

House of Commons to lay it to heart, and consider—if it should happen (which they heartily wish it may not) that there should be an obstruction upon occasion of this difference—at whose door it must lie, theirs that assume to themselves more than belongs to them, to the prejudice and diminution of the other's right, or theirs that do only exercise that just, lawful, and necessary power which, by the very nature and constant practice of Parliament is, and for many ages hath been, vested in both Houses.

Their lordships had under their consideration and debate the desiring a Free Conference with your House upon the reasons of the amendments in difference between the Houses; but, when they found that you had interwoven your general position with every reason you had offered upon particulars, it seemed to them that your judgments were prepossessed; and they hold it vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions, and upon terms of impossibility to persuade, and have therefore applied themselves only to that point which yet remains an impediment in the way of free and parliamentary debates and Conferences, which must necessarily be first removed, that so we may come to a Free Conference upon the Bill itself, and part with a fair correspondence between the two Houses.

SATURDAY, 22ND APRIL.

The Commons have desired this Conference, to preserve a good correspondence with the House of Peers, and to prevent the ill consequence of these misunderstandings, which may possibly interrupt the happy conclusion of this session, and of all future Parliaments too, if they be not very speedily removed.

Wherein the Commons are not without hopes of giving your Lordships full satisfaction in the point in question, and that without shaking any foundations, unless it be such as no man should lay, much less build upon, the foundations of a perpetual dissension between the two Houses.

Three things did surprise the Commons at the former Conference concerning the Bill for an additional imposition on several foreign commodities:

First, that, where they expected a discourse upon some amendments to that Bill, they met with nothing but a debate of the liberties of their House in the matter, measure, and time of rates upon merchandise, with a kind of a demand that these liberties might be delivered up to your Lordships by our public acknowledgment, before there should be any further discourse upon that Bill.

Secondly, that your Lordships should declare so fixed and settled a resolution in this point before you had so much as heard what could be replied in defence of the Commons.

Thirdly and lastly, that your Lordships should be so easily induced to take this resolution, if there be no other motives for it than those precedents and reasons which your Lordships have been pleased to impart to us.

The Commons confess that the best rule for deciding questions of right between the two Houses is the law and usage of Parliament; and that the best evidences of that usage and custom of Parliament are the most frequent and authentic precedents.

Therefore the Commons will first examine the precedents your Lordships seem to rely upon; then they will produce those by which their right is asserted; and, in the last place, they will consider the reasons upon which your Lordships ground yourselves.

By the nature of the precedents which your Lordships produce there is an evident departure from the question. As the former Conference left it, there the doubt was narrowed to this single point: whether your Lordships could retrench or abate any part of the rates which the Commons had granted upon merchandize. Here the precedents do go to a joint power of imposing and beginning of taxes, which is a point we have not yet heard your Lordships to pretend to, though this present difference prepares way for it.

Therefore, either these precedents prove too much by proving a power of imposing, or they prove nothing at all, by not proving a power of lessening.

And yet they do not prove a power of imposing neither, for these words, "the Lords and Commons grant," must either be understood *reddendo singula singulis*—that is, the Lords grant for themselves, and the Commons grant for the counties, cities, and boroughs whom they represent; or else the word "grant" must be understood only of the Lords' assent to what the Commons grant because the form of law requires that both join in one Bill to give it the force of a law.

This answers the statute of Magna Charta, c. 37, and those few instances where it is said "the Lords and Commons grant"—viz., 47 E. III., N. 10; 4 R. II., N. 10, 11, 12, 13, 14; 6 R. II., N. 14. But what answers can be given to those ancient and modern precedents and Acts where the grant moves and is acknowledged to come from the Commons alone, of which a multitude shall be hereinafter mentioned?

The case of 14 E. III., N. 5—"Après grant tret & parleance enter les grantz & chevaliers & Communs fuit assentus," &c.—is no grant of the 9th sheaf, as your Lordships cited it to be, but an agreement that the nones, granted in a former Parliament, should now be sold, because the money came not in fast enough.

22 E. III., N. 3, which your Lordships cite to prove that the King did sometimes command the Lords to consult with the Commons about raising money, proves little of that; but it proves expressly that the Commons granted three fifteens. And, as the grant runs wholly in their own name, so the record is full of many reasons why they could grant no more, and upon what conditions they granted so much.

And yet all these records wherein the Lords advised with the Commons about raising money, though they seem to make a show in your Lordships' paper, yet they prove two things of great importance to the Commons: First, that all aids must begin with the Commons, else the Lords need not to have conferred about the aids, but might have sent down a Bill. Secondly, that, when they are begun, the Lords can neither add nor diminish; else it was in vain to adjust the matter by private conference beforehand if the Lords could have reformed it afterwards—which shows how little service the records of 29 E. III., N. 11, 51 E. III., N. 18, can do your Lordships in the present question.

From the time of R. II. your Lordships come to 7^o Jac. to tell us of the treaty between the Lords and Commons touching the contract for tenures *in capite*, wherein, the Lords and Commons being to be purchasers, it was less subject to objection to confer both of the method and manner how the price agreed might be paid, for the satisfaction of the King; but this matter hath so little affinity with the present question of lessening rates upon merchandise given by the Commons that nothing