

are possessed of the right to give precedents to confirm it; but those who dispute the right ought to show precedents or judgments to the contrary, not passed *sub silentio*, but upon the point controverted; yet the Lords have commanded us to offer and leave with you the following precedents:—

By records, both ancient and modern, it doth appear,—

1. That the Lords and Commons have consulted together, and conferred one with another, upon the subject of supply to the King; and of the manner how the same may be levied, as the 14 E. III., N. 5: “Apres Grand Tret and Parleance entre les Grantz et le ditz Chevaliers et autres des Communes esteans en dit Parliament est accordees et assentus par tous les Grants et Communes,” &c.,—that they grant to the King the ninth of corn and wool.

Another, 29 E. III., N. 2; and another, more particularly, in 51 E. III., N. 18, where certain lords were named, from time to time, to confer with the Commons for their better help, in consulting for the raising money.

And this was sometimes by the King's command, as the 22nd E. III., N. 3;

Sometimes by motion or appointment of the Lords, as the 5th E. III., N. 8; and in the case of the great contract for tenures and purveyances, 7 Jac., 14 Feb., 1609;

And sometimes by desire of the Commons, 47 E. III., N. 6, 4 R. II., N. 10, 11, 12, 13, 14, 15, upon a great sum demanded for the King, the Commons come to the Lords and desire a moderation of the sum, and their consideration how it shall be levied. And it is very observable in this record, No. 13, which saith, “that the Lords sent for the Commons often before them, and showed to them their advice how the same shall be levied; and thereupon was granted, by Lords and Commons, twelvepence of every man,” 6 R. II., N. 14. And in the case of the great contract before-mentioned, 7^o Jac., 18th June, 1610, the Commons, at a Conference, desire to know what project their lordships will propound for levying that which shall be given other than upon land; and afterwards, by the Commons' answer to the Lords' proposal, agreed that the manner of levying it may be in the most easeful and contentful sort that by both Houses can be devised. See the whole proceedings of this intended contract, which doth, in several remarkable instances, show that the House of Commons themselves did allow the House of Peers their part in treating and debating on the subject of money to be levied for His Majesty.

2. That in aids and subsidies the Lords have anciently been expressly joined with the Commons in the gift, as in the first we can meet with in our statutes—that in the body of Magna Charta, cap. 37: “The archbishops, bishops, abbots, priors, earls, barons, knights, freeholders, and other our subjects have given unto us the fifteenth part of all their movables;” which undoubtedly included merchandise. And this style the ancient grants of subsidies, and the modern ones, too, do retain (the troublesome time of the war between the Houses of York and Lancaster only excepted); and even then it was, “The Commons, by advice and consent of the Lords, do give and grant;” till the beginning of Charles I. by the words, “We your Majesty's loyal subjects in Parliament assembled,” the Lords implicitly; or by the words, “We the Lords Spiritual and Temporal, and Commons, in Parliament assembled;” the Lords expressly, are joined in the grant, as by perusal of the statutes will appear.

3. That in subsidies of this nature—viz., Customs—the Lords have joined with the Commons in the grant of them; and that in the very beginning of those impositions, as when forty shillings on every sack of wool (a native home commodity) was granted to Edward I., in the third year of his reign, to him and his heirs. The grant is, *Magnates, Prælati, et tota communitas concesserunt*: See Patent Roll, 3 E. I., M. 1., N. 1. As also in other Patent Rolls where subsidies are recited, as the 15 E. III., N. 1., M. 12, the Close Roll and the Patent Roll of 3 E. I., M. 6.

4. And more particularly in impositions of this very species—tonnage and poundage—the Lords were, even at the first beginning, joined with the Commons in the grant; as the Parliament Roll in the 47 E. III., N. 10, the first establishment of it by Act, doth declare, where it is, expressly, “The Lords and Commons do grant.” And this style did continue, in Acts of this nature, till the end of R. II. After which, in those troublesome times, the style was various, till King H. the Eighth's time; and the style of Acts of Tonnage and Poundage was, “We, the Commons, by advice and consent of the Lords spiritual and temporal, do give and grant.” This form of gift, in tonnage and poundage, lasted E. the Sixth's, Queen Mary's, Elizabeth's, and King James's time, as the statutes themselves do declare.

5. And, to prove most undeniably that the Lords have their share in the gift of aids and supplies to the King, see the Act 9, H. IV., commonly called the Indemnity of the Lords and Commons; which provides expressly that the Lords should commune apart by themselves, and the Commons by themselves; and at the latter end enacts that the King shall thank both the Lords and Commons for subsidies given to him.

6. That the Lords may make amendments and alterations in Bills which grant tonnage and poundage (the very question now between us) appears in an ancient book, Case 33, H. VI., fol. 17; which was a consultation of all the Judges of England, and the Master of the Rolls, and the Clerk of the Parliament called to inform them of the manner of proceedings in Bills of Parliament: Where it is said that, if the Commons grant tonnage and poundage to endure for four years, and the Lords grant it but for two years, it shall not be carried back to the Commons, because it may stand with their grant, but must be so enrolled: And that the Lords have made amendments and alterations in Bills granting tonnage and poundage appears by that of the 1 E. VI. and 1 of Q. Eliz., and, even in the very point now in dispute, such amendments as do lessen the sum to the King, as the first of H. VIII.

Read the proviso.

We have seriously consulted our judgments and reasons to find objections, if it were possible, against this power of the Lords, and are so far from finding any that we are fixed in opinion that the want of it would be destructive to the government and peace of the kingdom, and the right of the Crown, in balancing and regulating of trade, and the making and preserving leagues and treaties with foreign princes and States; and the exercise of it cannot but be for the security of all, and for the ease and benefit of the subject.

The modesty of your ancestors in these arduous affairs gave great deference to the wisdom of the Lords.

Their lordships are very far from desiring to obstruct this gift—no, not for a moment of time—much less for ever, as was hinted to them at the last Conference: And therefore they desire the