

Appendix III.

The duty of proving the accused person's guilt falls upon the House of Commons, which appoints Managers—usually lawyers of high standing—to conduct the further proceedings. The remaining members of the House go into Committee and attend the trial.

When peers are impeached, a Lord High Steward is specially appointed, but in all other cases the Lord Chancellor presides. In the main the procedure of ordinary criminal trials is followed, but the accusers may add further Articles if necessary. Any crime or offence may be the subject of an impeachment. Witnesses are called and examined on oath. Counsel are not allowed to act for the accused, and, as a result of the hardships imposed on Lord Lovat by his counsel being prohibited from cross-examining, the old rule has been altered, and counsel may now use their usual freedom.

At the conclusion of the hearing the President asks each peer, beginning with the junior baron (according to precedence, not age) for his verdict. The member then rises in his place, replying, "Guilty, upon my honour," or "Not guilty, upon my honour." The President gives his own opinion last. The verdict is then reported to the Commons, and sentence cannot be passed until the Commons demand its pronouncement. It is impossible for the King to pardon an offender so as to prevent his impeachment.

The last British impeachments were those of Warren Hastings, in 1788-95, and Lord Melville, in 1805. The proceedings against Queen Caroline were of a different nature. An ineffectual attempt to use the process of impeachment against Lord Palmerston took place in 1845.

An even more elaborate method of criminal procedure is available in Great Britain—by the use of a Bill of Attainder. Under that process the Commons are judges as well as the Lords.

APPENDIX IV.

BOOKS DEALING WITH LORD LOVAT.

The reader who determines to master Lovatic literature must be prepared to peruse a large number of volumes. It has been suggested to the Editor that a short account of the chief sources of information would prove useful.

The "Memoirs" were written by Lord Lovat in French, and, inferentially, for French consumption. In 1797 an English translation was published, and in 1902 they were edited by Mr. Hugh Keith Fraser, and republished for private circulation by Arthur L. Humphreys. They contain unmistakable evidence of the author's desire to ingratiate himself with the Jacobite Court in France by a highly-coloured account of his doings prior to his temporary conversion to Whiggism. The autobiography ends with the time of the writer's pardon by King George, and it does not seem unfair to suggest that he was careful not to continue his narrative further, so as to avoid emphasising his undoubted services to the House of Hanover in 1715. The pardon itself cut off all chance of the narrative being afterwards used against him in Britain. But for the pardon, the book of the "Memoirs" would certainly have been an official "production" in the treason trial of 1747. It was a convenient opportunity for the