

from Scotland had such power in the privy Council. A Privy Councillor, tho' but a Gentleman had, pro-  
 vided one of all Knights, Barons, and Younger sons of  
 Viscounts and Lords, and it was Death to invade or purchase  
 him, act 4 Parl. 16 J. 6. But the Privy Council had no power  
 to Judge of life or limb, such as Amputation of the  
 Right hand, Act 248 Parl. 15 J. 6 or to reduce Crimi-  
 nal sentences, or to vacate Criminal causes *stat. Just. lib. 4*  
*tit. 37 s. 5.* Tho' for George Wither's Coffers on Act 48 Parl.  
 6 J. 3) think, that the privy council might by the Act  
 48 Parl. 6 J. 3 reduce the Verdicts of Inquests in Criminal  
 trials, and sentences of the Court of Justiciary. Neither  
 could the privy Council direct Letters of bearing upon  
 the Seal of Superior Judges 19 December 1676  
 went Young to other contra fandy procurator of the  
 Regality of Ayrshire observed by Durbourne or Permit  
 pitat punishments, which to do is the Kings prerogative.  
 Nor could they Dispense with Crimes, that is warrant  
 any to do what would be otherwise a Crime, beinge  
 off *Nulla caput off Valle.* Thus it was found by the  
 Lords of Justiciary, that an Act of Privy Council could not  
 authorize the Killing of Men who brought M. sal from  
 Ireland 14 June 1672 Mr. Archibald Cochrane & M. Gibson.  
 It would seem, that privy councillors Regularly  
 were not accountable for what they did under a King  
 who was of perfect Age, and Capable to Examine their  
 Advice Unless it were *decepta* because the privy  
 Council named by the Parliament to King James  
 the first were invalid Minority expressly made liable  
 to Answer for their Management. *Wickonzie off. on*  
 Act 12 Parl. 2 J. 4. It hath been Contravened, whether  
 the privy council could Delegate their power to any  
 of their Number as to all things *Wickonzie off. on*  
 on Act 47 Parl. 6 J. 3. But that was to Make a  
 New Council; and since the King impowred only  
 Nine to be a quorum to Judge, they could not autho-  
 rize

with a power Number: for Delegated Negit Delegare, nor  
 could the Justices, or the Commissioners for planting Churches  
 and Valuing tithes, who were as supreme Judges at the  
 Council, Make such committees.

The Privy Council of Scotland was abolished in the  
 Year 1707 and there is now but one privy council for  
 Scotland and England, call'd the privy council of Great  
 Britain, having the same powers as the privy council  
 of England had at the time of the Union, and None other  
 6 A. cap. 6 51 that ~~the~~ Enquire of all Crimes against  
 the Government and Commit the Criminals in order  
 to their trial in the ordinary courts of Justice, and pub-  
 lish proclamations for the public good honour &  
 some safety and Benefit of the Realm, binding the sub-  
 ject if they are not against the common or statute law or  
 introductory of any New law. But they take Cognizance  
 of no private Matters that may be Determined in other  
 Courts *Coke 4 Just. 53. 16 Car. 1 cap. 10. N. Alien can*  
 be of the privy Council, if not Naturalized at or be-  
 fore King George the firsts Accession to the Crown,  
 the Naturalized or Made Beneficially thereafter 12 W. 3  
 cap. 2 joint 1 G. 1 cap. 4 51.

### Chaps. 6.

Concerning officers of State and the Crown.  
 By the Act 31 Parl. 11 J. 6 the officers of State and  
 officers of the Crown seem to be Confounded and us'd as  
 equipollent terms, so that all officers of State are  
 likewise reckon'd officers of the Crown. But all officers  
 of the Crown are not Officers of State: for the high Clerk  
 Serjeant Comptroller Admiral and Marischal had no  
 Interest to sit and Vote in any publick Meetings by Vir-  
 tue of their offices, *Wickonzie off. of proedoncy pag 36.*  
 Tit. 11  
 The Officers of State.