interdiction was never published, and, therefore, an unfinished deed, without any effect.—See APPENDIX.

*Fol. Dic. v. 1. p. 478.*

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S E C T. II.

Virtual Interdiction.—Solemnities in publication.—Effect after publication.—Effect as to moveables or personal execution.

1582. June.

STIRLING *against* WHITE & DRUMMOND.

JAMES STIRLING pursued one White of Banachill, and one James Drummond of ———, for deliverance of a reversion to him, as lawful cessioner and assignee made to the same. Drummond *alleged*, That he ought not to be compelled to deliver the said reversion, because he was the giver of the said reversion, the lands being wadset to him; and also the said reversion was discharged to him by White, son of this White, the which son was made lawful assignee to the said reversion. To this was *answered*, by Stirling, That the said White, who was his son, had no power to make him assignee to the reversion, because he had, of long time before, made the said James Stirling assignee to the reversion. To this was *answered*, That, albeit it was so, that he made the pursuer first assignee, yet the same was never intimated, nor came he ever in possession of the said reversion; but, upon the contrary, the said Drummond, giver of the said reversion, kept it still with himself, and into his own possession, *et sic prior in possessione et potior in jure*. To this was *answered*, That the said James Drummond, who alleged him to be the second assignee, ought not to be heard to allege the same; and that he could not allege

No 6.

Disposition  
by an inter-  
dicted person  
to his own  
son reduced.