

poundage for life; and it was given by the Commons alone.

2 H. VI., N. 14. The Commons grant tonage and poundage for two years.

31 H. VI., N. 7, 8, 9, 10. The Commons grant tonage, &c., for life.

8 Ed. IV., N. 30. The Commons grant two-tenths and two-fifteenths.

12 E. IV., c. 3. The grant for tonnage and poundage for life is recited to be by the Commons, and most of the rates mentioned in the Bill.

The wars of Yorke and Lancaster are so far from weakening these precedents, it strengthens them rather, for no man can think the Lords were then in less power, or less careful of their rights, than your Lordships are now. Wherefore, if, in those days, those forms were approved by those mighty men, it is a sign the right is clear.

1 H. VIII. Commons, by assent of the Lords, grant tonage.

15 H. VII. In Ireland was the first grant of tonage and poundage: but it said, at the prayer of the Commons it is enacted: which, in a kingdom where they are not tied to forms, shows the clear right.

1 E. VI., cap. 13; 1 Mar., cap. 8; 1 El., cap. 19. We, your poor Commons, by advice, &c., grant: and also avers the right, time out of mind, to be in the Commons. In like manner this statute of the 1st of El., cap. 19, gives us occasion to put your Lordships in mind of another precedent, which appears in your own Journals, Wednesday, 15 Feb., 1 Eliz.; for, while the Bill was passing, the inhabitants of Cheshire and Wales petition the Lords upon the second reading, that, forasmuch as they were subject to pay the Queen a certain duty called mises, therefore they might be excused of the subsidy and abated their parts of it. The Lords, who then knew they had no power to diminish any part of the aid granted by the Commons, did therefore address themselves to the Queen in their behalfs. The Queen commands an entry to be made in the Journal of the House of Lords, that she was pleased that the Cheshire men and the Welsh men should be respited the mises when they pay subsidies, and respited the subsidies when they pay mises; which is a strong proof that, as the Commons alone grant, so nobody can diminish their grant; else what need had the Lords to apply themselves to the Queen for it?

17 Car. I. Tonage and poundage was granted once for a month; then again for three months: but still the grant was by the Commons. In those days (how tumultuous soever) the Commons did not rise against the Lords; they agreed well enough.

12 C. II., cap. 4, tonage.

Cap. 24, for £7,000.

Cap. 23, excise for life.

12 C., cap. 27, for £420,000.

Cap. 19, £70,000 more.

13 C. II., cap. 3, £1,260,000.

14 C. II., cap. 10, chimney money.

15 C. II., cap. 9, four subsidies.

16 & 17 C. II., cap. 1, Royal aid.

17 C. II., cap. 1, Oxon, £1,250,000.

18 C. II., cap. 1, Poll Bill.

19 Car. II., cap. 8, eleven months' tax.

20 Car. II., cap. 1, £310,000 (wine).

22 C. II., cap. 3, wine and vinegar.

23 Car., subsidies, 1d. per pound.

Additional excise.

Impost on the law:

And the preamble of this very Bill now in question.

All grants of the Commons; yet none of those Bills were ever varied by your Lordships or your predecessors, which, if there had been such a right, would, some time or other, have been exercised, though in very small values, purposely to preserve that right.

Thus an uninterrupted possession of this privilege ever since 9 H. IV., confirmed by a multitude of precedents both before and after, not shaken by one precedent for these three hundred years, is now required to be delivered up or an end put to all further discourse; which opinion, if it be adhered to, is, as much as in your Lordships lies, to put an end to all further transactions between the Houses in matter of money, which we pray your Lordships to consider:

Because there appears not to the Commons any colour from the precedents cited by your Lordships why your opinions should be so fixed in this point, we suppose the main defence is in the reasons that have been given for it.

That paper begins with an observation that your Lordships had neither reason nor precedent offered by the Commons to back their resolution, and yet concludes with an answer to a precedent then cited by the House of Commons, viz., the Act of Tonage and Poundage now in force; and if your Lordships heard but one precedent then, you have now a great number besides those 1 of 3 E. I., and H. VIII., and 9 H. IV., and divers others your Lordships furnished us with.

Before the Commons answer to your Lordships reasons in particular, they desire to say first, in general, that it is a very unsafe thing, in any settled Government, to argue the reasons of the fundamental Constitutions, for that can tend to nothing that is profitable to the whole.

And this will more sensibly appear to your Lordships if the grounds and foundations of judicature be examined.

For there are several precedents in Parliament and some in book cases, which prove that the judicature is not to be exercised by all the Lords, but only such as the King is pleased to appoint. So is the Book Case of 22 E. III., 3 A. 6. And so is the Parliament roll, 25 E. III., N. 4; and divers other rolls of Parliament.

Several other precedents there are where the Commons, by the King's good pleasure, have been led into a share of the very judicature. So are the 42 E. III., N. 20, 21; 31 H. VI., N. 10; 8 Ed. IV., Hugh Brice's case, in the rolls of Parliament.

Some precedents there are where it was assigned for error in the House of Peers that the Lords gave judgment without petition or assent of the Commons. So is 2 H. V., N. 13.

Would your Lordships think it safe that a dispute should now be made of the very rights of judicature, because we have such precedents?

If usage for so long a time have silenced all disputes touching your Lordships' judicature, shall that usage be of no force to preserve the privileges of the Commons from all further question?

Also there is a precedent of an Act of Parliament passed by the King and Commons alone, without the Lords—viz., 1 E. VI., c. 5, and that twice approved—viz., 1 Eliz., c. 7, and 5 Eliz., c. 19, which do both allow and commend this Act.

Shall we therefore argue the foundations of the Legislature because we have such precedents?

But, to come to particulars,—

1. Your Lordships' first reason is from the happiness of the Constitution, that the two Houses are mutual checks upon each other.