

and before. THE LORDS found the letters orderly proceeded, notwithstanding of the interdiction, and the party's knowledge thereof, in respect of the bond standing unreduced; but suspended the execution of the sentence to a certain day assigned to the suspender to do diligence, to obtain his reduction discussed.

Clerk, Hay.

*Fol. Dic. v. 1. p. 175. Durie, p. 558.*

No 76.  
known to the charger. But time was allowed to bring a reduction.

1662. February 13. ROBERT LOCKHART against WILLIAM KENNEDY.

ROBERT LOCKHART pursues a declarator of the redemption of some lands, against William Kennedy of Achtefardel, who *alleged* absolvitor; because, before the order was used, the reversion was discharged, and the discharge registered. The pursuer *replied*, ought to be repelled, because the granter of the discharge was interdicted, before the granting thereof, and the same not granted with the interdictor's consent. The defender *answered*, *Non competit* by way of reply, but only by way of action of reduction, as is ordinary, in the case of inhibition and interdiction.

THE LORDS sustained the reply, in respect that it was not proponed, by defence to delay the pursuit, but by reply, which did only delay the pursuer himself; and also, that they thought it hard, to cause the pursuer quit his possession, and then go to a reduction.

*Fol. Dic. v. 1. p. 175. Stair, v. 1. p. 98.*

No 77.  
Interdiction may be proponed by way of reply. This occasions no delay to the pursuer.

1671. June 20. THOMAS CRAWFORD against JAMES HALIBURTON.

THOMAS CRAWFORD having charged James Haliburton upon a decreet-arbitral for payment of a sum; he suspends, and *alleges* that he was interdicted at that time, and that the interdictors did not consent to the submission, or decreet-arbitral. The pursuer *answered*, *First*, That the allegiance was not competent by exception, but by reduction. *2dly*, That interdictions had only the same effect as inhibitions, and did operate nothing as to moveables, or personal execution, even by way of reduction.

Both which defences the LORDS found relevant. See INTERDICTION.

*Fol. Dic. v. 1. p. 175. Stair, v. 1. p. 736.*

No 78.  
Interdiction cannot be proponed by exception in defence.