

Robertson contra Robert son of Stewart

Not only those who assist in the Administration of Justice by Direct Contempts offered to the Kings Courts, but also just as are guilty of any injurious treatment of those persons who are under the Kings immediate protection of those Courts, are highly punishable by fine and imprisonment of a Man Assaunt or threaten'd adversary for punishing him, or a Counsellor or Attorney for being punished against him, or a Juror for giving a Verdict against him, or a gaoler for keeping a prisoner in safe Custody. Coke 3 Inst. 142. Hale pl. Cr. 131. Hawkins pl. Cr. lib. 1. c. 21. sect. 14

Chap. 3.
Of Crimes Concerning the Execution of Law and Justice.

Those are Breach of Arrestment, Deformment, Resisting and Maltreating officers of the Execution of Law and prison breaking.

Chap. 1.

Breach of Arrestment

Breach of Arrestment is a Delivery of Moveables goods to the Owner, after they had been arrested in the Deliverors hands. Whereof the part is an Arbitrary punishment and Confiscation of Moveables, half to the King and half to the party injured: But the other is proposed to the Sheriff for payment of the Debt or Damages due to him Act 118. Parly act 150. Parly 152. C. 6. Whereof he ought not to be disappointed by his own Diligence.

Chap. 2.

Of Deformment.

Deformment (in Latin Deformatus) is in the old books of our law sometimes taken in a larger sense for a Violent Infringing of one of his Right or possession by Spoliation or Ejection, or expelling, or caps. 138. but properly it signifies a Refusing or opposing officers of Justice servants, Sheriffs, Coronors, Maors or other officers of Court or Justice in the Execution of their office and upon Account thereof committed in the law of England *Arrestus* in Latin *Arrestus*, from the French *Arrestus*, or *Arrestus*, *Rosens* and *Relps*. For it is no Deformment to Oppose Maliciously or unjustly Execution of Justice who is not Discharging his office at the time. *McKenzie* Crim part 1. fol. 26. 52. pr. Nor is it Estimated Deformment to treat him in that manner upon any other Account than that of his office, as in a Common Scuffle Occasioned by his own jurisdiction *McKenzie* ibid. This is a heinous Crime called *Respectus* (Stat. W. 1. c. 1. § 5.) Contempt of the Royal Authority; the sovereign being Described in their person and named as through their Blood, and so the affronts in the violation of his honour, severely punish'd for dignities done to those superior servants of Justice, who are the life of the law, and provide for their safety in the discharge of their duty. A Deformed or he who committed a Deformant, is treated in the law of England *Arrestus*.

Deformment is Incur'd when any officer of Arms or Sheriff that part or other person in the Execution of some more heinous precept or Warrant issued by the King or any of the Kings in Scotland, is opposed Maliciously or purposefully to the Effusion of their Blood Act 108. c. 12. § 1. h. But simple opposing or Molesting any officer of Justice in the discharge of his office without shedding of Blood is Deformment *McKenzie* Crim part 1. fol. 26. 52. vob. from which Act it is to be observed, that those words to the effect of their Blood (in d. act 108) Relate not to Deformed in doing the same or he Maliciously, Injurious, but only to the Words punish'd immediately proceeding, shew'd it was justly taken Relevant to Infer the Guilt of Deformant, that either person armed with Pistols, Runge, flails, assembl'd in

Chap.