Crime Committed in Another, and Indictment found and
taken against those Accessories where they were guilty
of Accession, is as good in law, as if the principal Crime
had been there Committed. And those Accessories may be
Arraigned there after Certificate of the Conviction and
Attainder of the principal offender 28 H. 8. Cap. 6 cap. 24.
Concerning the trial of Crimes Committed by Englishmen
in Scotland and flying into England, & e contra by Scots
men in England and flying to Scotland, vide 1 Jac. cap. 1 & 4 Jac.
cap. 1 punct. 13 & 14 Car. 2 cap. 8. A Criminal may be also
tried before the Judge of the place where he is taken,
According to the Rule, ubi le Juvenis ibi le punis l. 1
& l. 2 C. ubi de Crimin. Carleval de Judic. pag. 156. But
such a Judge can only proceed against him, if present,
and not upon a Citation if absent qr Lonzo Crim. part
Gil. 2 Sect. 1. Vagabonds, Especially such as we call Dus
-coits, may be punished where ever they can be Appre-
-hended, Carpzov. Crim. part 3 quæst. 99 n. 69 & 70. Mackenzie
Ibid. § 31. Because they have no Certain dwelling. 4th. A
Judge Acquires Jurisdiction over Criminals by proroga
tion. Prorogated Jurisdiction is what a Judge gets over
a Criminal not subject to his Cognizance, by the
Criminals having his privilege, and submitting
himself to a trial before such a Judge. Which is done
either Expressly or Tacitly l. 1 l. 2 de Judic. l. 18 de
Juridict. Tacit prorogation is inferred from his
Appearing and offering Dilatory or Peremptory De-
fences: for primus Actus Judicij est Judicis Approba-
torius l. 30 de Judiciis. But an Incompetent Jurisdiction
is not prorogated, by proponing Dilatory Defences
that being Understood to be done to Vindicate the party
from the Charge of Litigiousness Stair Inst. lib. 1
tit. 37 § 12. Vide Vol. 1 page 1597

Private Jurisdiction is a power of Judging
Appropriated to one, who Excludes others, and takes
from their Cognizance what other ways would fall

Naturally fall under it: as when Lords of Regality Royalty
from the Court of Justiciary or from Sheriffs, offenders
Dwelling within their Regalities, in all cases except those
of Treason and the four pleas of the Crown and Deforcement
which are appropriated to the Cognizance of the Court
of Justiciary.

Criminal Jurisdiction is 2o/ either Ordinary, or Extra-
ordinary. Ordinary Criminal Jurisdiction is that which
belongs to the ordinary Criminal Court &. Extraordinary
Criminal Jurisdiction is that which is Incroached by the Ex-
traordinary Criminal Court &. But the all Jurisdiction
flow from the King, his Majesty himself cannot sit
in Judgement upon an Indictment: because he is one
of the parties to the suit Stamf. pl. Cor. 64 b. Corke 4 Just.
71. Hawkins pl. Cr. lib. 1 chap. 1 § 2. Crimes being done
and supposed to be done Contrary to the peace Crown and
Dignity of the King; and the Celebrate and Forfeiture
of persons Attainted thereof Accruing to his Majesty.
Whose Cases being of the last consequence & highest concern, ask a Judicial Trial in the Supreme Court of Crimes
being often unexpirable: The same is observ'd in Scotland, in all Cases to the best and wisest Judges (?)

Chap. 1.

Of Extraordinary Criminal Courts where Crimes are tried.

Extraordinary Criminal Judicatures are 1o/ the
Parliament. 2o/ The Court of Lord High Stewart of the
Kingdom. 3o/ Temporary Commissions of Oyer & Terminer
& Gaol Delivery & Commissions of Justiciary. 4o/ Court Martial.

Sect. 1.

Concerning the trial of Crimes in Parliament

Crimes are tried in Parliament 1o/ by Bills of
Attainder, 2o/ are tried only by the House of Lords in
Parliament Assembled.

Sect. 1.

Of trials by Bills of Attainder.

Statutory Treasons or Crimes Declared to be treason
by express Statute may be heared and Determined by the ordi-
nary proper Courts of Justice 25 Edw. 3 St. 5 cap. 2 who are
Literally to observe the Statutes and not to Extend them
from