

No 36.

1623. December 4. GICHEN *against* DAVIDSON.

IN a reduction of interdiction, pursued by Marion Gichen against John Davidson and Paul Hay, the LORDS found the reason relevant, that the pursuer was *rei suæ provida*, and that no trial was taken, by any judge, that she was not able to manage her own affairs; and, in that case, was remembered the like reasons were found relevant in the action betwixt Colin Campbell and the Laird of Glenurchie, No 35. p. 7158.

*Fol. Dic. v. 1. p. 480. Haddington, MS. No 2939.*

\* \* \* Durie reports this case :

AN assignation made by a woman called Gichen to Paul Hay and Davidson, of some money owing to her; and, in the assignation, she interdicts herself to the same two assignees; this interdiction was reduced, and the woman loosed, upon this reason, because it was against equity and reason, that the two assignees should have taken their cedent interdicted to them, there being no preceding just cause which could produce that effect, or for the which the woman ought, after that sort, to interdict herself to them, who acquiring the foresaid assignation, who ought not to have inserted also an interdiction in the body of that same writ, which are of so far different natures, and not compatible to subsist together, she being a woman, who, trusting to them, subscribed the writs, knowing and supposing no other thing to be insert but the assignation, and there never being of before, or then, any treaty of interdiction, and she never receiving any good deed for the same, nor no cognition, or trial taken before any judge, that she was a person that needed interdictors, which ought to have preceded; whereas she was and is *rei suæ satis provida*, and so the same being *contra bonos mores* to bind her after that manner, who ought to be loosed;—THE LORDS found the reason relevant, and therefore reduced; and that it needed no probation, that she was *rei suæ provida*, seeing the contrary was not alleged.

Act. *M'Gill.*

Alt. *Absent.*

Clerk, *Scot.*

*Durie, p. 86.*

---

1666. July 25.

WILKIE *against* ———.

No 37.

SIR JOHN WILKIE of Foulden having intented a reduction of a voluntary interdiction, made by him to some of his friends,

THE LORDS appointed some of their number to confer with him; and upon their report, that he was rational and intelligent, and for any thing appeared by