

flows not immediately from the King, but from one having a power or ordinary Jurisdiction from his Majesty. l. 31. c. 3. & 2d. offic. Eius est Mand. est Jurisd. l. 5. 2d. Jurisd. He who hath a Delegated Jurisdiction cannot pass it over by Deputation in favour of another because Delegatus non potest Delegare. 20. 8 March 1617 George Gordon of Light in the books of Ed- journal.

Prorogated Jurisdiction, is what a Judge requires over a person not subject to his Jurisdiction, by his admitting to it, and having his privilege l. 2. 2d. Jurid. l. 18. 2d. Jurid. It is acquired by Consent of parties, in a cause that falls not under his Cognizance. Jurisdiction of an Incompetent Judge is prorogated either Expressly or Tacitly. Expressly, When one declares by Word or Writ that he subjects himself to the Jurisdiction of such a Judge. l. 9. When the Debtor on a bond Consents to keep his Writ, and a person dwelling without the Jurisdiction of a Judge, by putting caution to answer time as law will, doth not make the party who found the surety liable to his power before his Judge, but subjects him to that Jurisdiction where he found surety. 3d. January 1633 Eleven for contract or a procurator having a Commission from King, before his Judge or peremptory Defensed in the Cause for primus Actus. 2d. Jurid. approbatorius l. 30. 2d. Jurid. But these is no prorogation of an Incompetent Jurisdiction by peremptory Declaratory Defensed, that being understood to be Done to vindicate the party from the Charge of all'igiousness. l. 1. A. 2. 37. 81. 2d. Jurid. l. 10. 2d. Jurid.

The Doctors of the Civil Law fancy to themselves four Sorts of Prorogation, Viz. 19 De Loco in Loco, Viz. when the Plaintiff consents by Consent of parties Judges without. 20 De Longum in Longum, when a Judge doth hold after Expiring of his time. 21 De causa in Causam, when a Judge doth try a cause that falls not under his Cognizance. 22 De persona in personam, when a person living without a Judges Territory when early submitted to it. Both the Civil Law l. 3. 2d. offic. magis. l. 1. 2d. Jurid. and our Law absolutely doth prohibit and Report both prorogation done in personam, and that doth lapse in Impius because a Judge beyond his territory, or after his Authority is at an end, or Determined, is no other than a private Man, but a Power given by Commissioners in time of Vacation without a Dispensation, against one Non appearing and Making No Objection before sentence, was not binding: Because he should be likewise to the Judgement, as he should not after words object what he then omitted. 6 Decemb. 1628. Maxwell cont.

Centra l. Min. l. 1. 2d. Jurid. l. 1. 2d. Jurid. allows of prorogation in personam that is cause in causam as also with us sustained where the cause are of the same kind. l. 2. 2d. Jurid. The Jurisdiction of a Criminal Judge who is limited to the trial of certain crimes may be prorogated as to crimes which he could not otherwise hear and Determine. Madric Prim. part 2. Fel. 1. 34. The Jurisdiction of a Civil Judge whose Cognizance is limited to Civil Matters of such a Value may be prorogated with respect to Civil affairs of a greater Value. l. 74. 5. 1. 2d. Jurid. Commissioners and Admirals who have a Civil Jurisdiction may by Consent of parties, and Maritims and privately Prorogation doth give in other Civil Causes. Bull Civil Law, or in any cause in personam shall no effect either in Law or Equity. 2d. Jurid. l. 1. 2d. Jurid. The Jurisdiction of a Civil Judge cannot be prorogated as to Criminals. l. 1. 2d. Jurid. l. 1. 2d. Jurid. The Jurisdiction of a Criminal Judge as to Civil Matters l. 61. 81. 2d. Jurid. doth not submit to a Judge all together Jurisdiction, is not prorogated but affirmative Jurisdiction. Commissioner or any Inferior Judge whether his Jurisdiction be prorogated or not. Doth not submit in a cause where in he may be prorogated by prorogation, but it be removed from him by address. l. 1. 2d. Jurid.

At the same time it is to be Noted, that prorogating the Jurisdiction of a Judge is Effectual only against the party consenting, and cannot among the proper Judge of any particular due to him. l. 1. 2d. Jurid. l. 1. 2d. Jurid. l. 1. 2d. Jurid. l. 1. 2d. Jurid.

Set. 2. Of Civil Jurisdiction.

Civil Jurisdiction is a power to hear and Determine Civil Causes. This Jurisdiction is either for foreign or Inordinales Sovereign Jurisdiction belongs to Judges whose sentences cannot be Reviewed by any other Court than the Parliament which is the Lord of Officers, Commissioners of the Treasury, and Barons of Exchequer. Inordinales Jurisdiction, is that which is exercised by Inferior Judges as Sheriffs, Stewards, Bailiffs, and Regality. Admirals, Commissioners, Magistrates of Burghs, Justices of Peace, and Barons; whose proceedings can be stayed by Writ of Habeas Corpus, and whose sentences may be suspended and Reversed there. Civil