Earl of Morton v Anderson

Obstruction of rights of way · https://scotways.com/ken/earl-of-morton-v-anderson/

Case Report: (1846) 8 D 1249

Key points: Foreshore as part of right of way - title to foreshore - right of way blocked by walls and fences - trespass arising from interference with estate structures.

The facts: This follows on from Anderson v Earl of Morton, above. The Earl of Morton in this case applied for an Interdict against certain of the residents of Aberdour from trespassing upon his estate or from pulling down walls or fences.

Interim Interdict was granted by the Court but on appeal was recalled so far as relating to the sections of the footpath which ran along the foreshore between Aberdour and Burntisland by virtue of the fact that Lord Morton had not produced evidence of title to the foreshore.

Comments: The arguments of the Court are not set out, nor are any cases reported in support of this decision.