

Continued by them to the Lord Chancellor of Great Britain; such Justice General or person having right of Juri-diction, shall be in the Commission and one of the Jurors 7 A. cap. 21 § 162.

Treasons and Misprisions of treason Committed by any Native of Scotland upon the high seas or in any place out of Great Britain, is to be Inquired of heard and Determined before the Court of Juri-diction in Scotland, or before Commissioners of Oyer and Terminer to be Named by the King in any shire or shires of Great Britain his Majesty shall appoint, by good Lawfull Men of the same shire, as if the Crimes had been there Committed 7 A. cap. 21 § 5.

A particular law was made for proceeding against traitors in Actual Custody or to be Apprehended or Imprisoned before the 23 January 1716 for the rebellion Raised in Scotland in the Year 1713 before the Commissioners of Oyer and Terminer or good Lawfull Men in such shire as his Majesty should appoint as if the treason had been Committed in the same shire; 1 G. cap. 38 § 1.

The Parliament 1693 Act 39 § 9 Parl. W. & M. declares that the sovereign by Virtue of the Royal prerogative might grant Commissions of Juri-diction for Suppressing Depredations in the high lands, without prejudice to heritable rights and Jurisdiction provided that for the more Effectually punishing and Restraining Crimes, the persons whose rights are Excepted should Continue by granting Commissions for the space of two Years to the persons Com-missioned by the sovereign to Judge in their Respective bounds, Reserving their Right of preventing for six Week days and their Rights to all Escheat and other Qualities. Which Continuance of the heritable Judges by granting Commissions of the

Juri-diction to the persons Named by the King, was severally prorogated, and the Commissioners authorized to proceed by Juri-diction on a Citation on six days, and to advise with closed doors, and to punish Arbitrarily persons guilty of Capital Crimes, act 37 § 5 act 40 § 6 Parl. W. & M. 26 May 1586 A Commission of Juri-diction under the quarter seal called the Testimonial of the great seal, was granted by the King to Mr John Preston & Edward Bruce Jointly and severally for Administration of Justice upon Mr Archibald Douglass' person of Glasgow, Accused of the Cruel Murder of Henry King of Scotland, and of being actually present thereat, in Company with James Earl of Bothwell and his Accomplices. Commissions of Juri-diction were Ordain'd to pass under the quarter seal Act 45 Parl. 11 § 6. But that was little observed, for such Commissions when granted by the Privy Council of Scotland were only signed by a Quorum of the Board without any seal Appended, and when granted by the King are always Express'd under the great seal whereas others, on Act 7 § 5 81 Parl. 11 § 6. The granting Commissions of Juri-diction in General, for longer time than is necessary to Dispose the particular affairs for which they are granted, was Dis-continued: and the obtainers ought to Return the process to be Registered in the Books of the Journals, Act 126 Parl. 12 § 6 as a Check upon the Commissioners to do Justice, when he knows that his proceeding may be Revised in Publick Custody, these Temporary Commissioners of Juri-diction should also find surety to pay the issues to the sovereign. Except a particular part be allotted to them in their Commission whereas others, on Act 126 Parl. 12 § 6. The some are of opinion, that these Commissioners being Sheriffs in that party, have the same right to fines and issues of court as Sheriffs, but no special Commission for Judging slaughter should be granted