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singular successor upon these words 'if a minor be heir, or succeed in the right of redemption,' because that period begins thus, 'in case a minor decease,' unto which the subsequent words are to be referred; and therefore successors there are not singular but universal successors, it being frequent to repeat the same title under diverse expressions of heirs or successors, and successors may be here added to comprehend those who succeed not by retour but by precept of *clare constat*, or *per perceptionem hereditatis* by disposition to the apparent heir. It was *quadrupled* for the pursuer, That the repetition or amplification of clauses are never made use of to restrict the prior clauses so as they could not comprehend the posterior, though they were not expressed; and therefore the second period is general to all minors, or else minors succeeding to majors could never redeem by this statute after their minority; and the last period hath two branches; the first is, 'If a minor decease and another minor succeed- ing him as heir.' The second branch is, 'Or if a minor succeed him in the 'right of redemption,' which doth not relate to his decease or his succession *in universum jus*, but only in the right of redemption; and, in both cases, the second minor hath the privilege of his own and his predecessor's minority. And whatever may be said to fraudulent contrivances by voluntary deeds to prorogate legals; the case here is nothing such, but a legal succession by a second comprising.

THE LORDS found, That a minor succeeding to a legal reversion by a posterior apprising, hath not only the privilege of redemption by the minority of the minor, to which the second minor succeeded, but of his own minority, during which the legal reversion runneth not against him; and therefore found, that John Oliphant having apprised from Anthonia Brown during the continuation of the legal, by her minority, though he lived more than seven years after, all which years were within the continuation of Anthonia's legal, that this pursuer succeeding as heir to him in the legal before it was expired, had not only the benefit to redeem within Anthonia's age of 25 years, but that the legal did not run against him during his own minority; and having used the order in his own minority, the LORDS sustained the same, and declared.

*Fol. Dic. v. 1. p. 587. Stair, v. 2. p. 568.*

1736. December 7.

RAMSAY against BROWNLEE.

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THE legal of an apprising current in January 1652, being, by act 1661, prorogated until Whitsunday 1664, and the appriser dying during the time the prorogated legal was current, the question occurred, If the prorogated legal would run against his heir being a minor? If it did, the apprising would stand as a right of property; if not, it would be extinguished by intromission within the legal, as was further prorogated by a long minority. It was *pleaded* for the adjudger, That the privilege introduced by act 1661, was no more than a fa-

culty of redemption for three years, which being *stricti juris*, cannot be extended even in favour of minors; they not being mentioned in the act. *Answered*, That a prorogation of the legal was intended, in the most proper sense of the word, and a prorogated legal must be of the same nature with the original legal prorogated so as not to run against minors. THE LORDS found that the legals of apprisings prorogated by the act until Whitsunday 1664, do not run against minors.—See APPENDIX.

*Fol. Dic. v. 1. p. 587.*

*Quadriennium utile*, if it runs against a married woman. See HUSBAND and WIFE.

Prescription, if it runs against minors. See PRESCRIPTION.

Bond granted by a minor proves not its onerous cause. See PROOF.

Passive titles incurred by a pupil. See TUTOR and PUPIL.

If a pupil may be made an instrumentary witness. See WRIT.

See APPENDIX.