

No 3.

1728. July 23. VISCOUNT of ARBUTHNOT *against* RAIT.

A SUPERIOR having granted to his feu-vassal a gift of the non-entry duties the same was found not to comprehend the feu-duties that fell due during the non-entry, and therefore the superior's action for these feu-duties was sustained. See APPENDIX.

*Fol. Dic. v. 1. p. 349.*

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SECT. II.

Competition between Gifts of Non-entry.

1541. July 28. EDWARD STEWART *against* The LAIRD of LUSS.

No 4.  
The first donatar of ward, non-entry, &c. having executed a summons against a second donatar, was preferred to him, altho' the second had obtained first possession.

GIF the King gevis and disponis to divers and sindrie donatouris, divers and sindrie giftis of non-entres, ward, or uther casualtie pertening to his Hienes, and the first donatour raisis summoundis be vertue of his gift, aganis the last donatour, and causis the samin be execute upon him befor he obtain his gift; he, be ressoun he prevenis him be summoundis, aucht and sould be preferrit to him, notwithstanding that the last donatour obtenit first possessioun, and be thairintill.

*Fol. Dic. v. 1. p. 349. Balfour, (FRAUDFUL ALIENATION.) No 5. p. 166.*

No 5.

1563. July 9. The MASTER of ERROL *against* N. KEITH.

GIF ony man obtenis ane gift of non-entres, and be vertue thairof raisis summoundis aganis the heritabill possessouris of the samin landis, and thairefter, *pendente lite*, deceissis, his air is preferrit to all uther persounis obtenand ane uther gift of non-entres of the samin landis, efter the dait of the gift foirsaid.

*Balfour, (NON-ENTRY.) No 9. p. 258.*

No 6.

1566. February 14. ROLLOCK *against* DINGWALL.

Two gifts of non-entry were made

ANENT the action persewed be Robert Rollock of Fowlis against Thomas Dingwall of Killdrum, anent the gift of non-entries of certain lands pertaining