

is like Inhibition, *medium impedimentum* exclusive of another Right.

An interdicted Person may grant personal Obligations, or dispose of his Moveables, The Style of Letters of Interdiction doth discharge the Alienation of either moveable or heretable Rights. But by Custom, Interdiction like Inhibition, doth secure only against the Squandering away of that which is heretable and doth not weaken the Effect of personal Obligations, as to personal Execution by Horning and Caption against the Person interdicted 7 July 1625 a Son of James Wick's contra Schaw or hinder the free disposing of Moveables, or legal affecting of them by Diligence, as being of less importance in the Consideration of Law and necessary for Commerce 11 July 1634 Bruce contra Forbes 20 June 1671

Crawford contra Halyburton Stair lib. 4. tit. 20. s. 33. lib. 1. tit. 6. s. 41.

McKenzie Observ. on Act 119. Par. 7. s. 6. Nay Moveables may be granted by the Prodigal even to the Interdictor himself 24 July 1670 Grieron contra Fitzifer. Interdiction hath Effect only as to Heretage for the Benefit of Commerce; that interdicted Persons might find themselves less uneasy under Circumstances of Restraint. Altho there would seem

to be the same Reason for the Preservation of Moveables as of Heretage; especially in the Case of an interdicted Person having little or no heretable Estate. But yet personal Execution is allowed to that Degree

against interdicted Persons, that their Liferent Escheat may fall upon their being denounced, and lying Year and Day unreleased at the Horning

like that affects their Heretage Stair lib. 1. tit. 6. s. 41. Because such a Gift of Escheat expires by the Death of the Rebel and extends only to them upliftable by the Party interdicted and from which the Interdictor cannot debar him; unless by the Terms of the Interdiction these Rents

in whole or in part be allocated for special Uses, as for Maintenance of the Family, or for Payment of Debt, Heirs of interdicted Persons are more privileged than themselves in this, that no personal Execution lies

upon the Obligation of an interdicted Person against his Heir, unless he meddle with the Heirship Moveables, or other Moveables of the deceased Stair ibid. But if the Heir meddle with these Moveables, he is liable

to such personal Execution 11 Feb. 1662. Ramsay contra McCallan Again an Interdicted Person may make profitable Bargains about his Heretage without Consent of Interdictors. For Interdiction strikes

only against Deeds where there is Lesion, and no other 29 July 1625 L. Collingtree contra Faw 10 November 1676 Stewart contra Gray

of Goods.

A Tutor *datus personae, curator rei*: but Interdictors are neither concerned with the Person of the interdicted nor his Fortune; and appointed only to authorize his Deeds in Relation to his Heretage: so that Interdictors are not as Tutors and Curators, liable to Diligence. They may authorize the Interdicted to gift away or gratuitously affect his Heretage 14 July 1711 Rae and Corran contra Maxwell Murrishes: tho a Curator could not so authorize his Minor. The Reason of the Difference is: a Minor is prohibited by Law to alienate, even tho he had no Curator; where as a Person interdicted can do every thing with Consent of his Interdictors; that he could so were he not interdicted; and had he not been interdicted, he could alienate gratuitously: But at the same time Interdictors can take no real Rights to themselves from the Interdicted, except for onerous Causes duly applied 24 July 1670 Grieron contra Fitzifer Craig Feud. lib. 1. tit. 15. s. 17 Stewart's Answer to Dr. Let Doublt lib. Interdict. Because it is not agreeable to their Trust.

Deeds of Minors having Curators, without their Consent, are null: but Deeds of lavish Persons without Consent of their Interdictors, are only reducible upon Lesion, and are not null by Exception Stair lib. 4. tit. 20. s. 30. A Bond was found reducible *ex capite interdictionis*, altho it was subscribed by one of two Interdictors as Cautioner for the

Interdicted, and the other Interdictor had promised to subscribe, tho he did it not 12 Feb. 1633 Forbes contra Forbes. Nor is it sufficient to sustain a

Bond granted by one interdicted without express Consent of his Interdictors, that they subscribed Witnesses to it 24 November 1710 Law contra Turnbull.

Voluntary Interdiction is dissolved 1^o by Consent of the prodigal Person and his Interdictors; if he turn frugal and provident, or was interdicted without a just Cause. But Renunciation of the Interdiction by mutual Consent, is ineffectual if the Party remain lavish as before. Because, as Curatorcy cannot be taken off by mutual Consent of the Curator and Minor: so neither can Interdiction be taken from by Consent of the Interdictor and Interdicted nisi causa cognita, so as to secure Contractors thereafter with the Interdicted if he continue lavish, which can only be done in that Case, *autore, prore* by Authority of the Lords Stair lib. 4. tit. 20. s. 32. If in either of the said Cases of the Interdicted's turning frugal and provident, or if he has been interdicted without a just Cause, the Interdictors refuse voluntarily to restore him to the free Disposal of his Fortune; the Lords upon a Summons of Reduction will, *causa cognita*, take off the Interdiction. 2^o My Lord Stair (ibid. s. 31.) says that