

in absence of the prisoner Lord Dolamore try 54. Hawkins
Ibid. 521. In prosecutions for high Crimes and Misdemeanors
by writing or speaking, the particular words supposed to
be criminal are not necessary to be expressly specified
in the Indictment, Sacler. Try. 449. Edit. 8.

After the pleading and Evidence is over, the Lord high
Steward Collects and Marks the Votes of the Peers for
=ation, and last of all gives his own Vote Lord Dolamore Try
55. Hawkins Ibid. 56. And informs the house how the plu-
rality of Votes have gone. Then the Prisoner is brought to
the Bar, and acquainted therewith by his Grace. If the
prisoner be found not guilty, he is to be Dismissed, and if
guilty receives Judgement by the Mouth of the Lord
high Steward: who thereafter Proclaims in his name
Disse with his Commission, by breaking his white Staff.

The King assents to Capital Judgements, but in a
case of Misdemeanour the Royal Assent is not necessary
to the Judgement upon Judicature in Parliament 136.

Chap. 2.

The order of Judicial proceeding
against Criminals who are Common
Criminals in England may be accused and Prosecuted
either at the suit of the King whose peace the offender
hath broken; or at the instance of some Private person
Interested and Injured, which private Accusation is called
an Appeal. But seeing there is no Appeal of Treason
or Misprision thereof, and the procedure against Com-
=moners in cases of high treason and Misprision there-
of is not the same as for other Crimes; and seeing high
treason and Misprision thereof fall not ^{only} under the
Cognizance of Commissioners of Oyer and Terminer,
but also of the Court of Justiciary, and the Circuit
Courts where those and other Crimes may be tried.

shall show the order of Judicial proceedings before a Commis-
sion of Oyer and Terminer, in cases of high treason and Mis-
prision thereof. 2. In the case of an Appeal, and then shall
set forth the order of Judicial proceedings before the court
of Justiciary, and the Circuit Courts.

Tit. 1.

The order of Judicial proceedings against
Commoners, before a Commission of Oyer
and Terminer in cases of high treason and
Misprision thereof: with the President Dif-
ferenced he tried the trial of the said
other Crimes in England upon Judicature.

Sec. 1.

How Commoners are Judiced, or tried, of
Judicature found against them for
high treason or Misprision thereof.
When a Commission of Oyer and Terminer is granted
Under the great seal of great Britain, four of the said
or other Commissioners (cum quorum) therein Named,
make a Latine precept under their hands and seals Di-
rected to the Sheriff of the County, or Stewart or a Stewar-
try, that is not subject to, or dependant upon any County,
wheroin the session of Oyer and Terminer is to be held
and kept, bearing date 15 days at least before the Day
of holding the session: for proclaiming the session to
be holden at such a place on such a day, and summoning
24 Jury Men, and the Justices of peace, Mayors and
Bailliffs of liberties within the County or Stewartry,
to appear there and there before the Commissioners