

PROCESS.

SECT. I.

Libel.

1583. November.

A. against B.

THERE was one called A. B. that pursued another party for the cutting and destroying of certain corns growing upon the pursuer's ground; and also for the wrongous molestation of him in the said ground; and also concluded, in the self same libel, to hear and see the defender ordained to desist and cease from the violent occupation of the ground foresaid. It was *alleged* against the libel, Quod fuit irrelevant et ineptum in se in tanto quod concludebat both cutting and destroying of corns, and to desist and cease from occupation of the ground et sic fuit inepta actionum cumulatio. To this was *answered*, That accumulation might stand well with the law quando ex eodem facto plura et diversa agenda jura competunt ut in presenti casu. Which was admitted by the LORDS; and so the libel found relevant.

No 1.
Cumulatio
actionum.

Fol. Dic. v. 2. p. 179. Colvil, MS. p. 379.

1598. June 7.

JOHNSTON against DOBIE.

THOMAS DOBIE, messenger, burges of Edinburgh, having drowned himself in the Quarry-holes, the gift of his escheat was disposed to Symon Graham, who made James Johnston assignee thereto. It was *alleged* by Mr J. Sharpe, for the bairns of the said umquhile Thomas, That this declarator must abide continuation, because the hail summons may not be verified *instante*; but ane

No 2.
Summons of
declarator of
escheat of a
felo de se
found to need
no continua-
tion, espe-
cially where