reduction, seems not of absolute necessity, seeing the reduction raised within the years sufficiently declares their intention. *Vide* Dury, 16*th November* 1630, *Murray* against *Cochrane;* 8*th July* 1642, *Inglish* against *Aitkit, in fine.*

Quæritur farther, a man dies before twenty-five without revoking some prejudicial deeds done by him in his minority, if his heir or any other who succeeds in his right may revoke these deeds done by his predecessor. Though restitution *in integrum ex capite minoritatis* seems to be *beneficium personale*, and so not competent to the heir where neglected by the minor then become major, though within the years allowed for revocation; yet our law following the road of the common law in *l.* 5. *C. de temporibus in integrum restitutionum*, if the heir who succeeds be major, it allows him what years remained of the *quadriennium utile* to his author, within which he may revoke and quarrel his deeds; and if the heir be minor, he not only has all the years of his own minority, but also the residue of that profitable time which remained to his predecessor. They found lately a revocation made *intra quadriennium utile* restores not, unless a reduction be also raised within that space, between Sir James Ramsay of Whythill and Maxwell. *Vide infra No.* 313, [1*st February* 1672.]

It deserves consideration, how far a minor's asserting himself to be major at the time he grants writs, will elide and remove him *exceptione doli mali* from craving restitution against these writs as done by him in his less age: and what it would operate, if he offer him to prove that the creditor knew him (at least as having been his tutor or relation should have known him) to be minor at that time, notwithstanding of his assertion, seeing he was not *deceptus;* at least *uterque erat in dolo. Vide Tit. C. Si minor se majorem dixerit. See* Dury *ult. February* 1637, *Weimes of Latheker. Vide infra, No.* 328, [13*th February* 1672.]

Advocates' MS. No. 302, *folio* 125.

1672. *January* 20. LORD DRUMLANRICK *against* HIS VASSALS.

IN the improbation pursued at my Lord Drumlanrick's instance against his vassals, it was ALLEGED for one, That no certification could be granted against his writs, because he offered him to prove he had been in possession peaceably of the controverted lands by the space of forty years, and that by virtue of a right, and so has prescribed against this pursuer. ANSWERED, That forty years prescription, nor no other defence consisting *in facto*, and so cannot be instantly verified, can be obtruded to obstruct certification.

The Lords *in presentia* admitted certification, reserving to the defender to reduce upon the prescription.

Advocates' MS. No. 305, *folio* 126.