

No 30. the said ratification and new disposition ; seeing prodigals and weak persons were not interdicted *ipso jure* by the civil law, but only *officio judicis* upon a cognition ; and our law acknowledgeth only two sorts of interdiction, viz. voluntary and judicial.

*Forbes, p. 286.*

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1710. November 24.

THOMAS LAW, SON to WILLIAM LAW Taylor in Jedburgh *against* THOMAS TURNBULL of Firth.

No 31. IN the action at the instance of Thomas Law, against Thomas Turnbull, as representing his father, for payment of a bond granted by him to the pursuer's father ; the LORDS were clearly of opinion, that a bond granted by an interdicted person without consent of his interdictors, could not be supported as valid by their subscribing witnesses to it.

*Forbes, p. 442.*

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1761. February 5.

DONALD CAMPBELL *against* COLIN CAMPBELL.

No 32. The Lords so far determined the question whether an interdictor can acquire rights relating to the interdicted person's estate, that they allowed a proof that he had acted under the interdiction ; which would imply that they considered interdictors in the same point of view with tutors, factors, &c.

DONALD CAMPBELL had a valuable wadset from Mr Campbell of Shawfield, the redemption of which was suspended to the term of Whitsunday 1760. He had also a tack from Shawfield which was to expire at the same time.

Being a weak facile man, he interdicted himself to some of his relations ; Colin Campbell his brother was one of them.

Twelve years before the expiry of the wadset and tack, Colin Campbell applied to Shawfield, and got from him a grant of both.

Donald, with concurrence of his other interdictors, brought an action against Colin, concluding, that the benefit of the transaction should be communicated to him.

*Pleaded* for Donald ; Rights acquired by tutors, curators, factors, named by them, and in general, by all factors, agents, and trustees, relating to the person's lands for whom they act, accresce to him ; and the same rules should take place with regard to rights acquired by interdictors.

*Answered* for Colin ; There is no general trust between interdictors and the person interdicted. The interdictors have no management of the affairs of the interdicted person ; they have no accounts to render of their administration ; the trust reposed in them reaches no further than the heritable estate ; all that is expected of them, or undertaken by them, is to adhibit their consent in token of their approbation of the acts and deeds of the interdicted person. No-