

I N T R U S I O N .

1542. July 13. LAIRD OF INNES *against* LAIRD OF CALDER.

THE LORDS absolved *ut libellatur* the Laird of Calder from a summons of wrongous intromitting with the mails and duties of the lands of ———, raised at the Laird of Innes's instance, because he libelled not that he was in possession by virtue thereof, and the Laird of Calder showed his infestment, and was in possession thereof; and so he being in possession *cum titulo*, intromitted justly ay and while the title was reduced.

Fol. Dic. v. 1. p. 482. Sinclair, MS. p. 40.

1573. January 27. CRAIG *against* INCHBRECKIE.

ANENT the action pursued by H. Craig against the Laird of Inchbreckie, for spoliation of certain corn which grew upon his mailing, which he had of the said Laird, which corns were sown by him, and great part thereof shorn and stoukit, and another part growing upon the said mailing, which hail corns the defender spulzied from the pursuer; the defender *alleged* he did no wrong in intromitting with the said corn; as is alleged, because the defender caused lawfully warn the pursuer to remove from his said lands and mailing, whereon the said corn grew, at the feast of Whitsunday, and year before the alleged spuilzie, at which term the pursuer removed himself and goods of his own will; and the corn then growing on the ground the pursuer cut, and led the same away off the land, and left the same void and redd; which being known to the defender, thereafter he entered his ploughs and tilled the said mailing, and sowed it with his own corn; and albeit the pursuer came after and sowed upon his manner the said mailing over again with a small quantity of corn, the lands being already well sown by the defender, he did no wrong in the intromitting and away taking of the said corn, which grew upon the said mailing, tilled and

No 1.

No 2.

A party having removed from lands, it was found that he could not afterwards pursue intrusion against him who entered *in vacuam possessionem*.