

NON-ENTRY.

S E C T. I.

Non-entry duties how ascertained.—In what holdings does Non-entry take place. Takes place until actual infeftment. But not if the superior be *in mora*.

1502. *March 13.* THE KING *against* HENRIE SCROGEITH.

GIF ony vassal or frehalder resignis the landis in his superiouris handis, in favouris of ony uther persoun, the said landis or tenement ar in non-entres in the superiouris handis, ay and quhill lauchful sasine be takin thair of be vertue of the said resignatioun or utherwayis, as effeiris.

Fol. Dic. v. 2. p. 4. Balfour, (NON-ENTRY.) No 3. p. 257.

No 1.

1514. *December 14.*

GAVIN DUMBAR *against* ARCH-DEANE of Sanctandrois, and ALEXANDER CUIK.

TENEMENTIS lyand within burgh, haldin of ony superiour spiritual or temporal, ar in the superiouris handis be reasoun of non-entres, be deceis of the last laushful possessour thair of, unto the entre of the lauchful air thairto.

Fol. Dic. v. 2. p. 4. Balfour, (NON-ENTRY.) No 17. p. 260.

No 2.

1527. *December 10.* The Burgh of HADINGTOUN *against* JOHNE CARNBEE.

AIKERIS, or ony uther burrow-field land, lyand within the fredom of ony burgh within this realme, as ane part thair of in comountie, on na wayis may fall.

No 3.

No 3. or cum in non-entries: And gif the non-entries thair of be disposit to ony uther burgh or persoun, the samin is of nane avail, and may be reducit.

Fol. Dic. v. 2. p. 4. Balfour, (NON-ENTRY.) No 17. p. 260.

1551. *March 12.* A. *against* B.

No 4.

All burrowis of royaltie haldin of the King in fre burgage, ar fre, and fallis not in non-entres, and swa ane air enterand to ony tenement within the samin, is haldin to pay na non-entres to the King, albeit he abyde furth never sa lang, except the burrow-maillis usit and wont allanerlie.

Fol. Dic. v. 2. p. 4. Balfour, (NON-ENTRY.) No 17. p. 260.

1554. *February 1.* The QUEEN *against* LAIRD OF DURIE.

No 5.

GIF ane air of landis be of lauchful age, and thairfoir havand powar to enter to his landis, lysis out un-enterit to the samin, the landis ar in non-entres all the time and space that he lysis out un-enterit, and micht have enterit thairto, *propter negligentiam hæredis non recuperantis jus suum.*

Balfour, (NON-ENTRY.) No 1. p. 257.

1554. *February 14.*
The QUEEN and WALTER DOUGLAS *against* UCTHRID MACDOUGAL.

No 6.

GIF ony persoun's retour, infestments, or sasine, be lauchfullie reducit, the landis contenit thairin ar in the samin estait and conditioun as gif the samin retour, infestment, or sasine had never bene gevin or maid; and thairfoir the samin landis ar in the superiouris handis be ressoun of non-entres, fra the time of the ishe of the last sufficient sasine standand zit unreducit, untill the lauchful entrie of ane richteous air to the saidis landis.

Balfour, (NON-ENTRY.) No 2. p. 257.

1570. *November 24.* THE KINGIS ADVOCATE *against* ROBERT CALLENDAR.

No 7.

LANDIS haldin in few-ferm, or blanche-ferme, or be service of ward and relief, may fall in the souperioris handis be ressoun of non-entres.

Balfour, (NON-ENTRY.) No 116. p. 260.