

1524. February 22.

The KING *against* WILLIAM DINGWALL.

ARRESTMENT be the King's letteris beand lauchfullie maid upon ony debait-abill cornis, gudis, or geir, gif ony persoun or persouns brekkis the famin, and beis convict thairof, all thair movabill gudis may be confiscat, applyit, and inbrocht to the King's use. And alswa they may be chargit to enter thair persouns inward at the King's will, thair to remane for zeir and day; and farder, at the King's will, upon thair awin expensis for thair contemptioun done to his hienes in breking of the said arreistment.

Balfour, (ARRESTMENT.) p. 539.

No 115.
Punishment
of breach of
arrestment.

1552. November 24.

A. *against* B.

ARRESTMENT maid within time of ane fre fair proclamit openlie, or usit commonlie for the space of certane dayis, is of nane avail be way of exceptioun; and gif ony man be persewit for breking thairof, he fould on na wayis be punisht thairfoir, he preivand the famin to have bene maid within the time foirsaid.

Balfour, (ARRESTMENT.) p. 537.

No 116.
A person cannot be pursued for breach of arrestment, used in a free fair or market.

1563. November 15.

The THESAURARE *against* JOHNE KYLE.

ARRESTMENT maid upon ony guidis or geir be authoritie of ane judge havand powar to mak the famin, is understuid to be brokin, gif the awner thairof intromet with the famin, without licence of the partie, or satisfacioun not beand maid to him at quhais instance, the saidis gudis and geir were arreistit, or zit without licence or command of the judge quha causit the said arreistment to be maid, or than of sum uther judge beand superiour to him, or havand ane greiter powar.

Balfour, (ARRESTMENT.) p. 539.

No 117.
It is breach of arrestment, if the party whose goods are arrested by authority of a judge, intromit without permission of the arrester.

1565. May 29.

RICHARD SCOT *against* LORD SOMERVILLE.

Gif ony Lord's tenant brek arreistment maid lauchfully be his Lord, he may be callit thairfoir in his Lord's court befoir him, or his baillie; and beand convict thairfoir, he foirfaultis and tynes his takkis quhilk he has of his said Lord; the quhilk with all his movabill gudis beand within the said Lords jurisdiction, pertenis to the said Lord as eschete, and may be leasumlie intromettit with, and up-taken be him, or ony in his name.

Balfour, (ARRESTMENT.) p. 539.

No 118.
If a baron arrested his tenant's goods, and the tenant broke arrestment, it was lawful for the baron, by authority of his own baillie, to forfeit the tenant, tacks, and the moveables, within his jurisdiction.