

1666. July 18.

STEILL *against* HAY.

A TENANT being ejected, ejection was sustained at the master's instance, though the tenant did not concur : But it was not sustained *quoad omnes effectus*, viz. as to violent profits, *juramentum in litem* ; but only that the master should be in the same condition he was before the ejection ; and should have the same manner of possession as if the land were not void, and to uplift the duties, and to put in and remove tenants. And for the bygone ordinary duties, in the same process, it was found, that the pursuer, though he was not infest, but only apparent heir to the person who was infest, might pursue the said action, to recover his possession, having been in possession before.

No 8.

*Fol. Dic. v. 1. p. 252. Dirleton, No 19, p. 9.*

*See* TITLE TO PURSUE.

*See* REMOVING.

*See* APPENDIX.