



Decrees in Absence Act 1584

1584 CHAPTER 10

Anent decreittis gevin vpoun dowbill poinding or horning

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\), Sch. 2](#)
- C2 This Act is listed in 12mo edition as 1584 Parl. 9 c. 3

Forsamekill as complaint being movit at the instance of tennentis of landis aganis diuerse pairteis be quhome they ar chargit poyndit and distreinyeit for thair mailles and dewteis And of the pairteis complanit vpoun comperand and schawand [thair] richt and titill of the landis And the vther being lawfullie summound and nocht comperand the pairtie comperand is ordanit to be ansuerit and obeyit of the mailles and dewteis of the landis being in questioun according to his richt and titill then schawin and productit not simpliciter bot with this limitatioun for ocht that the lordis of counsall or vtheris Judgis ordinaris befor quhome the said actioun dependis had sene And the vther pairtie lawfullie summound and nocht comperand is lykwayis decernit to desist and ceis [fra] all forder molestatioun or trubilling of the saidis tennentis for ocht that the saidis lordis then nad sene Be the quhilk decreit the pairtie comperand hes vndowtit richt to the maillis and dewteis [of] the landis ay and quhill he be warnit at the instance of the vther pairtie and better richt schawin And becaus mony yeiris efter the geving of the samyn decreit the pairtie quha wes lawfully summound and be contumacie wes absent hes intentit actioun for reductioun of the said decreit from the begynning And consequentlie for compelling of the pairtie obtenar thairof to rander and restoir the haill proffittis of the landis intromettitwith be him of mony yeiris Expres aganis the prouisioun of the commoun law and guid ressoun That he quha comperis and obeyis the Juge salbe in war caice nor he quha contempnit the Judgement and absentis him thairfra FOR REMEID quhairof IT is statute and ordanit that quhen euir the pairtie not comperand is lawfullie summound and shawis not richt he sall not be hard to retreite and reduce the said decreit nor yit salbe restorit agane to the samyn except he haif Ane necessar caus of his absence and nocht comperance quhen he wes summound Nor yit sall haif ony actioun for the byrun proffittis Intromettitwith be the obtener of the decreit fra the obtening thairof And he quha obtenis the said decreit sall only be oblissit to ansuer the vther pairtie complenand in the secund instance according to the richt quhilk is then

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Changes to legislation: There are currently no known outstanding effects for the Decrees in Absence Act 1584 (repealed). (See end of Document for details)

competent in his persoun and quhilk he sall shaw and produce vailyeable to bruik at the tyme of his complaint and sute and na vtherwayis And that this ordour be kept and obseruit befor the Lordis of sessioun and vtheris Judgis as effeiris not only in all sic questionis as may occur heirefter Bot als in all materis of the elyke sorte by gane intentit or to be intentit dependand and vndecydit befor the saidis lordis of sessioun and vther Judges ordinare IT is always prouidit that gif the pairtie callit and not comperand in the first instance be minor and haif tutouris and curatouris he sall haif his actioun for his dampnage and enteres sustenit be him throw his noncomperance aganis his tutouris and curatouris allanerlie And gif the persoun being minor and haif na tutouris nor curatouris sall haif thair remeid to be restorit in Integrum as accordis of the law vpoun ressonable causes proponit to that effect

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