

See *Judic. act 29 Parl. 11 J. 6* vers. and further the said honorable
 Stewart. No *lit in alio Judicio quam ubi capta terminatio*
l. 30 *Ad Judic. aut Continentia causa Dividatur l. 10 C. Eod.*
 Which is termed *Jus preventivis*. It is the Duty of all
 Judges to Concur in seizing offenders, tho' seized by others.
 In a Competition for the Right of prevention, the first
 Attacher of the Criminal, whether by Approaching or
 Citing him, has the Right to Judge him. Tho' when he
 is apprehended by order of one Judge, and cited by another
 Warrant at the same time; the former is preferred, *McKenzie*
Crim. part 2 Cit. 155. Prevention by Citing one of several
 Accomplices, is effectual as to all; and the first Citation
 of one who gave order to Commit a Crime, ~~is effectual~~
~~as to all~~ would prevention also against the Committer, as
Continentiam causa Bossius de foro Competenti n. 100.
 But if a Judge give the first Citation, only as a stream
 to cover and protect the offender from being Effectually
 prosecuted before another Court; that Citation will not hinder the other Judge having a Cumi-
 lative Jurisdiction to try the Crime, when the first Atha-
 cher is in Mora and Delays to do it, *Carpzov. Crim.*
part 3 qu. 110 n. 100. Thus in a Compe when behuad
 a Sheriff and the Baillies of a Burgh who had a Cum-
 lative Jurisdiction, the Lord of session found the first
 Citation not sufficient to prefer the Magistrates, if
 it had been followed by due Diligence to a sentence,
 and preferred the Sheriff who had given the second Cite-
 tion and first sentenced without precipitation of No-
 vember 1672 *scot contra Riddell*. Nor will prevention
 used by one Judge Competent to null the trial of a Crime
 before another, if not objected before sentence, *McKenzie*
ibid. Jusm. Tho' prevention by one Judge, doth prefer
 him to the fine for a Crime to another Judge who
 hath a cumulative Jurisdiction: Yet the Party Injured
 may not with standing chase his own Judge for obtain-
 Reparation of his private Damage, *November 1672*
scot contra Riddell. Where two Competent Judges Equal

founded in Jurisdiction and Diligence, are ready to try an
 offender for Different Crimes; he before whom the Greater
 Crime, or the Crime Aggravated with the More heinous
 Circumstances is tabled should first proceed to trial, *Bossius*
ibid. n. 102 for that the Common Wealth is more Concerned
 to have a Great Crime punished, than a small one.
 That a Criminal may not easily Escape unpunished,
 and soth allow him to be tried in either of several Courts
 as Competent. If In foro Domicilij in the Juris where
 the offender dwells, Altho' he be not apprehended there and
 the Crime was Committed in another Judges bounds. Be-
 cause it is felt that every Judge punge his own territories of
 Malefactors, who may affect others by their Example, and he
 del the same Crimes where they dwell. Besides, it would be
 contrary to Justice, if a person having Committed a Crime
 in a foreign Jurisdiction, could not upon his Returning home,
 be punished by the Magistrate there, who may best know
 his life and Conversation. Such a trial may proceed either
 by Accusation at the suit of a private party, or Inquisitorie
 at the procurator Fiscalis Instans *l. 1* *Authent. qua in*
provincia C. ubi Doerimin. Carpzov. Crim. part 3 qu.
110 n. 12. Thus Improbation of a Writ Concerning an
 Irish Estate was sustained in Scotland against the for-
 ger when removed to Ireland; in respect he dwelt
 in Scotland when the Crime was Committed *6 Feb. 1672*
Murray contra Murray of Burglaim. The ~~statute~~ of wood
 is ~~judged~~ Declared punishable in the Court where the
 lands by out of which the wood was stolen, and in No-
 other Act 34 Parl. 2 J. 1. But this privilege go being In-
 troduced in favour of the person Injured, he may pass
 from it and pursue before the Judge of the Jurisdic-
 tion where the offender dwells *McKenzie observ. on*
d. Act 34. 2. A Criminal may be cited and tried be-
 fore the Judge of the place where the Crime was Com-
 mitted Altho' he dwell elsewhere, and is not apprehended
C. ubi Doerim. Act 34 Parl. 2 Act 30 Parl. 6. Act 14
 Parl. 13