

1583. *November.*

ONE having pursued another for the cutting and destroying of certain corns growing on his ground, and also for wrongous molestation of him therein, concluded likewise to hear and see the defender ordained to desist and cease from the violent occupation thereof;—it was alleged against the libel, that, in so far as it concluded both cutting and destroying of corns, and to desist and cease from occupation of the ground, that it was irrelevant, *et quod esset inepta actionum cumulatio*. Answered, The accumulation might stand in law, *quando ex eodem facto plura et diversa agendi jura competunt, ut in præsentis casu*. Which was admitted by the Lords, and the libel found relevant.

Page 317.

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1584. *March 3.* ————— *against* The TUTOR of CASSILS.

THE Lords of Session may not suspend any decret given by the Lords of Privy Council, neither are judges competent thereto. But the Lords of Privy Council themselves are only judges to all controversies and debates arising upon any decret given by themselves; Bal. 16, 12. According hereto, 3d March 1584, the Tutor of Cassils having obtained a suspension of a decret given against him by the Lords of Privy Council, they, notwithstanding thereof, ordained their decret to be put to further execution, and discharged the Lords of Session to proceed to the discussing of the said suspension; which they did annul and discharge in all time thereafter.

See Laird of Halkerton *against* his Wife, 20th March 1627; *infra*.

Page 182.

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1585.

N. heritable proprietor of the lands of O. sought a decret of molestation obtained by his author, to be transferred in him *active*. Alleged, That decret could not be transferred, because it was personal, and only competent, *tam active quam passive*, to the persons and their heirs between whom it was given. Replied, Albeit the action of molestation might be thought in some case personal, yet, it was according to the law, *actio personalis in rem scripta, et transit in singularem successorem*. The Lords repelled the allegiance.

Page 215.

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1585.

A WOMAN being left tutrix testamentar by her husband to her own children, with provision that her tutory should not expire though she married again;—