

# E J E C T I O N.

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1573. March 2. ROBERT WISHART *against* The LAIRD of ARBUTHNOT.

**I**N action of ejectioun, the persewar aucht and sould libel possessioun with sum titil to the landis out of the quhilk he is ejectit, for the libel is not relevant, gif it contene na sufficient titil, sic as takisman, mailer, or sum uther sufficient richt.

*Fol. Dic. v. 1. p. 252. Balfour, (LIBEL) No 9. p. 315.*

No 1.

Found, that the pursuer of an ejection must libel possession with some title, otherwise the libel is not relevant.

\*\*\* Colville reports the same case :

THE persewar of ejection libelling bairely occupyar, without ane title, naither saying mailer nor takisman, nor yet that he occupyit the lands libellit be verteu of ane title at any time immediately preceding, libels not sufficientlie to call for ejection, and thairfore absolvitor sould be given frae the libel.

*Colville, MS. p. 237.*

1575. June 3. LAIRD of COLLISTON *against* The EARL of ERROL.

THE Laird of Colliston persewit the Earl of Errol for ejecting him furth of the lands of Colle, and obtained decrict upon him; and thairafter callit him continuallie in the Justice Aire of Aberdeen in *anno* 1534; but the matter being agried be the Earl of Morton, R gent for the time, the said persewar enterit thairto again be vertew of the R gent's decrict-arbitral given betwixt them; and the defendar commandit to abstain fra farder molestation; but when the persewar had no corne, stray, nor no kind of (sustenance) he was constrained to seek among friends to furnish his bestial for to labour the ground, and because

No 2.

Ejection was sustained, although there was no violence done to the pursuer's person or family, but only the house blocked up, and sustenance for