

13 J. i. Carpzov. ibid. n. 14 junct. n. 46 & 47. Michensis Crim. part 2 pt. 2 51. Because it is fit to punish the offender in the place where he has given the bad Example: not only to terrify such as saw it from doing the like, and afford some comfortable Reparation to the parties Injured, when Justice is Executed in their sight; but also for that the trial is thereby more easy and less Expensive. The Judge of the place where a Crime is Committed, is so Competent to try the same, that his procedure cannot be stopp'd upon pretence of any personal priviledge Claimed by the offender, l. i. Rubi. Senat. Authent. Qua in provincia C. ubi de Crim. agi oport. Quid Mary Queen of Scotland suffered death in England for treason Committed there Against Queen Elizabeth And 6 January, 1662 French Heaths & Beatts soldiers of the English Army were tried by the Court of Justiciary for killing a Man betwixt Loth and Edinburgh. The Judge of the place where a Crime was Committed, may send letters to another Judge whose Jurisdiction the Criminal has fled to, requiring him to cause apprehend and send back the offender to him. l. 7 s. ult. l. de Accus. l. 7 ff. de Cust. d. c. Exhib. Reor. Nov. 134 cap. 4 & 5. The Magistrates of Edinburgh 5 July 1661 were desired by the Justices to send back a Woman to be tried for a Crime in loco Delicti. Altho a Crime may be Certainly tried in the place where it was Committed, lawyers are not well agreed about the Description of the place in some cases. When a Crime is begun in one place and perfected in another, some will have the former and some the latter to determine the trial. The latter sort allow the Judges of both places to be Competent to punish the offender according to the Degree of the offence Committed in their respective territories. In the case of Murder Committed

Committed in the confines of two Jurisdictions, there are who substitute upon the position of the dead Body; some derive the Cognizance of the Crime to the Justice whose territory the head is found, some contending that the heart and some that the feet do found the Jurisdiction. Carpzovius (Crim. part 3 qu. no. n. 34. 35. 36. 37) thinks it hard to frame a general rule, that may not be overruled by Emerging presumptions in some Particular case: And therefore inclines to leave the question to the Arbitrament of the Judge. But without farther Justifying upon these Matters we may conclude, that a Crime Committed and finished in different places or Committed upon the borders of two Jurisdictions, may be talked and tried before the Judge of either; the scandal being given and the peace broke in both: But provision takes place in favour of the first Attacker Michensis Crim. part 2 pt. 2 51. By the Law of England, the killing a Man in partibus transmarinis, or the Wounding Mortally in a foreign Country one who came and died of his wound in England, is not tried at Common Law, but before the Constable & Marshall 13 Bar. 2 cap. 2. l. 4 cap. 14. Homicide Committed upon sea, may be heard and Determined before the Admirall, or according to 28 ff. 8 cap. 15. But if one die at Land of a stroke he received at sea, this is neither Inquireable at Common Law, nor before the Admirall Coke 3 Just. cap. 7. And according to Lord Chief Justice Hale (l. i. Br. 54) is not punishable at all. But the Lord Coke (ibid.) holds, that the Constable may hear and Determine it. If a Man die in one County of England of a wound or poison given him in another, the offender should be Judged where the other happened to die; and there both principal and Accessories may be tried, in what ever County the latter had Reception to the Crime: But where there are Accusories in one County to a Crime