

this sentence liberated him from both, they did *ex proprio motu* interdict him as a prodigal and lavish person, and did appoint two of their number to be interdictors, and ordained the interdiction to be published and registrated.

Stair, v. 2. p. 861.

No 13.

1681. December 2. GORDON of Park *against* ARTHUR FORBES.

THE execution of an interdiction found null, because it bore not 'after three oyeses,' but only 'after proclamation and public reading of the letters;' but this was stopped.

Harcarse, (INTERDICTION.) No 643. p. 177.

No 14.

* * * Fountainhall reports this case.

Dec. 1.—AN interdiction was found null, because its execution did not bear three oyeses to have been given.

Fountainhall, v. 1. p. 165.

1682. February. Sir JOHN GORDON of Park *against* ARTHUR FORBES.

A REDUCTION of an interdiction against my Lord Salton, in the year 1601, being pursued by persons to whom he had disposed some lands after the interdiction, upon these reasons; *1mo*, The executions were null, because they bore not the oyeses; nor, *2do*, That a copy was left on the most patent yett, but only that it was left on the yett; *3tio*, It did not bear that a copy was left, because he could not be personally apprehended; *4to*, The execution did not say, after publication and public reading, but only, after reading and open proclamation.

Answered; The formality of the oyeses was not introduced by statute, but established custom, long after the year 1601, as appears from the registers, where, within five years after the 1601, upwards of two hundred and fifty inhibitions and interdictions want oyeses, whereof some were raised at the instance of the President of the Session, and others of the Lords Register and advocates, who best knew law and custom. *2do*, When the execution bears, that a copy was left on the yett, that is to be understood of the most patent yett; besides, the interdiction being raised by the party's own knowledge, needed not to be personally executed. *3tio*, The act 33d Parl. 6. Queen Mary, and act 86th Parl. 11. James VI. speak not of oyeses or public reading, but of open proclamation; which is a compendious expression of the calling the people and public reading, &c.

No 15.

An interdiction which had been published before the custom of oyeses was established, was not found ineffectual, altho' they were a-wanting.