

NON-ENTRY.

1732. *December 19.*

DAME MARTHA LOCKHART, LADY SINCLAIR, *against* SIR JAMES STUART
of Coltness.

No. 1.

As to obligations to enter heirs or singular successors *gratis*, how far binding on their successors? *vide* PRINTED PAPERS in this case, (and NOTES.)

1743. *December 8.* NAPIER *against* KINCAID.

No. 2.

NON-ENTRY,—there can be no declarator of it without calling the heir or apparent-heir of the immediate vassal, and the calling the sub-vassal in possession is not enough; and the apparent-heir of the immediate vassal sisting himself without being called will not supply the defect.

1746. *May.*

CAPTAIN CHALMER of Gadgirth *against* HIS VASSALS.

No. 3.

THERE being several apprisings or adjudications of a superiority, the apparent-heir in the right of one of them pursued declarator of non-entry against the vassals, who had been long in non-entry. The Lords, in respect the pursuer sued in right of apprisings, and was not entered heir, found no non-entry or retoured duties due, 19th and 28th November 1745. And May 1746, these interlocutors were upon appeal affirmed, with this variation in the *ratio decidendi*, viz. by adding to the Ordinary's interlocutor these words: "it appearing that before the charter granted to the appel-