their peers in parliament, as well for Capital offences as for Misdemeanours wherof they have been accused in Parliament before the Reformation. But since the Reformation there is no precedent of an English protestant Bishop, except Archbishop Laud that was tried for his life.

The house of Lords cannot upon Judgment exparte Domini Regis try any but their peers for Capital offences. Nor can any Appeals or private Accusations be made or any ways pursued before the house of Lords But Impeachments by the Comons in Parliament 4 Inst. 4 cap. 14. And the house of Lords cannot

try a Commoner for his life, except upon an Accusation by the house of Commons, which is termed an Impeachment from the Latin impetere But the house of Lords may upon an Impeachment by the house of Commons proceed to Judgment Against the Delinquents of what degree soever, and what Nature soever the offence be. Tho' Judicature in Parliament C. 64 upon Articles exhibited in Behalf of the Commons and maintained by the Commons (T) the house of Commons being the Representatives of the people have the power of Prosecuting by Impeachment all Ministers of State Publick officers and other great offenders for the publick safety before the house of Peers in parliament Assembled, who are the only proper Judges when the whole Commons find their Interest to be Prosecutors for the punishment of Offences which affect the Nation: as in the cases of the two Chief Justices Gresilian and Belknap and three Judges, Roll Gulthe & Burgh, who in the Parliament of Rich. 2 in the Year 1387 were Impeached of high treason for giving the King their opinions in certain points against the Constitution or form of the Government and law of Ireland, and Thomas Earl of Macclesfield Lord high Chancellor of great Britain, who was Impeached for high crimes and Misdemeanours in May 1725.

(T) Charges accepted, voted & approved by the Commons, & ordered to be sent up to the Lords by Mr Speaker. Resolved, That the Commons will make good their Charges against the Lord Macclesfield, when the Lords shall appoint a Time for that purpose. Ordered, That Mr Speaker do go to the Lords, and desire a Conference, to acquaint their Lordships, That this House hath accepted the Articles exhibited by the Commons against the Lord Macclesfield, and are ready to make good their Charges against him, when their Lordships shall appoint a Time for that purpose. Ordered, That Mr Speaker do go to the Lords, and desire a Conference, to acquaint their Lordships, That this House hath accepted the Articles exhibited by the Commons against the Lord Macclesfield, and are ready to make good their Charges against him, when their Lordships shall appoint a Time for that purpose. Ordered, That Mr Speaker do go to the Lords, and desire a Conference, to acquaint their Lordships, That this House hath accepted the Articles exhibited by the Commons against the Lord Macclesfield, and are ready to make good their Charges against him, when their Lordships shall appoint a Time for that purpose. Ordered, That Mr Speaker do go to the Lords, and desire a Conference, to acquaint their Lordships, That this House hath accepted the Articles exhibited by the Commons against the Lord Macclesfield, and are ready to make good their Charges against him, when their Lordships shall appoint a Time for that purpose.

Git. 2.

The court of a Lord high Steward of the Kingdom.

Peers must, upon Indictments of high treason or felony or Misprision of either, be tried out of Parliament by their peers, before one of that Body, whom the King, by Commission under the great seal of Great Britain, doth constitute Lord high Steward of the King dom pro re Nata. And what person hath the Benefit of such trial by their peers hath been shown supra page 674. But a peer hath the priviledge of such trial only at the suit of the King upon an Indictment of high treason or felony or Misprision of either. For in a suit of a private party a Peer must be tried out of Parliament as a Commoner, by an Ordinary Jury of 12 Men Cod. 3 Just. 30. 2 Just. 49. Fulton's pace 166. 6. Hawkins pl. Cr. lib. 2. chap. 44 § 13 & 14.

Git. 3.

Concerning Commissions of Oyer & Terminer. & other Commissions of Justiciary.

The Sovereign may issue out Commissions of Justiciary called Commissions of Oyer & Terminer (from the French ouir & terminer) to hear and determine offences Under the great seal of great Britain, Naming all ways therein three of the Lords of Justiciary, and one of them of the Quorum, to hear and determine high treason and Misprision thereof Committed in Scotland by Commanders. And where the Commission is to be Executed within any District where there is a Justice general, or person having Right of Justiciary with Jurisdiction in case of high treason or Misprision in the fourth Year of the Reign of Queen Anne which Right is Made Appear before the Lords of Session, and by