

No 21. said, declaring the same to be as sufficient as if the said interdictors had consented.

*Fol. Dic. v. 1. p. 479. Haddington, MS. No 1296.*

1613. March 5. DOUGLAS *against* CRANSTON.

No 22.

Interdicted persons cannot grant tacks, even to kindly tenants.

IN an action betwixt Mr Richard Douglas and John Ferguson for reduction of a tack *ex capite interdictionis*, the LORDS found the reduction competent to the said Mr Richard, who was assignee to the person interdicted, viz. the Laird of ———, and that he might be heard to reduce as well as the heir of the L. Thirlestane, in whose favour the interdiction was conceived.

In the same cause, the LORDS found, That the interdiction was sufficient to stay the Laird of ——— to give a tack, albeit it was *alleged*, that George Cranston, receiver of the tack, was kindly tenant,

*Item*, in the same cause, it was found, that the extract of the publication proved the reason, and the LORDS would not compel Mr Richard to produce the principal, notwithstanding that Cranston offered him to prove the inhibition.

*Fol. Dic. v. 1. p. 479. Kerse, MS. fol. 62.*

1624. July 29. L. COLLINGTON *against* FAW.

No 23.

An interdicted person's bond to a tradesman for work, was sustained tho' granted without consent of his interdictors.

IN an action pursued by L. Collington and Mr Robert Foulis, persons to whom George Hume of Broxmouth was interdicted against one called Faw, for reduction of a bond of L. 120 given to the defender by the said George Hume, because it was made after the publication of the said interdiction, the LORDS assolzied the defender from the pursuit, and found that the reason of the preceding interdiction ought not to militate against bonds, of the nature and quality of the bond controverted, viz. where bonds are granted to craftsmen by persons interdicted for the price of their work, travels, or workmanship, or wages, as this bond was, which was granted to a mason who had wrought to the said George Hume in his craft of mason-work, who ought not to be defrauded of the price of his travels; but the LORDS ordained him to prove, that he really wrought in his craft to the pursuer, which being proved, the bond was found ought to be sustained. See PROOF.

Act. Foulis.

Alt. Belshes.

Clerk, Gibson.

*Fol. Dic. v. 1. p. 479. Durie, p. 142.*