

quia Actor sequitur forum Reus, and no pro cess was sustained here for the Intromission: Albeit the purchaser declared that he had it in order to get Execution against such goods and Estate as the Defendant had in Holland for satis paying the said Ship that should be found to belong to him 23 March 1631 Colonel Brog's Rein contra

But process was sustained in Holland upon an English bond made in England for buying these helical Holstish Men which was to have Execution for Helstish goods lying in Scotland: Albeit the Grantors of the bond at the time of the purchase dwell in England where they had

29 years the piece of Feb 1642 Douglas contra Gunninghame

31 A Judge hath Jurisdiction of non liquet causa 110 f. 22 Juris Upon Account of the Connection or Contingency of causes, whereas the foreignness cannot be separate, but must be taken over by one and the same Judge 21 A Judge is limited to Jurisdiction over strangers in the case of a Reconvention or Cross Action brought by the Defendant against the pursuer 22 f. 22 Juris. Before the same Judge, because one cannot be heard to refuse as Defendant a Judge he should be pursued before. 54 Jurisdiction is acquired by prorogation, which hath been already explained. 67

Among the Jurisdiction of a Judge and Jurisdiction of a Ratione originis, because he was born in a province 68

68 1. 17 511. f. 20 Municipal or Ratione Contractus, because the obligation fixed upon was made, or the payment or performance agreed to be made there 69

qui hert. loc. l. 19 51 f. 20 Juris. But no man is liable in Holland to Jurisdiction upon the account of his birth unless if he do not reside there. For a Scots man abroad do

bind himself to pay money to a stranger, coming home to Scotland without paying; or an English man who in England became Debtor to another retiring to Holland without satisfying the Debt shall be pursued by the Creditor in Holland. Nor hath Jurisdiction in Holland founded to the Judge of the place when a Contract or obligation fixed upon was made, except in one case viz. Burghers & Peddlers in Burghs Royal may arrest

strangers living without the Burgh if found there, for horse meat or man's meat or Merchandise due to them by Bargainally without bond or security given. therefore hel. Part 2 f. 3 the 2.

As a Judge had not Jurisdiction over one called before him he ought not to Contain his Authority, but must appear upon summons and plead his jurisdiction 69 f. 22 Jurisdiction from the Jurisdiction of such Judge 63 f. 20 Juris And any plea to the Jurisdiction of a Court ought to be made before it is conducted 63 f. 20 Juris: for by pleading either Delatory or peremptory Defence the parties summoned do

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Understood to be bound to the Authority, but not by Making Delina tory Defence, which one is supposed to do for vindicating himself from the Imputation of Felony 110 f. 27 Juris. 12. Where there is a Jurisdiction, all things are allowed and granted, which are necessary for the due Execution of it 62 f. 20 Juris. As a Exercise power 62 In every Civil Jurisdiction there is an inherent power to expel and vindicate by punishing even Criminally those that offend and disturb the same, which in the Civil Law is termed Imperium Imperium l. 3 f. 2 Juris. l. 1. f. 20 Juris. Et cum Imperio Juris. And the Lord of Session may order such as be at any person in the Court while they are sitting or about any of their Number, or folks, with produced before them to be Degraded from their office, or Banished, or to lay a fine, or to have their tongue or Ears bored, or to stand at the Court Door or at the Grone, with a paper on their Breast Expressing their offence.

Section 3 of Criminal and Mixed Jurisdiction. Criminal Jurisdiction is no part of this work, but is explained in the second Volume part 2. Book 1 Chap. 1. Mixed Jurisdiction is that which is partly Civil and partly Criminal. Such Jurisdiction Sheriff, Stewarts, Bailiffs of Royalty and Regality, Justices of peace, and Barons, are vested with.

Chapter 3 of Judges

A Judge is a person appointed by public Authority with Jurisdiction to be an Executor of the Law. For we have no such Judges in Scotland, as the Admiralty Judges among the Romans who pro vice called No lit, was only to hear and determine legal Causes referred to them by the Ordinary Magistrates, without power of executing the sentences 101 f. 20 Juris. Juris. Junct. l. 15 Juris. f. 20 Juris. But we have in some cases a faint Resemblance of this Authority: As when Ecclesiastical Judges apply to the Civil Magistrate to inflict temporal punishments on an offender tried by them; or when Justice of peace in cases of high treason or Murder of treason only examine and commit the persons accused, take information against them, and bind over the Informers and Material Witnesses by Recognisance to appear and give Evidence before the proper Judges; or when

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