

and consequently not peers with the nobility^t. As to peereffes, no provision was made for their trial when accused of treason or felony, till after Eleanor duchess of Gloucester, wife to the lord protector, had been accused of treason and found guilty of witchcraft, in an ecclesiastical synod, through the intrigues of cardinal Beaufort. This very extraordinary trial gave occasion to a special statute, 20 Hen. VI. c. 9. which enacts that peereffes, either in their own right or by marriage, shall be tried before the same judicature as peers of the realm. If a woman, noble in her own right, marries a commoner, she still remains noble, and shall be tried by her peers: but if she be only noble by marriage, then by a second marriage, with a commoner, she loses her dignity; for as by marriage it is gained, by marriage it is also lost. Yet if a duchess dowager marries a baron, she continues a duchess still; for all the nobility are *pares*, and therefore it is no degradation^v. A peer, or peereffes (either in her own right or by marriage) cannot be arrested in civil cases^u: and they have also many peculiar privileges annexed to their peerage in the course of judicial proceedings. A peer, sitting in judgment, gives not his verdict upon oath, like an ordinary jurymen, but upon his honour^w: he answers also to bills in chancery upon his honour, and not upon his oath^x; but, when he is examined as a witness either in civil or criminal cases, he must be sworn^y: for the respect, which the law shews to the honour of a peer, does not extend so far as to overturn a settled maxim, that *in judicio non creditur nisi juratis*^z. The honour of peers is however so highly tendered by the law, that it is much more penal to spread false reports of them, and certain other great officers of the realm, than of other men: scandal against them being called by the peculiar name of *scandalum magnatum*, and subjected to peculiar punishment by divers antient statutes^a.

^t 3 Inst. 30, 31.^v 2 Inst. 50.^u Finch. L. 355. 1 Ventr. 298.^w 2 Inst. 49.^x 1 P. Wms. 146.^y Salk. 512.^z Cro. Car. 64.^a 3 Edw. I. c. 34. 2 Ric. II. ft. 1. c. 5.
12 Ric. II. c. 11.