

DECLARATOR.

SECT. I.

Gift of Non-entry.—Gift of Ward.

1541. July 16. LORD BORTHWICK *against* —.

IN causa domini de Borthwick actoris, interlocuti sunt domini, that the ourlord may *etiam per donatorem*, perseu the profits and duties of lands being in his hands be non-entrese, or ane decreet of non-entrese; albeit ony lands be comprised for the bygone mails, necessare they be decerned be decreet of the Lords in non-entrese.

No 1.

Fol. Dic. v. I. p. 228. Sinclair, MS. p. 2.

1549. May 28. LAIRD of DUNNOONE *against* ROBERT STEWART.

GIF lands fall in the superiour's handis be ressoun of ward, he may at the next term warn the occupyaris thair of to flit and remove thairfra, and put his handis to the samin landis, and intromet thairwith; and it is not necessar that he call the tenentis and utheris to heir and see the samin landis decernit to have fallin in ward, and thairby to pertene to him, albeit it be utherwayis in cais of non-entres, in the quhilk it is necessar that the landis be first decernit be decrete of the Lordis to be in non-entres.

No 2.

Superior of ward lands may remove tenants without declarator, but not in case of non-entry.

Fol. Dic. v. I. p. 228. Balfour, (REMOVING.) No 20. p. 460.