

No 33. runt book, declaring, that they would decern after this manner in all time coming.

*Fol. Dic. v. 1. p. 480. Haddington, MS. No 1377.*

No 34. 1618. January 30. A. against B.

IN an action of reduction of an interdiction pursued by John ———, the LORDS reduced *ex nulla alia causa*, but because it was *sine causæ cognitione*.

*Fol. Dic. v. 1. p. 480. Kerse, MS. fol. 62.*

No 35. 1622. December 22. COLIN CAMPBELL against The LADY OF GLENURCHIE.

FOUND by the LORDS, that an action of reduction of an interdiction, for redeeming of a bond of interdiction, which was made for sums of money, and whereby the party was obliged not to sell without consent of the interdictors, and if he did in the contrary, to pay a penalty of ——— merks *toties quoties*, was relevant, being founded upon this ground and reason, that the party maker was *rei suæ providus et non prodigus*, and that the bond of interdiction was *contra bonos mores*; notwithstanding it was *alleged*, that the bond was made for sums of money *ex causa onerosa*, and that the interdiction was not simple, but resolved into a penalty; and that the bond itself was not impossible *de jure, non contra bonos mores*. To the which nothing was answered; but that the confession of sums of money made it not onerous, except they would prove the real delivery of money, and this interdiction rescinded only *a tempore litis motæ*.

*Fol. Dic. v. 1. p. 480. Kerse, MS. fol. 62.*

\* \* \* Durie reports this case :

IN an action pursued by Campbell against Lady Glenurchie, for reducing of an interdiction made by the said Campbell to the L. of Glenurchie, the LORDS sustained this reason of reduction, viz. that it was made by a person *satis prudens et rei suæ providus*, and without any necessity of a preceding impulsive cause, but voluntarily, and without good deed; and without any preceding trial or precognition of an ordinary judge, finding a necessary cause of interdiction, they therefore reduced it *in foro contentioso*.

Act. *Nicolson et Stuart.*

Alt. *Primrose.*

Clerk, *Gibson.*

*Durie, p. 40.*