

DEFORCEMENT.

1541. December 19. A. against B.

No 1.

THE tenant that deforces the laird's officer forfaults his tacks, and tynēs all his moveable goods that are within his jurisdiction; and this pain pertains to free tenants, and feuars baith of spiritual and temporal Lords.

Fol. Dic. v. 1. p. 231. Sinclair, MS. p. 5. No 7.

1561. February 28. ABBOT of Kilwinning against TENANTS.

No 2.

ANENT the action perseuit be the Abbot of Kilwinning against certain tenants having teinds pertaining to his benefice, for deforcing of the King's officer, sent be the said Abbot with the King's letters, to poind the said tenants for the teinds foresaid; it was *alleged* be the said Abbot and officer, That the said tenants, and everie ane of them deforced the said officer in the execution of his office, and forcibly took frae him certain goods poindit be him for the cause foresaid.—It was *answerit* be ane of the said tenants, That he did na wrang in stopping the said officer to mell or take away his guidis, but he would hold and relieve the said guidis with charge of law, because he had made payment of the said teinds to the said Abbot, upon the whilk the letters were raised, and poinding made be the said officer; whilk allegiance was fund relevant be the LORDS, and admittit to the probation of the said tenant; and likeways it was *alleged* be ane uther of the said tenants, That he did na wrang in with-holding of his goods, and stopping the said officer to take the same, because the goods that were tane be the said officer were drawing oxen furth of the pleuch, and he had other sufficient goods anew poindable, as he shewed to the said officer; whilk allegiance was also fund relevant be the said LORDS, and admittit to the said tenant's probation.

A libel of deforcement was repelled, because a tenant against whom it was raised, alleged that he had made payment of the debt upon which the letters were raised, which was admitted to his probation.

Fol. Dic. v. 1. p. 231. Maitland, MS. p. 133.