

B R E V I M A N U .

1579. January 21. LADY GIFFANE against L. CALDWALLIS.

FOUND, that a pupil, though above seven years old, cannot be taken *brevi manu* by the tutor from the mother, without authority of a judge; but must be restored again, although the tutor's intromission was by the father's express orders on death-bed.

No 1.

Fol. Dic. v. 1. p. 116. Colvil, MS.

* * See This case *voce* TUTOR and PUPIL.

1593. January 30. KING against SEATON.

FOUND, that the donatar to the escheat of a party denounced for a crime, may, *brevi manu*, intromit with the rebel's moveables, but cannot enter to possess his lands, which fall not under single but liferent escheat; and so must abide a declarator.

No 2.

Fol. Dic. v. 1. p. 115. Haddington, MS.

* * See This case *voce* ESCHEAT.

1598. February. LAIRD OF GREICH against DAVID MURRAY.

THE Laird of Greich pursued David Murray of Auchtermachie, master stabler to his Majesty, by ejecting him forth of the lands of Darne, pertaining to him in heritage.—It was *alleged*, That the defender ought to be assolvied, because the said lands being a part of his Highness's annexed property of Fife, never lawfully set, after a lawful dissolution, for augmentation of his Highness's rental, it was leisom to the King *brevi manu* to enter to the possession of the same; and so the defender having the King's command committed the ejection.—It was *answered*, That the pursuer being heritably infeft, and he and his predecessors, by virtue of the infeftments, being in possession of the said lands

No 3.

Found, that the King may enter *brevi manu* any part of his annexed property, of which the feu is not lawful, without any warning or other order.