

Civil Jurisdiction is so divided into Voluntary and Beneficial Jurisdiction. Voluntary Jurisdiction is a power to the Minister Justice of Cause to partake of Beneficial as when the Lords of Session take up their Authority to the Regis-
= tiation of a Leasie, or to the sale of a pupill Land, or to the
= thorize a Curator ad litem to a Minor Wanting Fulow or Curator
= loss or when Commisaries Confirm a Testament, or when
= tors of law are served before any Judge, Contentious Juris-
= diction, is that which is Exercised upon persons without Res-
= pect to their Inclination whether they Consent or Not, or those
= who have Lawfull one with another.

Jurisdiction is Exercised in a Court of Justice where power is judicially Administered, or where Causes are Heard and Determined, which places called Curia, and in the French Colon Civitas. Feud. lib. 2. Tit. 31. pr. A. B. Liberties Because among the Barbarous people who introduced the Feudal Law, Crises were Determined by a Military Fury, Quisdam Cohortis, thence learned, pates Curia or pates Curia Craig Feud. lib. 1. Tit. 10. § 2. lib. 2. Tit. 2. § 10. lib. 3. Tit. 7. § 1. Those who had Marital upon Feud may hold them upon another day of the week, and 1222. Part 12. c. 6. so where a Court is Indited and persons filed to appear there on a Lawfull day, the that day be there after, otherwise a holy day they person filed are bound to appear the next Lawfull day, the the date of such Court be peremptory. Mcenzie & others on et. Act 1222. All Courts are ordained to be held at Eleven a Clock in the forenoon without Sordidling and Annuling Courts holden at any other hour et. Act Parl. 11. F. 6. And therefore Courts are ordinarily held at other hours. But it may be doubted whether a party filed to appear, empty diet staying till twelve a Clock, and lacking Arguments there on could be Unlawful in the Afternoon for absence; tho if the Court one fil parties are obliged to attend. Mcenzie & others on et. Act 86.

A Court which has Jurisdiction in any Cause over any person is termed Forum Competens a Court Competent in all such Cause or persons. The Competency of Jurisdiction is Regulated and Considered with Respect to the Defendant in a Cause, according as he is or is not subject to such a Court because Acto Regulari forum Rei velon must be sued in the Court to which the Defendant is subject. 3. Cuius in Rem Acto. 12. § 2. C. de Sent. et. Thelph. The Defendant must from his pre-
= vidence p. on. C. de Prael. & be Recognized before the same
= Court, then he had not been Sued by way of Action against
= the pursuer of the Reconvention. 2. 2. § 2. Indica. et. person
= is, subject to a Court or, for other forum prime Ratione
= Domicilij because he lives within its Territory where he

may be Cited to appear before the Judge of that Bounds. Scots men living abroad are Allowed to have their General or Common Writtingal Edinburgh, in so far as they may be Cited at the Marshal Proff thereof, and peer of Leith to answer suits against them before the Judges Resident in Scotland. The living in Scotland may have a two fold dwelling place, viz. One principal and ordinary, and another casual or temporary, which may subject him to Different Jurisdiction, the Principal Ordinary dwelling place is understood to be where he Retains some estate, and where he wife and family Reside, tho he be at the time and waiting before in another place, Craig Feud. lib. 2. Tit. 9. § 4. spels. w. 2. Prats. Tit. Jamons and Libels. A Minor at School is supposed to dwell in that Jurisdiction, at least at the time and some while before he was in another place, the creating himself and being his friends with a design to Return to the school, spots, & other inferior Casual or temporary Habitation is, that will, & he shall Reside 40 days, at any time or time Chamber &c. Either of which places may provide Jurisdiction against him. 20. November. 1672. Peterson contra a Harmon 2. or et. et. of arrestment 13. March. 1704. Shann of the carriage contra Duchans, but not for Donegan case, him to make his et. local fall 1700. **Contract** which is vicious, or for conspiracy, is not taken. 20. November. 1672. Peterson contra a Harmon 2. Both which Jurisdiction and for firmness must be Exercised with regard to his principal and ordinary Residence. 2. 1. A Judge shall divide Jurisdiction over Strangers of Ratione Res. Site, whose the Party in Contravention of which the title or possession is claimed, is situated within his territory. 6. 3. Only in rem Actio. Tho the Defendant live Else where. 11. March. 1629. Lamb contra a Fleth. 18. November. 1626. Galbraith contra Hunningham. 8. December. 1626. Lord Blayre contra Forsyth. Tho because they may be sued there in order to defend their thing, which doth not bind them to be pursued also before the Judge whose Jurisdiction they are subject to Ratione Domicilij upon account of their Residence, et. that if a Man have Land lying within one Jurisdiction and dwell within another, in all Actions concerning the Land, he may be Conveyed before the Judge of the Jurisdiction where the Land is, and it sufficeth to cite him on the Ground of these Land, and to cite him personally or at his dwelling place by others of Supplement. But in an Action before the Session at the instance of the heir of a person who died in Scotland, against a sold man Residing there for Delivery of the Defuncts Kinship Goods Intromitted with by the Defendant in Holland where the Goods then were, it was found that the Intromitter behoved to be pursued in Holland.