

that Interdiction stands while any of the Interdictors remain, tho perhaps those named sine quibus non accept not, die, or be excluded for Malversation; or tho a Quorum remain not, because Levity which is the Cause of the Interdiction continues. But yet Craig (Fend. lib. 1. tit. 19. § 17.) says, that where one is interdicted to manage without Consent of two or three Persons jointly named, the Interdiction falls by the Death or Renunciation of one of such Interdictors. And where a certain Number of Interdictors was declared a Quorum, the Interdiction was found to fall by the Death of a Quorum, so as a Bond or Disposition granted by the Interdictor thereafter was not reducible ex capite interdictionis.

22 Feb. 1704 Hepburn contra L. Murray & Decembris 1708 Hepburn contra Hepburn nor yet upon the Head of Prodigality and Wastefulness per se 5 January 1709 inter eosdem. Seeing Prodigals and wasteful Persons were not interdicted ipso jure by the Civil Law, but only offered Judicis upon a Cognition, and our Law acknowledges only two Sorts of Interdiction, viz: Voluntary and judicial.

Judicial Interdiction lasts, till the Party is declared by Sentence of the Lords, to have been interdicted without a just Cause, or to be no longer Subject to that Levity or Prodigality, which occasioned his being interdicted Stair lib. 1. tit. 6. § 43. Milkenzie Inst. lib. 1. tit. 7. § 15. Albeit it be true that the Amendment of a Prodigal, as well as the Return of a Madman to his right Senses, puts them both in a Condition to resume the Care of their Affairs: yet it is necessary however with respect to the Prodigal, that as he has been judicially interdicted, so the Interdiction should be judicially taken off, as well for the Discharge of his Interdictors, as for the Security of those who shall have a Business to

transact with him.

They have nothing, that I know, like our Interdictions in England. And for want of such due Care of Prodigals taken by the English Law many ancient Families run to Ruin and Decay, thro' the Extravagance and Folly of the present Possessors.

Book 2.

Of Persons in their Relative or Civil Capacities.

Persons may be considered either in their general, or more particular, Relative or Civil Capacities.

Chap. 1.

Of Persons in General Relative or Civil Capacities.

Persons in a General Relative or Civil Capacity, are considered as Subjects, or Members of the Commonwealth under the King their Head, who owe Allegiance, that is, true and faithful Obedience to him as their Sovereign. Subjects are, 1^o Perpetual, or Temporary.

A Perpetual Subject is 1^o a Natural born Subject, that is, one who is born under the Allegiance of the King; or the Child of such a Subject, tho born out of the Allegiance of his Majesty 7. A. cap. 5. junct. 10. A. cap. 5. 2^o One who hath the Right of a Subject by Denization, or Naturalization that is, an Alien become a Subject who is called *sudditus datus*. Denization is an Infranchisement by the King's Letters patents: so called from the French *denaison* because the Right of a Subject is thereby given to one thence termed a Denizen. Denization or Denizenship is short of Naturalization.

For it doth not extend to Issue born before, to qualify them to succeed to the Denizen, or Person denized. Naturalization is the Right of a Subject given by Act of Parliament, called in our old Laws a Letter of Naturalization Act. 65. Par. D. L. M. By Naturalization, one is a Subject to all intents and Purposes, as much as if he were born so: so that his Issue before as well as his Children after the Naturalization do inherit and succeed to him. And if an Issue born beyond Sea be a Native of Britain, be naturalized by Act of Parliament, he shall inherit his Father's Lands; but if he be denized or made Denizen by Letters patents, he shall not: for a Stranger naturalized may inherit Lands by Descent, which a Denizen cannot. But now no Person can be naturalized, unless in the Bill exhibited for that Purpose, there be a Clause, to declare, that such Persons shall not be of the Privy-Council, or a Member of either House of Parliament, or enjoy any Office of Trust, or have any Grant from the Crown. 1. G. 1. Cap. 4. § 2.

A Temporary Subject is an Alien, or one born out of the Allegiance of the King, residing in his Majesty's Dominions so long as he is within his Protection take 7. dep. 5. Calvin's Case hence called *sudditus localis*. For as *subjectio trahit protectionem*, so *protectio trahit subjectioem*. By the ancient Usage in France they gave the name of Strays to Strangers or Aliens: perhaps for this Reason that no Body knew whence they came, as no Body knows from whence Cattle that