

1554. *February 14.* QUEEN'S ADVOCATE *against* UTHRIDE M'DOUGALL.

No 43.

Gif the superiour clamis ony landis as pertening to him be ressoun of non-entres, be the space of certane zeiris, and the saidis landis be full, be ressoun of conjunct-fie pertening to ony Lady, or in respect of ony uther sasine, and that during ane certane space of the saidis zeiris acclamit; the defendar sould be assoilzeit fra the non-entres induring the space that the landis were full in maner foirsaid, albeit the landis may be decernit to have bene and to be in non-entres induring the remanent zeiris acclamit.

*Fol. Dic. v. 2. p. 7. Balfour, (NON-ENTRY OF HEIRS.) No 27. p. 263.*

1566. *January 10.* BRYCE *against* FLETCHER.

No 44.

CONJUNCT infestment of landis maid and gevin to ony woman be hir husband, and confirmit be the superiour, makis landis to be full; and albeit the conjunct-fear, efter hir husbandis deceis, renunce hir conjunct-fie, and take hir to ane liferent, zit hir infestment or conjunct-fie stoppis the landis to fall in non-entres during hir lifetime.

*Fol. Dic. v. 2. p. 7. Balfour, (NON-ENTRY OF HEIRS.) No 27. p. 263.*

1589. *June.* SIBBALD *against* OLIPHANT.

No 45.

SIBBALD of Rankeilour, as donatar and assignee to non-entries of a part of the lands of Kilmarour, pursued Oliphant the son of umquhile Barnard Oliphant, to hear and see the said lands to be in non-entries. It was *excepted* by the defender, offering him to prove, that the lands were feu continually by the space of 36 years immediately preceding the intending of the action by the pursuer, and three sasines standing *successive* unreduced and quarrelled, and also a confirmation of our Sovereign Lord, of certain sasines past before. It was *answered*, That the exception could, in no manner of ways, be relevant, except he would allege the lands to have been feu, at least by the space of 40 years immediately preceding the first gift of non-entries, and the action that was first pursued by the first donatar. THE LORDS, notwithstanding of this allegiance, found the exception relevant for the space of 36 years.

*Fol. Dic. v. 2. p. 7. Colvil, MS. p. 443.*