

No 53. 1729. February 7. GORDON *against* ROSS.

IN the reduction of a contract, whereby the pursuer, a very weak and facile man, was enormly lesed, the LORDS refused to sustain the reduction, because there were no such qualifications of weakness in the pursuer proved as to disable him to contract, nor no fraud nor circumvention proved on the part of the defender. See APPENDIX.

*Fol. Dic. v. 1. p. 336.*

No 54. 1729. February 13. MAITLAND *against* FERGUSSON.

A CREDITOR having elicited from his debtor, (who was proved to be a weak and facile man,) at different times dispositions of valuable subjects in security and payment of trifling patched-up claims, and at last a total discharge of the reversion for an inconsiderable sum, the debtor at that time being much pinched in his circumstances; the LORDS reduced the discharge upon fraud and circumvention, which was principally presumed from the facility and weakness of the granter, joined with the very great inequality of the bargain. See APPENDIX.

*Fol. Dic. v. 1. p. 337.*

\*\*\* See No 3. p. 53.

## SECT. IX.

### Deeds elicited by Curators upon Majority.

No 55. 1635. July 4. L. MONYMUSK *against* L. LESLY.

A wadset granted by a person in favour of his uncle, who had been his curator *sine quo non*, was sustained; though it was maintained in support of a reduction, that the

IN a reduction, the L. Leslie being uncle to the L. Monymusk, and tutor to him *sine quo non*, after the L. Monymusk was past curatory about the space of half a year or seven months, and no more, Leslie contracts with him for a wadset of his lands of Banchrie, whereby Leslie furnishes to him 30,700 merks upon the wadset of these lands, and provides therein, that if any time within six years thereafter, he should pay to him 6000 merks more, that then the lands should pertain to him heritably and irredeemably for ever; and this contract bore no clause giving power to Monymusk to redeem the land, either within that space of six years, within which Leslie might pay the rest of the price,