

There is still another and perhaps a better reason for nullifying the Commission. According to all the leading authorities, the House of Commons, as the grand inquest of the nation, is fully and alone competent to investigate every case of ministerial abuse or misconduct. Nearly two centuries ago, Hales, J., said: "The Court of Parliament is the highest court, and hath more privilege than any other court of the Realm. *Trewiniard's Case*, 36 H. 8, D. 60."—Hales on Parliament, p. 75. Elsewhere, p. 14, the same learned Judge observes: "It is *lex and consuetudo Parliamenti* that all *weighty* matters in any Parliament, moved concerning the Peers or Commons in Parliament, ought to be discussed, determined and adjudged by the course of Parliament, and not by any other law used in any inferior court, which was so declared to be *secundum legem et consuetudinem Parliamenti*, concerning the Peers of the Realm by the King and all the Lords, *pari ratione* for the Commons for anything done or moved in the House of Commons."

In 1775, in a work of high standing published by de Lolme, on the *Constitution of England*, these remarks are to be found: "The Constitution has besides supplied the Commons with the means of immediate opposition to the misconduct of government, by giving them a right to impeach the ministers. . . .

"If, for example, the public money has been employed in a manner contrary to the declared intention of those who granted it, an impeachment may be brought against those who had the management of it. If any abuse of power is committed, or in general anything done contrary to the public weal, they prosecute those who have been either the instruments or the advisers of the measure. . . .

"But who shall be the judges to decide in such a case? What tribunal will flatter itself that it can give an impartial decision, when it shall see, appearing at its bar, the government itself as the accused, and the representatives of the people as the accusers?

"It is before the House of Peers that the law has directed the Commons to carry their accusation." De Lolme, pp. 110-112.

It was likewise in this sense that the Commons thus answered a *quære* from the Lords in 1692:

"They thought it a strange and foreign supposition that a great and guilty Minister, finding himself liable to an impeachment in the next session of Parliament, should by his power procure himself to be tried