MISCELLANEA PARLIAMENTARIA
CONTAINING
I. Memorials of the manner of passing Bills, together with the Orders of the House. Collected by Observation, and out of the Journals, from the time of King Edward the Sixth.

By HEN. SCOBEI), Esq.; Cler. Parl.


By R. C. of the Middle Temple, Esq.

With so much of the Learned Sir Thomas Smith as relates to this Subject.

III. The Opinion of most Learned Antiquaries touching the Antiquity, Power, State, and Proceedings in Parliament.

IV. The Method of passing Bills in the Lords House, under twelve principal Heads.

By HENRY ELSTING, Cler. Parl.
Never before printed.

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MEMORIALS
OF THE
Method and Manner
OF
Proceedings in Parliament
In Passing
B I L L S.
Together with several Rules &
Customs, which by long and con-
stant practice have obtained
the Name of
Orders of the House.
GATHERED
By Observation, and out of the
Journal Books from the
time of Edward 6.

By H. S. E. C. P.

London, Printed in the year 1670
CHAP. 1.

The manner of choosing a Speaker in Parliament.

The day the Speaker is chosen, the proceeding hath been in this manner: Some person (when the generality of Members are come and sit) doth put the House in mind, That for their better proceedings in the weighty Affairs they are come about, their first work is to appoint a Speaker; and recommends to the House some Person of fitness and ability for that Service and Dignity; which usually hath been one of the long Robe. If the House generally give a testimonie of their approbation, two of the Members (which for the most part were of the Council or chief Officers of the Court) going to the Gentleman named, and agreed to be Speaker, take him from his Place and lead him unto the Chair, where being set, they return to their places.

If more then one person be named for Speaker, and it be doubtful who is more generally
generally chosen; sometimes one of the Members standing in his place, doth by direction or leave of the House, put a Question for determining the same.

In the first Session of the Parliament 1° Jacobi, Sir Edward Phelips, the Kings Serjeant at Law was first named by Mr. Secretary Herbert, as fit for that place, in regard of his Knowledge of the Laws, the gift of Utterance, his long experience and Practice in Parliament; after some silence, the names of others were mentioned, but the more general Voice ran upon Sir Edward Phelips, who thereupon stood up, and made a Speech to excuse and disable himself; but the House, notwithstanding his excuse, was willing to proceed to a Question, and directed the Clerk, sitting at the Board, (as the Order is before the Speaker be chosen, so it is entered in the Journal of that Session) to make the Question upon his name, viz. All that will have Sir Edward Phelips Speaker, say, Yea, &c. Which done, and he being by general Acclamation chosen Speaker, he was by Sir John Herbert and Sir Edward Stafford (leading him as the form is) placed in the Chair, the ancient Seat of Speakers: where being set, after
some silence he stood up and made a gratulatory Speech of Form and Thanks.

The first Business in the House is ordinarily to read a Bill that was not passed in the last Parliament preceding, or some new Bill; as in that of 1o Jacobi, a new Bill, Entitled, Touching Common Recoveries against Infants, was read.

But on that day before that was done, there was a Motion made for Privilege of Sir Thomas Shirley, who was chosen a Member to serve in that Parliament, but detained by an Arrest; upon which a Habeas corpus was awarded, and the Serjeant that arrested him and his Yeoman sent for, and a Committee for Elections and Privileges chosen.
CHAP. II.

Decorum to be observed in the House.

When the Speaker is set in his Chair, every Member is to sit in his place with his Head covered.

No Member in coming into the House, or in removing from his place, is to pass between the Speaker and any Member then speaking; nor may cross or go overthwart the House, or pass from one side to the other while the House is sitting.

No Member is to come into the House with his Head covered, nor to remove from one place to another with his Hat on, nor is to put on his Hat in coming in or removing, until he be late down in his place.

While the House is sitting, no man ought to speak or whisper to another, to the end the House may not be interrupted when any are speaking; but every one is to attend unto what is spoken. In which Case, Penalties have been imposed; as 4. Decem. 1640 and at other times.

When any Member intends to speak, he is to stand up in his place uncovered,
and address himself to the Speaker, who usually calls such person by his name, that the House may take notice who it is that speaks.

If more than one stand up at once, the Speaker is to determine who was first up, and he is to speak, and the other sit down, unless he who was first up sit down again, and give way to the other, or that some other Member stand up and acquaint the House, that another was up before him, whom the Speaker calls, and the House adjudge it so.

While one is speaking none else is to stand up or interrupt him until he have done speaking and be last down, and then any other may rise up and speak, observing the Rules.

21. Junii, 1604. It was agreed for an Order, That when Mr. Speaker desires to speak, he ought to be heard without Interruption, if the House be silent and not in dispute.

12. Jacobi, It was vouch'd by Sir Dudley Diggs, (a person of much experience in Parliaments) That when the Speaker stands up, the Member standing up ought to sit down.

27. April, 1604. Agreed for a Rule, That
That if any Question be upon a Bill, the Speaker is to explain, but not to sway the House with Argument or Dispute.

June 4, 1604. Agreed for an Order, That whosoever hiffeth or disturbeth any man in his Speech, shall answer it at the Bar.

7. Mai, 1607. Ordered upon the Question, That in going forth, no Man should stir until Mr. Speaker do arise and go before, and then all the rest to follow after him.
Standing Committees.

In Parliament there have usually been five standing Committees appointed in the beginning of the Parliament, and remaining during all the session; other Committees were made occasionally, & dissolv'd after the Business committed unto them was reported.

The standing Committees are for Privileges & Elections, Religion, Grievances, Courts of Justice, Trade.

The Committees for Religion, Grievances and Courts of Justice, are always Grand Committees of the House, which are to sit in the Afternoons upon such Dayes as the House doth appoint to them respectively.

The Committee for Trade hath sometimes been a select Committee particularly named, and all such Members as should come to it, to have Voices, as in November 1640. Sometimes a Grand Committee of the whole House, as 21. Iacobi.
CHAP. IV.

Power and proceedings of the Committee for Privileges.

But the Committee for Privileges and Elections hath alway had the precedence of all other Committees, being commonly the first Committee appointed, and ordinarily the first day after, or the same day the Speaker did take his place.

This Committee is constituted of particular Members named by the House.

21. Jacobi. Upon naming a Committee for Privileges and Elections, a Motion was made, That all that come should have Voices: but Sir Thomas Creu then Speaker (and well versed in Rules of Parliament) minded the House, That by the Orders of the House, that was not to be done; and by divers other Members it was insisted on, to be contrary to all former Precedents; yet upon the Debate a Question was put, Whether all that should come should have Voices at that Committee; and it passed in the Negative. And another Question being put, Whether
that the Persons nominated only should be of that Committee: it was resolved in the Alternative. It was then also agreed, That Council Book 26, Feb. 1600, in 39. Edw. That this Committee should be admitted at that Committee.

The Power of the Council, accordingly, was given this Committee, to attend the Entry in the Journal Book 26, Feb. 1600, in 39. Edw. That the Council Book shall be attended at that Committee.

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and since, that Power doth not appear to have been given them so absolutely; but matters of Privileged were, upon Information to the House, there heard, and not in a Committee, unless in some special Cases, wherein there was cause of Examination, or of some preparation of a Charge; as in the Case of Smale, 23 Eliz. and many other Cases.

The Power of this Committee usually was, as it is entered 6. November, 1640. To examine and consider all Questions which shall grok and arise in that Parliament about Elections, Returns and other Priviledges. Or, as in the Parliament 10 Jacobi, thus: This Committee are to examine all matters questionable touching Priviledges and Returns, and to acquaint the House with their proceedings from time to time, so, as Order may be taken according to the occasion, and agreeable with ancient Custom and Precedent.

And to the end these Questions might be speedily determined: and the House might know their Members, Days are usually assigned, beyond which there shall be no questioning a former Election.

So in the Parliament of 21. Jacobi, the second day of sitting, it was Ordered, That
Petitions about Elections and Returns should be preferred to the Committee of Privileges within a Fortnight from that Day, or else to be silenced for that Session.

16. April. 1640. Ordered, that those who would question Elections, should do it within Ten days by Petition.

6. Novemb. 1640. Ordered, That all such as will question Elections now returned, should do it in Fourteen dayes, and so within Fourteen dayes after any new Return.

Some questions have been, where there have been double Indentures returned for several persons for the same place, whether all or any, or which of them should sit.

The general rule and practice hath been in such case, That neither one nor other should sit in the House, until it were either decided or Ordered by the House: Therefore in April 1640, the Lord High Steward, who had power by himself or his Deputies, to minifter the Oathes of Supremacy and Allegiance to all Members returned, before they sate in the House, gave Order, That where there were more returned for any one place then ought to be, there should be none of them sworn.
till it were decided by the House who were duly Elected. But that which may satisfy herein, is the Order of the House in that Parliament, that if any sit in the House, that are returned by more Indentures than usual, they should withdraw till the Committee for Priviledges had further Ordered.

In the Parliament begun April, 1640, and November, 1640. It was moved, That where some are returned by the Sheriff or such other Officer, as in Law hath power to Return, and others by private hands; there those returned by the Sheriff or such Officer, should sit till the Election be quashed by the House.

But nothing was Ordered upon it.

24. Febv. 1623. Sir Francis Popham being returned a Burgess for Chippenham by one Indenture, and another person returned for the same place by another Indenture, it was moved he might be admitted into the House till the matter were determined against him, and a precedent quoted in Sir Thomas Wintour's Case the last precedent Parliament. But it was then insisted on by the Chancellor of the Dutchy and others, That this being a Case of a double Return, he was not to be admitted.
mitted; and so it was referred to the Committee for Privileges. His Case being reported 9. April, he was judged to be duly Elected.

21. JACOBUS. Two Indentures were returned for Southwark, the one returned Tarrow and Mingy; the other Tarrow and Bromfield; upon a Report from the Committee for Elections, it was resolved, That the Election and Return for Tarrow should stand good, and that he should sit in the House.

22. Martii 21. JACOBUS. The House was acquainted, that Sir John Jackson and Sir Tho. Beaumont were both returned for one Burgesses place for Poole; and therefore it was moved, That both might be suspended till it were determined; Mr. Glanvill made answer to that Motion, That he that was returned might sit in the House until it were determined; which being contradicted by others, and much Dispute on both sides, it was lastly urged by Sir Robert Phelps, That there was not any Precedent for it, and therefore moved the Committee might take the Election into consideration to morrow, and that in the mean time the parties might forbear to come into the House; which was Ordered accordingly.
4. Novemb. 1640. Upon a Report from the Committee for Priviledges, That several Indentures were returned for Burgesses for the Burrough of Bosfinny in the County of Cornwall, the one by the Major of the Town, the other promiscuously: The Committee were of opinion, upon view of the bare Indenture, That Sir Ch. Harbord, who was returned by the Major, was well returned; but the House declared he should not sit till the Election were decided.

In the same Parliament, two Returns were made for Mario Magna, in both Indentures John Burlace Esq; was returned; therefore, upon Report from the Committee, he was admitted to sit, but the other to forbear till the Question be determined.

17. April 19. Jacobis, It was Ordered, That no Petition should be received by a Committee, but openly at the Committee, and read at the Committee before the party go that preferred it, and the parties name that preferred it be subscribed.

In the Parliament in 21. Jacobis, upon a Report made from the Committee for Elections and Priviledges, praying the direction of the House, whether Affidavits might...
might be made use of at that Committee. These Reasons being insisted upon, that Affidavits should not be admitted.

1. Because it makes the Parliament lame without the Chancery.

2. It entitleth the Chancery to judge of Returns.

3. Affidavits are oftentimes cautiously made by Council or Parties.

4. Witnesses produced Viva voce, by Words, Actions, Gestures, or the like, may discover much, whereby the Committee may judge.

It was likewise informed by Sir Edward Coke, late Lord Chief Justice, that in the Parliament when he was Speaker, which was 35. Eliz. Affidavits were not used, nor since, until of late.

5. Though the Committee examine not an Oath, yet they may punish any that shall testify untruly: of which an instance was given in the last preceding Parliament in the Case of one Damport; It was Resolved, That all Affidavits to be taken in any Court concerning Elections, Returns, or any thing depending thereupon, should be rejected, and not hereafter to be used.

CHAP.
CHAP. V.

Members chosen in several Places.

If falling out ordinarily, that one person is chosen and returned to serve for several places, it is in his election to make his choice in the House in his own person for what place he will serve, and waive the other election, so as a Writ may go out for a new election for such place waived, that the number may be full; but if he shall not do it by the time which the House shall appoint, then it hath been laid, the House will appoint for what place such person shall continue a Member, and that Writs may go out for the other places: but Quære whether it hath been done.

Oftentimes on the first day of the meeting of the House, as soon as the Speaker hath been approved, and sometimes before, such persons as have been so doubly returned have made their choice.

In the first Session of Parliament i' Jacobi, the same day Sir Edward Phelps was chosen Speaker (before he was presented to the King) he signed a Warrant as Speaker,
Speaker, by command of the House, for Election of another Person in the place of Sir Francis Bacon being chosen in two places. And in the same Session, the same day after the Speaker had taken his place, divers Members who were severally returned, as elected in several places, made their choice for what places they would stand, and new Writs ordered.

The Parliament beginning the 13. April, 1640, and the Speaker being presented the 15th, upon the 16th day divers made their choice upon such double Returns.

The Parliament beginning 3. Novemb. 1640. Upon a long Debate for granting time for Elections on double Returns of this nature, It was resolved, That all such as are doubly returned shall make their choice for which place they will serve on Monday next:

9. Martii, Dr. Jacobi, Resolved, That all Members of this House doubly returned, shall make their Elections for which they will serve, and that those in the House shall do it presently, or else new Writs to issue for both.

CHAP.
CHAP. VI.

New Writs for vacant Places.

A General Order hath usually been made in the beginning of the Session, to authorize the Speaker to give Warrant for new Writs, in case of Death of any Member, or of double Returns, where the party makes his choice openly in the House during that Session; so it was Ordered in the beginning of the Parliaments 18. and 21. Jacobi.

Where such general Order is not made, Writs have issued by Warrant of the Speaker, by virtue of special Order, upon Motion in the House.

This Warrant is to be directed to the Clerk of the Crown in Chancery, by Order of Parliament 13. Novemb. 1601.

CHAP.
CHAP. VII.

Rules and Methods of Debates in the House.

When a Motion hath been made, the same may not be put to the Question until it be debated, or at least have been seconded and prosecuted by one or more persons standing up in their places as aforesaid, and then the same may be put to the Question, if the Question be called for by the House, or their general Sense be known, which the Speaker is to demand, unless any Member stand up to speak.

When a Motion hath been made, that Matter must receive a determination by a Question, or be laid aside by the general Sense of the House before another be entertained. An instance is in the Journal 28. June, 1604. A Motion being made, another interposed, a Speech tending to another Business: but it was answered, That there was no Precedent for that Speech to be used before the other. Motion, which was made before, had received an Answer and an end. And the House did accordingly
ingly determine the first Motion in the first place.

4. Decemb. 1640. Ordered, That till the Business in agitation be ended, no new Motion of any new Matter shall be made without leave of the House.

If the Matter moved do receive a Debate pro & contra, in that Debate none may speak more than once to the Matter: And after some time spent in the Debate, the Speaker collecting the Sense of the House upon the Debate, is to reduce the same into a Question, which he is to propound; to the end, the House in their Debate afterwards may be kept to the Matter of that Question, if the same be approved by the House to contain the substance of the former Debate.

After such Question is propounded, any Member may offer his Reasons against that Question in whole or in part, which may be laid aside by a general consent of the House without a Question put.

But without such general consent, no part of the Question propounded may be laid aside or omitted; and although the general Debates run against it, yet if any Member, before the Question be put without that part, stand up and desire
such Words or Clause may stand in the Question, before the main Question is put; a Question is to be put, Whether those Words or such Clause shall stand in the Question.

The like Method is observed, where any other Alteration is debated upon, to be made in a Question propounded; but upon putting a Question for such Addition, Alteration or Omission, any person who hath formerly spoken to the Matter of the Question, may speak again to shew his Reasons for, or against such Alteration, Addition or Omission, before such Question be put.

When the Speaker (the House calling for a Question) is putting the same, any Member that hath not before spoken to the matter, may stand up before the Negative be put.

13. junii, 1694. A Bill touching a Subsidy of Tonnage and Poundage having been formerly upon a third Reading re-committed, was returned; And a Proviso being tendered for Chester, which was twice read, the Question was put for Commitment in the Affirmative: but before the Negative was put, one stood up and spake it, which was admitted for Orderly, because
because it is no full Question without the Negative part be put as well as the Affirmative.

Every Question is to be put first in the Affirmative: viz. As many as are of opinion that (repeating the words of the Question) say, Tea. And then the Negative thus: As many as are of another opinion say No. To which Question every Member ought to give his Vote one way or other, and the Speaker is to declare his opinion, whether the Tea's or the No's have it, which is to stand as the Judgement of the House. But if any Member before any new Motion made, shall stand up and Declare, That he doth believe the Tea's, or No's (as the Case shall be) have it, contrary to the Speaker's opinion, then the Speaker is to give direction for the House to divide, declaring whether the Tea's or the No's are to go forth.

Upon the dividing of the House, those are to go forth who are for varying from, or against the constant Orders of the House, (as that a Question shall not be put, or not be now put, it being the course of the House, that after a Debate the same should be determined by a Question or the like) or against any Positive Order made
Decembris 1640. An Order being made the 9. day, That the House should be resolved into a Grand Committee the next day, for Debating the way for raising Money; Upon the 10. Day a Question was upon Debate put, whether the House should be resolved into a Grand Committee, upon which the House was divided, and a Doubt moved which were to go forth. It was declared for a contrary Rule, Those that give their Votes for Preservation of the Orders of the House, shall stay in; and those who give their otherwise, to the introducing any Matter, or for any Alteration should go forth.

Martii, 21. Jacobi, Upon a Report the Committee for Priviledges, a Question was put, That Sir Tho. Holland, Sir John Corbet were well Elected for Norfolk; The House was divided, and a Contest which should go forth; it was over-ruled by the House the No's went go forth, which is also the course upon any
Question to agree with a Report in favour of the Opinion of a Committee.

Upon dividing the House, the Speaker is to nominate two of those that are in the Affirmative, and two of the Negatives, to count the House; which four (each of them having a Staff in his hand) are to count the number of the Persons who remain sitting in the House, and then to stand within the Door, two on the one side and two on the other, and to count the Number of them who went forth as they come in.

While the House is thus divided or dividing, no Member may speak, nor (unless it be to go forth upon the Division) remove out of his place.

When the House is thus told, those two of the Tellers who are of the number of those who have the major Votes, standing on the right hand, and the two others on the left at the Bar, (the rest being all set in their places) are to come from thence up to the Table together, (making the usual Obeyslance to the House three times; once at the Bar, again in the middle of the House, and again when they are come to the Table) And that person who stands on the right hand, is to declare to the
Speaker the number of the Yeas (who went out as the Case is) and of the Nays: and then with like reverence to part into their places; after which, Speaker is to report the same to the House.

If the Affirmatives have the majority by the judgment of the Speaker (in case of division) upon the division, Clerk is to enter the Vote. Resolved: the Negatives, then he is to enter it ; The Question being put (setting in the Words of the Question) It passed the Negative.

Upon the division, if the Members appear to be equal, then the Speaker is to declare his Vote, whether he be a Yea or No, which in this Case is the casting vote; but in other Cases, the Speaker has no Vote.

May 1626. A Question was made whether a Man saying Yeas might afterwards sit and change his Opinion; a Precedent was remembered by Mr. Speaker (Sir Edward Phelips) of Mr. Ris Attorney of the Wards, in 39ab. that in like Case changed his opinion.

Upon a Debate it be much controverted.
Verted, and much be said against the Question, any Member may move, That the Question may be first made, whether that Question shall be put, or whether it shall be now put; which usually is admitted at the instance of any Member, especially if it be seconded and insisted on; and if that Question being put, it pass in the Affirmative, then the main Question is to be put immediately, and no man may speak anything further to it, either to add or alter: But before the Question, whether the Question shall be put, any person who hath not formerly spoken to the main Question, hath liberty to speak for it, or against it; because else he shall be precluded from speaking at all to it.

If in a Debate, there arise more Questions then one, and it be controverted which Question should be first put; the Question first moved and seconded is regularly to be first put, unless it be laid aside by general consent. If the first Question be insisted upon to be put, and the major part seem against it, the Question is to be, Whether that Question shall be now put: if that pass in the Negative, then the other Question may be put, if desired: nevertheless, any person may speak.
speak to it again before it be put. If in the Affirmative, then it is to be put without any addition or alteration, as before: and after that Question is put, if any member move to have the other Question at, every one hath leave to speak to it again as if it were a new Question.

If a Matter be received into Debate, and a Question grow, whether the House shall proceed in that Debate at this time, and it fall out that the House be divided; in such Case, the No's are to go forth, it being contrary to the course of the House, that any business should be laid aside till be determined by a Question; If the Question be for an adjournment of a Debate, the Yea's are to go forth upon the same reason.

After a Question is propounded, no man may speak more then once to the Matter; but having spoken to the Matter, when the Question comes to be put, he may speak to the Manner or Words of the Question, keeping himself to that only, and not raveling into the Merits of it.

If a Question upon a Debate contain more parts then one, and Members seem to be for one part, and not for the other, it may be moved that the same may be divided
divided into two or more Questions: as, 2. Decemb. 1640. The Debate having been, whether the Election of two Knights for the County of Warwick were void; a Question was put, whether it should be two Questions: and that being Resolved in the Affirmative, the Questions were put severally, upon the Election of the one first, and then of the other.

No member in his Discourse in the House may mention the name of any other Member then present, but to describe him by his Title or Addition; as, that Noble Lord, Worthy Knight; or by his Office, as, Judge, Serjeant, Gentleman of the long or short Robe; or by his Place, as the Gentleman near the Chair, near the Bar, on the other side; or thus, the Gentleman that spake last; or last save one, or the like.

During any Debate, any Member though he have spoken to the Matter, may rise up and speak to the Orders of the House, if they be transgressed, in case the Speaker do not; but if the Speaker stand up, he is first to be heard, and when he stands up, the other must sit down till the Speaker sit down. But if any person rise up to speak to the Orders of the House
house: in the midst of a Debate, he must keep within that Line, and not fall into the matter it self; if he do, he may be taken up by the Speaker, or any other Member, calling to the Orders of the House. While a Member is speaking to a Debate or Question, he is to be heard out, not taken down, unless by Mr. Speaker, in such Cases as you find therein expressed, or that he speak of such Matter the House doth not think fit to limit.

24. Januar. 23. Eliz. Upon a Debate in the House, Mr. Carleton, endeavouring to speak contrary to the Sense of the House, was interrupted; and afterwards offering to speak again, saying with some repetition, That it was for the liberty of the House, the Speaker and the House did say him.

April 1604. Agreed for a Rule of the House, He that digresses from the Matter to fall upon the Person, ought to be suppressed by the Speaker.

17. April 1604. Agreed for a general Rule, If any superfluous Motion or tedious Speech be offered in the House, the party is to be directed and ordered by the Speaker.

2. Maii 1610. A Member, speaking,
and his Speech seeming impertinent, and there being much Hissing and Spitting; It was conceived for a Rule, That Mr. Speaker may stay impertinent Speeches.

18 Maii 1604. It was Resolved, That eight ingrossed Bills should be read the next day half an hour after eight: The next day about that time, a Member entering into a long discourse De mera fide & sola fide, &c. was interrupted, and the Question offered, whether he should go on in respect of the Order. But it was agreed for a Rule, If any may speak not to the Matter in Question, the Speaker is to moderate.

14 April 1604. In a Matter formerly proposed, touching the abuse of the Purveyors, it was argued, Whether it were fittest to proceed by way of Petition to the King, or by Bill: which was spoken to by Mr. Marten, Mr. Hoskins and others, and lastly by Sir Henry Jenkin, who was observed to mistake the Question; and therefore (to prevent the idle expence of time) was interrupted by Mr. Speaker, and thereupon a Rule conceived, That if any Man speak impertinently or besides the Question in hand, it stands with the Orders of the House for Mr. Speaker
interrupt him, and to know the pleasure of the House, whether they will further hear on.

A Matter upon Debate having been so finally determined by a Question, ought not to be again brought into dispute.

27. Martii, 1604. Sir Edward Coke, attorney-General, and Doctor Hone, giving a Message from the Lords, desiring a Conference about the Case of Sir Francis Goodwyn. Upon this Message it was argued, That now the Judgment having passed the House, it could not, nor ought to be reversed by them; and upon the Question it was Resolved, There should be no Conference.

In sapientum decretis non est figura.

2. April, 1604. A Vote having passed some days past, That no Conference should be admitted with the Lords, the same Question was again moved, but was carried in the Negative; And it was then urged for a Rule, That a Question being once made and carried in the Affirmative or Negative cannot be questioned again, but must stand as the Judgement of the House.

In the Answer of the Commons House...
of Parliament to King James his Objec-
tions in Sir Francis Goodwyn's Case, 3 April
1604. The Objection being, that they re-
fuse Conference with the Lords.

The Answer is in these words, Concern-
ing our refusing Conference with the
Lords, there was none desired untill after
our Sentence passed; and then we thought
that in a matter private to our own House,
which by Rules of Order might not be by us
revoked, we might without any imputati-
on refuse to confer.
(35)

CHAP. VIII.

Grand Committees, and their manner of Proceedings.

A Grand Committee consists of as many Members, at least, as constitute the House, (less may not sit or act as a Committee) who have general Power to consider of any Matters touching a Subject Matter referred, and to present their Opinions therein to the House, it being better to prepare Matters of that nature, or Bills therein, for the House, which may better be prepared, by the Liberty that every Member hath in a Grand Committee, as well as in other Committees, to speak more than once to the same Finess, (if there be cause) which is not omitted in the House.

But Grand Committees have their powers and Rules, in other Circumstances, given them in express words by the House; as, to send for Witnesses, to hear and unseat, or assign them on either part, send for Records, which appears by several Motions made in the Parliament.

Jacobi. Sir Robert Phelips (a person of
of much Experience in the Course and Orders of Parliament) moved the House from the Grand Committee for Courts of Justice, that they might have Power in the particulars aforesaid.

8. Martii and 13. Martii in the same Parliament, Upon report from the Committee for Trade, (which then was a Grand Committee) the House was moved for their Order to the Merchants Adventurers to bring in their Patents, and that the Inventor of the pretermitted Customs should attend the Committee.

15. Maii 22. Jacobi, Upon Complaint from the Grand Committee for Grievances, that they had sent several Warrants for divers Persons to bring in their Patents, which they had not done; the House Ordered the Serjeant at Arms to be sent for them.

When any great Business is in agitation that requires much Debate, or a Bill for a Publick Tax is to be committed, the House doth use to resolve it self into a Grand Committee of the whole House; which is done by a Question, and then the Speaker leaves his Chair: and thereupon the Committee (which must consist of as great a number as constitutes a House) as
Before declared) makes choice of a man, in which case, if more then be generally called to the Chair, any member may stand up, and by consent of Committee, put a Question for one of named to be the Chair-man.

Jacobi, A dispute being in the Committee, which of two Members named go to the Chair, the Speaker was there, and put the Question, Sir Edward Coke (who was one of persons named) should take the Chair, and then the Speaker left his seat.

The Chair-man of the Grand Committee is to sit in the Clerks place at the table and to write the Votes of the Committee.

Upon putting a question, the Chair (who is to judge by the Voices) has heard his Opinion that the Yeas have it. Any Member stand up and say, He says the No's have it, (or contrariwise) the Committee is to divide within the House; the Chair-man directing the House to go to that side of the House, that the one hand, and the No's to the side, and then he is to appoint one to count the numbers and report them.
them; which is to be done in the same order as in the House, saving that the Obeysance is only twice in the Committee, thrice in the House: if the numbers be equal, the Chair-man hath a casting Voice, otherwise he hath no Voice in the Committee.

When the Committee hath gone through the Matter referred to them, the Chair-man having read all the Votes, is to put the Question, that the same be reported to the House: If that be resolved, he is to leave the Chair, and the Speaker being again called to the Chair, (or at the next sitting of the House, if it be then adjourned) the Chair-man is to report what hath been resolved at the Committee, standing in his usual place, from whence (if it be not in the seat next the Floor) he is to go down to the Bar, and so to bring up his Report to the Table.

If the Committee cannot perfect the Business at that sitting, they may not adjourn as other Committees; but a Question is to be made for reporting to the House, and that leave be asked, that the Committee may sit at another time on that Business.

But if, as sometimes it falls out, the Matter
Matter hath received a full Debate in the Committee, and it is judged fit to be resolved in the House, the Speaker is again called to the Chair for that purpose.

In other things then as aforesaid, the Rules of Proceedings are to be the same as are in the House.

4° Junii, 1607. agreed for a Rule.

1. Every Question upon the Voices of a Committee bindeth, and cannot be altered by themselves.

2. Every thing directed and agreed to be reported, ought to be accordingly reported: but not every thing spoken or debated at a Committee.

28th Julii, 1641. Declared by the House, That no Committee ought by Vote to determine the Right or Property of the Subject, without first acquainting the House therewith.

6° Aug. 1641. Resolved, that no Vote past at a Committee, and not reported nor confirmed by the House, shall be any Rule or Direction for any Court of Justice in Westminster-Hall to ground any Proceedings thereon.

CHAP.
Any Member of the House may offer a Bill for Public Good, except it be for imposing a Tax; which is not to be done but by Order of the House first had.

But if any Member desire, That an Act made and in force, may be repealed or altered, he is first to move the House in it, and have their Resolution, before any Bill, to that purpose may be offered; and if upon the Reasons shewed, for repealing or altering such Law, the House shall think it fit, they do usually appoint one or more of the Members to bring in a Bill for that purpose. In the beginning of every Parliament, some Persons have been appointed to consider of such Laws as had continuance to the present Session, whether they were fit to be continued or determined; as also of former Statutes repealed or discontinued, whether fit to be revived, and what are fit to be repealed.

19 April, 1604, Mr. Serjeant Sing moved.
moved for some course to be entred into for continuance of Statutes, and offered something in writing to that end, but the House thought fit a Bill for continuance should not be brought in by any but the Committee for that purpose; which holds a fortiori in repealing Statutes.

A private Bill that concerns a particular Person, is not to be offered to the House, till the leave of the House be desired, and the substance of such Bill made known, either by Motion or Petition: nevertheless, the Speaker hath had liberty to call for a private Bill to be read every morning; and usually the morning is spent in the first reading of Bills, 'till the House grow full.

If any Publique Bill be tendred, the person who tenders the Bill must first open the matter of the Bill to the House, and offer the Reasons for the admitting thereof; and thereupon, the House will either admit or deny it.

If a Bill be admitted to be read, the same is to be presented fairly written, without any rasure or interlineation, together with a Breviate of the heads of the Bill, and unless it be so tendred, the Speaker may refuse it.

When
When a Bill hath been read the first time, the Clerk is to deliver the same to the Speaker, who standing up uncovered, (whereas otherwise he sits with his hat on) and holding the Bill in his hand, is to open the same, first reading the Title thereof, and after he hath done, declares this to be the first reading of such Bill; and untill the Bill be opened, no Member may speak to it.

After the first reading of a Bill, and the same opened, no man regularly may speak to it, untill it hath been the second time read, unless he speak to cast it out, in which case any other may speak for the retaining thereof: Nevertheless, it is not without Precedent. That upon the first reading of a Bill, Debates have been upon it pro and contra, especially when the House hath generally disliked the Bill; and in case, after Debate, the House do call to the Question, and the Sense of the House therein be doubtfull, the first Question is to be put (not, whether the Bill shall be read the second time, for so it ought to be in ordinary course without a Question, if nothing be said against it, but) whether the Bill shall be rejected. If it pass in the Affirmative, the Clerk enters the
the same in his Journal, and also endorses it upon the back of the Bill.

By the Journal of the Parliament held 43° Eliz. November 17°. Upon Debate of the Bill against unlawful Hunting, fifth Session of the first Parliament of King James, this appears to have been the course.

In the Parliament 1604. the Bill touching Apparel upon the first reading was disliked, &c. so spoken to pro and contra; which is not usually admitted, without some extraordinary conceit of mischief, inconvenience or imperfection, and the Question was put presently for the Rejection: Upon the division of the House, those for the Bill, those against it went out; which was also done 7° Aug. 1641. upon the Question for rejecting the Bill for Light-houses in the North.

If the Bill be not so generally opposed, but only by some, then the Question is to be, whether the Bill shall be read a second time; and if that Question for reading the Bill a second time pass in the Affirmative, it is to be read at such convenient time as the House shall be minded of it by the Speaker, or as the House shall appoint: If it pass in the Negative, then a Question is to be put for Rejection.
Bills, especially Publique Bills, have not usually been read more then once in one day, but put off to the next day, or for two or three days, (except it require haste) to the end the Members of the House may have time to consider of it: and (if they shall desire it) may peruse the Bill, to enable them to speak to it at the next reading. But in former times Bills have been twice, yea thrice read in one day, and passed; as may be seen in the Proceedings upon the Bill against Counterfeit Seals 160 Febr. 23rd Eliz. and in the Bill against Disobedience to the Queen 4th Martii, of the same Year, The Bill for Recognition of the Succession of the Crown in the first Session of the Parliament 1st Jacobi: And therefore any Member may move it may be read the same day the second time; and any other Member hath liberty to offer his Reasons against such second reading at that time; but it is not done, but upon Motion or Order of the House.

Sometimes the House upon Debate doth pass some Votes to be the Heads of a Bill; or refer it to a Committee of the whole House to prepare such Heads. Nevertheless, when it is digested into a Bill,
and that comes to be read or passed, it is lawful to debate or argue against all or any part thereof, to alter or reject it; because Votes, in order to a Bill, are no further binding, but that the Bill is to be presented containing those Votes; and because the Bill gives occasion of a more large Debate, and being to pass into a Law, every Member hath liberty to offer his Reasons against it, as well as give his Vote, as often as it comes to a Question.

When a Bill hath been read the second time, and opened as before, any Member may move to have the same amended, but must speak but once to it; and therefore must take all his Exceptions against the Bill, and every part of it, at one time: For in the Debate of a Bill, no man may speak but once the same day, except the Bill be read more then once that day, and then he may speak as often as it is read.

4° Junii, 1604. Agreed for a Rule, If two stand up to speak to a Bill, he that would speak against the Bill, if it be known by demand or otherwise, is to be first heard.

If the Exceptions be such as may not be amended at the Table, then the Question is for the committing of the Bill:
but no Bill is to be committed without some exceptions taken to it; as it was insisted on upon that Question for committing the Bill for Probate of Suggestions in case of Prohibitions, which were then made, and thereupon the Bill was committed.

No Proviso or Clauses are to be tendered to a Bill upon a second reading; because if it be committed, it is proper to offer them to the Committee without troubling the House: as 16th Juni, 1604. It was moved that sundry Proviso's then tendered, be offered to the Committee.

If that Question for Commitment pass in the Negative, then the Question is to be put for ingrossing the Bill; so it was upon the second reading of the Bill for Limitations of Actions, 21st Jacobi. And another Bill for explanation of a Clause in an Act 3rd Jacobi, Entituled, An Act for the better discovering and suppressing Romish Recusants, the same day. But if the Question for ingrossing the Bill pass in the Negative, then the Question is to be put for rejecting the Bill.

If the Question for committing the Bill pass in the Affirmative, then a Committee is to be named; of which, all those that
took Exceptions against any particulars in the Bill (but not those who spake against the whole Bill) are to be, and any Members that please, may name one a-piece, but not more to be of that Committee.

10 Novembr. 1640. Declared for a Rule, That at the naming of a Committee, if any man rise to speak, the Clerk ought not to write.

11° Novembr. 1601. Resolved and Ordered upon the Question, That such Member as declares himself against the body or substance of any Bill upon any the readings thereof, shall not hereafter be admitted to be of a Committee in any such Bill, according to former Order used in Parliament.

7° Martii. 1606. Mr. Hadley being assigned of a Committee to confer with the Lords, desired to be spared, he being in opinion against the Matter itself; and it was conceived for a Rule, That no man was to be employed in any Matter, that had declared himself against it: And the Question being put, whether Mr. Hadley were to be employed; it was resolved, he was not to be employed.

Committees upon Bills have not usual-
ly been less than Eight, sometimes Twenty, seldom more in former times; which engaged them to attend it and speed it.

12th April 1604. Upon a Motion made touching the flow Proceedings and dispatch of such Bills and Business as were depending in the House, which grew, as was said, by the non-attendance of Committees: It was Ordered, That if Eight of any Committee do assemble, they might proceed to a Resolution in any Business of the House. Formerly all were to attend.

When a competent number are named, the Speaker useth to put the House in mind of appointing the time and place of their meeting; at which time the Committee are to meet; especially those who did make any exceptions to the Bill; Eight of the Persons named must be present to make a Committee, (unless where a less number of them are appointed to be a Committee, which hath been done sometimes in Private Cases, but seldom or never in Publicque Bills) but five may adjourn.

In some Cases the House hath Ordered a Committee to withdraw into the Committee Chamber presently, and bring it back sitting the House; as was done in
the Bill for Probate of Suggestions in cases of Prohibitions aforesaid.

Some Bills of great concernment; and chiefly in Bills to impose a Tax, or raise Money from the people, are committed to a Committee of the whole House; to the end there may be opportunity for fuller Debates, for that at a Committee the Members have liberty to speak as often as they shall see cause, to one Question; and that such Bills being of general concernment, should be most solemnly proceeded in, and well weighed: and sometimes when a Bill of that nature hath been conceived fit to be made, the House hath thought fit to resolve themselves into a Committee, and either there, or in the House, to Vote some heads for direction of such as shall be employed to prepare the Bill:

Any Member of the House may be present at any select Committee, but is not to have any Vote, unless he be named to be of the Committee.

The Committee are first to read the Bill, and then to consider the same by parts.

The Preamble, if any be, is usually considered after the other parts of the Bill, because
because, upon the consideration of the body of the Bill, such alterations may be therein made, as may also occasion the alteration of the Preamble; which will best be done last.

The Committee may not raze, inter-line, or blot the Bill itself; but must in a Paper by itself set down the Amendments in this manner: viz. In such a Folio and such a Line; between such a word and such a word, or after such a word, insert these words, or omit these words; and in stead thereof (if there be cause) insert these words.

When the Amendments are all perfected, every one being voted singly, all of them are to be read at the Committee, and put to the Question, whether the same shall be reported to the House: When that Vote is to be put, any Member of the Committee, may move to add to those Amendments, or to amend any other part of the Bill.

Otherwise, when a Vote is once passed at a Committee, the same may not be altered, but by the House: so the Entry is in the Journal 4° Junii; 1607. Every Question upon the Voices of the Committee bindeth, and cannot be altered by them.
themselves. And thus every thing agreed to be reported, ought to be reported.

If the Vote of the Committee pass for reporting the Amendments to the House, then one of the Members of the Committee (which is commonly the Chairman) who is best acquainted with the Bill, is to be appointed to make the Report; which being done, that Committee is dissolved, and can act no more without a new power.

3° Martii, 1606. It was Ordered, That every Committee when they proceeded to Amendment of any Bill Committed to them, should also amend the Breviate annexed, and make it agree with the Bill.

Reports are usually to be received daily, in the first place, after the House is full; except there be Bills ingrossed which are to take place, and Publicke Bills before Private.

The Reporter must first acquaint the House, That he is to make a Report from such a Committee, to whom such a Bill was committed, and standing in his place, must read each of the Amendments with the Coherence in the Bill; and opening the Alterations and the Reasons of the Committee for such Amendments, until
he hath gone through all, and then must
(if he sit not in the seat next the floor)
come from his place to the Bar, and so
come up to the Table, and deliver both
the Bill and Amendments to the Clerk,
by whom he is to stand, while the same are
twice read; which is to be done by him
(without reading any words that are to
be omitted, but only such as are to be in-
serted) before any man speak to any of
them; and then the Bill, with the Amend-
ments, is to be delivered to the Speaker.

4th June, 1607. The Bill touching the
Union between England and Scotland ha-
ying been committed, when the Amend-
ments were reported, the whole Bill was
by Order of the House first read, and then
the Amendments by themselves; which is
a single Precedent used only in a Case of
great weight.

After such reading of the Amendments,
any Member may speak against all, or any
of the Amendments, and desire the Co-
herence to be read; but he is to make all
his Objections at once to all the Amend-
ments, without speaking again: only
sometimes in Matters of great concern-
ment, it hath been desired, that the A-
mandments be considered one by one, and
to put to the Question, and then may he speak to each of them.

Exceptions may be taken as well to what is omitted out of the Bill by the Committee, as to what is amended.

6th June, 1624. Amendments being reported to a Bill for providing a godly and learned Ministry; a Question was made, whether the words [or being no Graduate] struck out by the Committee, shall stand in the Bill: and it was upon the Question Ordered to stand.

Upon this or any other Report from a Committee, the first Question ought to be for agreeing with the Report, unless the House generally dislike it.

All the Amendments reported by the Committee are to be proceeded in before any new Amendment or Proviso be admitted, unless it be amending the Amendments reported.

If there be Exceptions against the Amendments reported, which cannot be conveniently amended at the Table, then the Bill is to be recommitted to the same Committees.

After the House hath proceeded upon all the Amendments reported, there have been sometimes offered other Amendments.
mendments, Proviso's, or additional Clauses written in Paper, after acquainting the House with the substance thereof, which (if the House do approve) are to be read by the Clerk, and opened by the Speaker. After the first reading and opening, any person may speak for rejecting it, or for a second reading; which if it come to a Question, the first Question to be put, is, Whether it shall be read the second time; if that be carried in the Negative, the next Question is for rejecting it.

If the Vote pass for the second reading of such Clause or Proviso, then (after reading and opening it as before) is a proper time for Debate thereof, for alteration or laying it aside, or for committing the same with the Bill.

But regularly, no such thing should be offered after a commitment, but the same should be offered to the Committee, where it may be first considered and prepared, and so the time of the House saved.

If the Amendments be agreed, and no such Clause or Proviso tendered, or being tendered be agreed, then the Question is to be, That this Bill with the Amendments (and Proviso's or Clauses added, if any
any be) be ingrossed; at which time any may speak for rejecting the Bill, as well upon the first or second reading. But if the Vote for ingrossing pass in the Affirmative, the same is to be ingrossed by the Clerk, and hath used to be examined by the Reporter, and one or more of the former Committee, to take care the same be truly ingrossed; especially if the Amendments be many, and not fairly written.

The Title is to be indorsed on the back of the Bill, and not within.

All Bills regularly are to be ingrossed and read a third time; which being ingrossed, the Speaker is to put the House in mind thereof, at convenient times, to have them read: And ingrossed Bills are to be read before any other, unless it be of great concernment; in which case, the House hath sometimes Ordered, That such Bill should not be read till Ten of the clock, to the end the House may be full.

The Speaker, the day before, doth usually acquaint the House, That such Bills are ingrossed, and that he intends the next day to offer them to be passed.

 purge feb 18. Jacobis Ordered, That no Bill be put to pass till Nine of the clock, and
and notice to be given the day before, That Bills shall be passed the next day:

24 April 22 Jacobi, Ordered, That all the Members of the House do attend the House half an hour after Seven of the clock, and Bills to be put to passage by Eight; and that on Monday next they should be offered to passing.

Upon such third reading and opening thereof by the Speaker, as before (the House being acquainted this is the third reading) any Member may then likewise speak against the whole Bill to throw out the same, or to any Clause thereof, to be omitted or amended; so as such Amendment be in one or few Words, which may be done at the Table.

A Proviso or Clause ingrossed in Parchment, may after a third reading, and before the Question for passing it, be tendered to be made part of the Bill; but he that tenders it must be careful, that the same be so penned, as that it may pass as it is, or be capable of an Amendment at the Table, by adding or amending one or few words: else it is in danger to be rejected, because it is not regularly to be committed.

When such Proviso or Clause is so tendered, the substance thereof being first opened
ened to the House, if the House admit the same to be read, it is to have the same proceeding, as in the first, second, and third Reading of a Bill; and if after the second reading there be no Objection against it; or after Debate, when it comes to a Question, the Question is to be put, whether the Proviso or Clause shall be part of the Bill: If the same pass in the Negative, then the Clerk is to enter a Memorandum thereof; if in the Affirmative, then an Entry is to be made thereof likewise; and then he is to File the same to the Bill ingrossed.

If while such Proviso or Clause is in Debate, any Question be for Amendment thereof, or for Addition thereunto before the Proviso or Clause be put to the Question, the Question is to be put, whether such Amendment or Addition shall be made. If that pass in the Negative, and no other be desired; (which, if it be, is in like sort to be proceeded in) the Proviso or Clause alone (or if in the Affirmative, then with that Amendment or Addition) is to be put to the Question, whether it shall be part of the Bill as before.

If the House think fit to amend anything in an ingrossed Bill, the same, so as...
it do not deface the Bill, is to be done at the Table; for after a third reading, no Bill is to be recommitted upon the Matter or Body of the Bill: so the Journal, 1610, but the Debate hath been adjourned to another day. If it be the next day, without any other Debates between; then he who spake to the body of the Bill the day before, may not speak again to the Bill or any part thereof, no more than he might have spoken twice that day.

22. June, 1604. The Bill for Restraint of the excessive wearing of Cloth of Gold and Silver, Gold and Silver Lace, &c. was read the third time, and much disputed; but the time being far spent, further Dispute and the Question was deferred to the next morning.

23. June, The Dispute touching the Bill for Apparel was moved and continued. Upon the Dispute of that Bill, some Members of the House offering to speak, having spoken the day before to the same Bill: It was agreed for a Rule, If a Bill be continued in Speech from day to day, one man may not speak twice to the Matter of the same Bill.

Or else, a Bill hath been committed upon some particular Clause or Proviso, which
which was done in a Case of the Fourth Session of Parliament, in the First year of King James, upon the Bill touching Sea-sands, and in the third Session of the same Parliament, upon the Bill of Clothing: when, upon a Report of the Committee, the next day, a Proviso was by direction of the House razed out of the Bill, by the Clerk at the Table, and so the Bill put to the Question, passed.

But if the words to be amended may be done at the Table, it is done there without a recommitment:

So 6o Maii, 1606. It was much disputed, whether a Bill ingrossed, and found fault with, should be recommitted into the Committee Chamber, or amended at the Table: It was resolved, it should be amended at the Table.

When a Bill is read the third time, if any Clause be resolved by the House to be added, not being tending in Parchment, the same ought to be written first in Paper, and read twice; and then if it be agreed, and ordered to be ingrossed and added to the Bill, it is then to be ingrossed, and read a third time; and so if it be agreed, is to be passed with the Bill: Thus it was done in the Bill to restrain the Haunting.
Haunting of Ale-houses, in June 1604, where a Clause was added, That the Act should continue only to the end of the First Session of the next Parliament.

When all the Clauses and Proviso’s to the Bill are agreed or rejected, and the Debate ended, the Speaker is to ask the pleasure of the House, whether he shall put the Bill to the Question; if it be the general Sense of the House, and none stand up to speak against it, then he is to put the Question Affirmatively and Negatively.

If any Member stand up before the Negative be put, he having not formerly spoken to the Matter, he is to be heard.

If it pass in the Affirmative, an Entry is to be made thereof in the Journal Book, as of all other the Proceedings aforesaid: if in the Negative, the Clerk enters on the back of the Bill, Dashed.

11 Novembr. 1601. Upon Question after Debate, whether any Member of the House, after having been a Committee in any Bill, may afterwards speak in the Negative part against the said Bill: It was resolved and ordered upon the Question by the whole House, That any Member of this House, that hath been or shall be a Com-
citee in any Bill, may afterward speak or argue Negatively to any such Bill, without Impeachment, or imputation of breach of former Order: which said Order and Resolution was appointed by the House to be entred for a future Precedent accordingly.

21° Martii, 1588. The Bill for relief of the City of Lincoln, was read the third time; and after many Arguments, both for the Bill and against it, the Bill was passed upon the Question, and the division of the House, with the difference of 53 persons, viz., with the Bill 118 and against the Bill 65. Which Difference being reported to the House, the Bill was afterwards, according to the ancient Orders of the House in such cases, carried out and brought in again by Mr. Vice-Chancellor, with the Bill in his hand, followed and attended on with all the Members of the House then present, as well those who had first before given their Voices against the passing the said Bill, as those that had given their Votes with the passing of the same.

The Entry is made in the Journal of the Session of Parliament.

4° Jacobi. The Question being put for passing
passing a Bill, the House was divided, the Ye's went forth, the No's late, and it passed in the Affirmative; upon Motion, such as late against the Bill went forth of the House, and brought in the Bill in their hands, which is according to ancient Order, and was now moved, and done once in a Parliament for preserving the memory of the Order, and so expressed by the Mover.

When a Bill is passed after the third reading, there is no further alteration to be made; yet in case of an apparent mistake therein, either by false writing or otherwise, the House hath upon notice thereof, caused the same to be amended the day following, in the House; where the Amendments are to be thrice read, and the Bill again passed, whereof there was a Precedent in 23° Eliz. 20° Januarii.

In passing a Bill, the Question is but once put.

Maii 18° 1604. The Bill for shooting in Guns was put to the Question, and passed in the Negative, as Mr. Speaker judged; It was urged that the Voice was doubtful, and a double Question pressed, but forborn, and this Rule agreed: No double Question upon the passing of a Bill, though...
though sometimes upon the committing of it, it is double, if the Voice or Question be not clear.

If it happen that two Bills be depending at the same time, which have so near affinity, as they may be fit to be joined; after they have been twice read, the House hath sometimes Ordered, that they should be ingrossed as one Bill: this was done in two Bills concerning Treasons, as appears by the Journal Book 16 Aprils 13° Elizabeth.

A Bill once rejected, is not to be offered again the same Session, unless it be altered in some material parts.

15° Junii, 1604. Upon Debate of a Bill for reviving divers Statutes, and repealing others, a Clause was added by the Committee, to be inserted in an Act of 35° Eliz. Entitled, An Act to retain the Queens Subjects in their due Obedience; to this effect, That the Husband should not pay for the Wives Recusancy: which Clause was much argued, and a Question proposed.

The manner of the Question was disputed which way it should be put.

What

That this Clause shall stand, or

other

That this Clause shall not stand.
and it was agreed for a Rule, that upon the adding of any new thing, the Question is to be put in the Affirmative; whether it shall stand upon the continuing of the old: in the Negative, that it shall not stand.

The Question being, whether the Statute of 43 Eliz. Entitled, An Act for Explanation of a certain Act made 13 Elizabeth, &c. should be continued: and the House being divided, much Dispute and Difference there was, whether upon this Question the Yeas or No's should sit: It was thereupon affirmed and conceived for a Rule, when any alteration is required of a Law in being, (as in this Case) and thereupon the Question put; the Yeas must sit still, and the No's go forth.

15 Junii, 1604. A Question being, whether a Law, formerly made, should continue till the end of the next Session of Parliament; much difference and dispute was, whether, upon the Question, the Yeas or the No's should sit: Upon a Question put, it was resolved, the Yeas ought to sit still, and the No's to go forth: The House was divided, the Reporters differ in the number, the House divided again: this did not satisfie, it being affirmed
affirmed to be contrary to Precedent, and bred much debate, what was to be done: at length, the House was content to let the Question rest as it was, and thought fit to Order a new Bill for reviving the Law.

May, 1604. Resolved to be entred as the Judgment of this House, That no Speaker from henceforth shall deliver a Bill, whereof the House is possessed, to any whomsoever, without leave and allowance of the House, but a Copy onely. Eodem die: It is no possession of a Bill, except the same be delivered to the Clerk to be read, or that the Speaker read the Title of it in the Chair.

CHAP.
CHAP. X.

Private Bills, and Proceedings on them.

When there are many Private Bills, the House hath sometimes set apart certain times for that Business only:

As, 7° Maii, 1571. It was Ordered, That the House do begin to sit on Friday next at Three of the clock in the afternoon, and continue till Five; and so every Monday, Wednesday and Friday, till the end of that Session, the same time to be employed only in the first reading of Private Bills.

And in the first Parliament of King James, It was Ordered, That the House should meet at Seven of the clock, and the time till Nine of the clock should be spent in reading Private Bills.

When any Private Bills, that is, Bills concerning Private Persons, Corporations, or some one or more particular Shire, or Counties; or any Publique Bill, wherein is any Clause or Proviso, that concerns such Person, Corporation, County or Counties, is preferred to the House,
or in agitation in the House, such person or persons may be heard by themselves or Council, either at the Bar of the House, if it be desired, or at a Committee to whom such Bill is committed; whereof are many instances.

28 Junii, 1607. A Bill for mending the High-ways in the Counties of Sussex, Surrey and Kent, was ruled to be a Private Bill; and it was Ordered, That ordinary Duties should be paid and performed for the same, or else there should be no further proceeding in it.

20 Aprilis, 1606. A Bill was appointed to be read touching the Fens; those who followed the Bill, desired their Council might be heard, to open the state of their Case, and the equity and reasonableness of their Petition, before it were read; but it was not admitted: It being declared, That if the Council of the other side desired to be heard, then both should be received; and accordingly it was ruled, That Council for the maintenance of any Bill, ought not to be heard before it be opposed.

22 Maii, 1604. It was moved, That whereas the Prothonotaries of the Court of Common-Pleas found themselves aggrieved.
ved by a Bill, preferred into this House, for regis-
trnng Judgments that may im-
pach Purchasers, &c. being now ingrossed,
their Council might be heard at the
Bar upon the third reading; and there-
upon it was Ordered, That Council on all
parts interested should be heard on Thursday
following; and upon hearing Council, the
Bill was dashed.

7° Maii, 1604. It was moved, That in
the Proceedings of a Bill for confirmation
of the Lands of Henry Butler Esq; upon
the Marriage of his Son, there might be
notice given by Mr. Speaker to the said
Henry: which was Ordered, and a Letter
written accordingly.

In the same Session it was moved, That
in the Case between Le·Grice and Cotterel,
notice might be given by Letter under Mr.
Speakers hand, before any further proceed-
ing; and that Council and Witnesses might
be heard at the Committee: which was
Ordered.

In the Case of a Bill between the Earl
of Hertford and Mr. Seymour, Council
was heard at the Bar; the Earl of Hert-
ford and the Lord Henry Seymour his bro-
ther came into the House, and were ad-
mitted to come within the Bar, and to sit
fit upon stools with their Heads covered.

11. Febr. 1557. In the Parliament 4. and 5. Phil. & Maria, the Abbé of Westminster had leave to come with his Council to the Bar of the Commons, touching his claim to the Sanctuary of Westminster; and accordingly he came the next day in Person into the House, and produced several Patents to make good his Claim; and had a further time given for himself and his Council to be heard.

4. Maii, 1607. The Council on both sides were heard at the Bar in the House upon the Bill for the Marshalsea.

11 Novemb. 1640. It is Declared as a constant Order of the House, That if a Witness be brought to the House, the House sitting, the Bar is to be down; otherwise, if the House be in a Committee:

CHAP:
18th Jacob, Upon the Report from the Committee for Privileges, touching Election for Gatton, Sir Henry Brittain being concerned, and offering to speak in his own Case; it was resolved upon long Debate, he should be heard to inform the House, and then go forth.

21st Jacob, A Bill which concerned the Master and Fellows of Magdalen Colledge in Cambridge, being read the second time, and in Debate, It was moved, that Dr. Gooch Master of Magdalen Colledge (who served for the University) and so a party, ought to withdraw; It was resolved, He may first speak, and then withdraw.

June 1604. A Bill for establishment of divers Mannors, &c. of the late Duke of Somerset, being offered to the Question of commitment; it was moved, That Mr. Seymour, a Member of the House and party to the Bill, might go forth during the Debate; which was conceived to be agreeable to former Orders and Prece-
dents in like Cases, and was so Ordered, and Mr. Seymour went presently forth of doors.

When any Complaint is made against a Member, or Exceptions taken to any thing spoken by him, (after he hath been heard to explain himself, if he desire, or the House command it, which is usually done by him standing in his place) if the House be not satisfied, but fall into Debate thereof, such Member is to withdraw; as in the several Cases of Doctor Parry, the Chancellor of the Dutchy, and others appears.

CHAP:
CHAP. XII.

Censures of Members for offensive Words or Misbehaviour.

Though freedom of Speech and Debates be another undoubted Privilege of the House; yet whatsoever is spoken in the House, is subject to the censure of the House: and where they find cause (as, In licitis facile fines transgressimur) offences of this kind have been severely punished, by calling the person to the Bar, to make submission; committing him to the Tower, (being the usual Prison to which the Commons did commit Delinquents) expelling the House; disabling him to be a Member during that Parliament, and sometimes of any future Parliament.

The Entries in the Journal I find to be as followeth:

17. May, 1572. Upon sundry Motions made by divers Members of the House, It was Ordered, That Arthur Hall Esq; for sundry Speeches used by him in the House and abroad, should be warned by the Serjeant to be at the House on Monday following,
lowing, and at the Bar, to answer Matters charged against him; and all such persons as had noted his Words, either in the House or abroad, were forthwith to meet, and set down the same Words in writing, and deliver the same to the Speaker.

On Monday following, Mr. Hall was brought to the Bar by the Serjeant, was charged with several Articles, and confessed his folly; and humbly submitted himself to the House, and was remitted.

8. Febr. 1575. P. W. Esq; one of the Burgess of Tregony in the County of Cornwall, was, for un reverence and undutiful Words uttered by him in the House, touching the Queen, lequestred; that the House might proceed to conference and consideration of his said Speech: upon Debate whereof he was committed to the Serjeants Ward, as Prisoner, and so remaining, should be examined upon his said Speech, for extenuating his fault therein.

The next day a Report was made of his examination and confession of the words; he was brought to the Bar by the Serjeant, received this Judgment by the mouth of Mr. Speaker.

That he should be committed close prisoner
prisoner to the Tower, till the House should take further consideration concerning him.

4° Febr. 1580. Being the third Session of the Fourth Parliament of Queen Elizabeth 23. Year of her reign, complaint was made in the House against Arthur Hall Esq.; before named, who had caused a Book to be printed, wherein was published the Conferences of the House; and in it was contained matter of Reproach against some particular Members of the House, derogatory to the general Authority, Power, and State of the House, and prejudicial to the validity of the Proceedings of the same. The matter was referred to a Committee to examine, and upon Report thereof, and bringing the said Mr. Hall to the Bar several times to Answer; he was sentenced by the House to be-committed to the Tower, (as the prisoner proper to this House) there to remain for the space of Six months, and so much longer, as until he should himself willingly make a Retraction of the said Book, to the satisfaction of the House, or of such Order as the House should make during that Session.

That the said Arthur Hall should be fined
fined to the Queen Five hundred pounds for his said Offence.

That he should be presently severed and cut off from being a Member of this House during this Parliament, and a Writ to issue for Election of a new Burgess, for the Borough of Grantham, in his stead. That the said Book should be deemed, and adjudged false and erroneous.

Thereupon, the said Mr. Hall was brought to the Bar, unto whom Mr. Speaker, in the name of the whole House, pronounced the said Judgment, in form aforesaid; and the Serjeant was commanded to take charge of him, and to convey him to the Tower, and deliver him to the Lieutenant of the Tower, by Warrant of this House to be signed by the Speaker.

18. March. 1580. He having continued Prisoner in the Tower without any Retraction, the House appointed a Committee to allow the said Retraction, and to report it to the House at the next Session.

It appeareth by the Journal 21 November, 1586. That he was disabled for ever to serve in Parliament.

17. December. 1584. A Bill against Jesuits...
Jesuits and Seminary Priests passed upon the Question: Dr. Parry only gave at Negative; and after inveighed in violent Speeches against the whole Bill. Upon which, he was sequestred from the House into the outer room, into the hands of the Serjeant, and not to confer with any while the House was in debate of that Business. Afterwards he was brought to the Bar, and there kneeling, was told by the Speaker, if he thought fit, the House was content to hear his Reasons; but he refusing, was committed to the Serjeants Ward.

The next day he was brought to the Bar, and kneeling, confessed he had undutifully behaved himself; and had rashly and unadvisedly uttered those Speeches he had used; and was, with all his heart, very sorry for it. Alleging withall, he had never been of the House till that Session, and so could not so well know the Orders of the House as he should do; and that he would not henceforth willingly offend the House, nor any one man in it; and so humbly prayed their good favor towards him. Whereupon, being again sequestred out of the House, after some Arguments and Debates, it was resolved, Upon this ac-
knowledgement of his fault, and his hum-
ble submission, he should be received into
this House again, as a Member thereof,
and take his place as before, so that he
would still afterwards behave himself in
good sort as he ought to do: and there-
upon, being called again to the Bar, and
there kneeling, and directly reiterating
his former Confession of his fault, and
humble submission, with promise of better
demeanor, he was admitted.

13. Febr. 1696. Upon a Report made
in the House, of the Remembrances for-
merly set down of the particulars of a
Conference, the Speaker offering to read
the Paper, and being interrupted by some
Motions and Disputes, whether they
should be read one by one and so debated,
or all at once: in that difference, one of
the Knights for Buckinghamshire, with a
loud voice (not standing up bare-headed,
as the Order is) pressed to have them
read. The House observing his earnest-
ness, and manner of sitting and calling, for
Orders sake urged him to stand up and
speak. He stood up, and pretenting to
offer some Reasons, fell into an Invective
against the Scots, much distasteful the
House; yet out of a common care to ex-
pedite
pedite the weighty Business then in hand, his Speech was neglected without Tax or Censure.

But on Monday following it was re-membred, and his words of offence recited in particular; the Gentleman being absent, was sent for by the Serjeant.

Touching the manner of proceeding in this Case, many Motions and Questions were moved: as, 1. Whether to name a Committee to consider wherewith to charge him. 2. Whether to censure him upon their own knowledge, without other Circumstances, the fault being apparent. 3. Whether to charge him in general, or with the particular Words. Much was said upon these Questions pro and contra, and the Precedents of Parry and Throckmorton remembred, wherein for Words spoken in the House, the Proceeding was by the House, and not by Committee; the Offences generally charged, and punished, and the Words put in oblivion: and so in this Case, the Judgment and Proceeding resolved to be accordingly.

The Serjeant having brought the Offender, it was moved he might be heard at the Bar, which was assented unto; and after he had spoken, he was commanded to
to retire; and not long after, was called in again to the Bar, where kneeling, Mr. Speaker acquainted him, since the Offence was so apparently hainous, the House did not hold it fit, that any particulars should be named, or to give any Reason of their Judgment; but the Order was, He should be carried to the prison of the Tower, and there remain during the pleasure of the House: and that he should be dismissed from his place of Knight of the Shire for Bucks, and a new Writ to issue for a new Choice.

15. Febr. 18. Jacobi. A Bill being read the second time for the better Observation of the Sabbath: one of the Members made an Invective against it, and something which seemed to reflect on a Member of the House who presented it, as favouring of a Puritan and a Fasitious spirit. Exceptions were taken at the words. After he had explained himself, he was ordered to withdraw out of the House; and Debate being had, he was called to the Bar, and upon his knees, he received the Judgement of the House pronounced by the Speaker: That he should be discharged from the Service of the House; with an intimation, that his Judgement was very merciful.
merciful, for that the House might for so exorbitant an Offence, have Imprisoned and further punished him.

3. April, 1604. In a Debate upon a Bill, a Member of the House uttered some Speeches highly distasting the House; but no notice was taken of it till the Bill was committed, and then the Words being repeated, he was called to the Bar, where he made his excuse, and was pardoned.

26. April, 1641. Great Offence was taken by the House at words spoken by Mr. J.H. He was first heard to explain himself, and then commanded to withdraw, and was called to the Bar and suspended the House during that Session of Parliament.

27. May, 1631. A Paper was brought in containing Words spoken by Mr. Taylor a Member of the House, concerning the passing the Bill of Attainder of the Earl of Strafford: who being heard to explain himself, and then commanded to withdraw; after some Debate in the House, it was resolved, That he should be expelled the House; be made uncapable of ever being a Member of this House; and should forthwith be committed prisoner to the Tower, there to remain during the pleasure of the House; and should make an acknow-
acknowledgement of his Offence, both at the Bar and at Windsor publiquely. And he was called to the Bar, and there kneeling, Mr. Speaker pronounced the Sentence accordingly.

Of later times it hath been observed, as most conducing to the Service of the House, that if in Debate Words be let fall that give offence, Exceptions should be taken the same day, and before such Member go out of the House; or he who is offended may move, That such person may not go out of the House, until he hath given satisfaction in what was by him spoken. And in such Case, after the present Debate is over, the words must be repeated by the person excepting; and in case he desire, or the House command him, he is to explain himself, standing in his place; which if he refuse to do, or the House be not satisfied with such Explanation, then he is to withdraw: But neither is this to interrupt the present Business of the House, as in the cases before-mentioned; nor if it be omitted that day, hath it been recalled afterwards to avoid mistakes, and out of a willingness rather to pass by, then take occasion of Offence.
13. May, 12 Jacobi. Upon report of the Amendments to the Bill for the due observation of the Sabbath day, complaint was made that some indignity was offered to Sir R. Owen, when he was in the Chair at the Committee, by Sir W. H. that told him he was partial; and by Sir R. K. who took him by the hand, and told him, he would pull him out of the Chair, that he should put no more tricks upon the House.

Sir W. H. being present, made an acknowledgment of his Error, which upon the Question was taken for a good satisfaction.

Sir R. K. was Ordered by the House to acknowledge his error at the Bar.

19 Jacobi. Some speeches passing in the House privately between two of the Members, and some offence taken, which seems was not intended to be given; one of them in going down the Parliament stairs struck the other; who thereupon caught at a sword then in his mans hand to strike with it. Upon complaint made of it to the House, they were both of them ordered to attend the House. Being come, he who gave the blow was called in, and standing (not at the Bar, but) by the Bar,
Bar, was examined by Mr. Speaker; confessed the giving the blow, insisted on the provocation, and withdrew. The other was also called in, to relate the truth. After he had made the relation, and was likewise withdrawn, and testimony given by a Member of the House who heard the words; the House proceeded to Sentence against Mr. C. who struck the blow: he being brought to the Bar, there on his knees he received Judgement, which was pronounced by the Speaker, That he should be committed to the Tower during the pleasure of the House.
C H A P. XIII.

Calling the House.

There are two ends of Calling the House.

1. To discover whether any were in the House, who are not returned by the Clerk of the Crown in Chancery; it having been accounted a great Crime, and severely punished.

5. Martii, 1557. In the Parliament held 4 & Phil. & Maria, I find this Entry.

For that Christopher Perne affirmed, that he is returned a Burgess for Plimpton, in Devon, and hath brought no Warrant thereof to the House, nor is returned either by the Clerk of the Crown, by Book or Warrant; he is awarded to be in the custody of the Serjeant, till the House have farther considered.

It appears by that Book afterwards, that he was chosen a Burgess, and admitted.

sread to the House, being very full, that there were a greater number then was returned; therefore the Names were immediately called over, and as they were called, departed out of the House.

7. Febr. 1588. The House was called, and every one answered to his name, and departed out of the House as they were called.

2. But chiefly the Calling the House, is to discover what Members are absent without leave of the House, or just cause; in which case, Fines have been imposed. And on this occasion, if the House be called, the manner hath been to call over the Names, and each Member to stand up at the mention of his name, uncovering his head. Such as are present are marked, and the Defaulters called over again the same day, sometimes the day after, sometimes summoned, sometimes sent for by the Serjeant.

19. June, 1607. The House was called by the general Book of Names, in order as they were set down by the Clerk of the Crown at the beginning of the Parliament, (so it is there entered) The Clerk called every one by his name; the person called, if present, riseth up bare-headed, and
and answereth; if absent, he is either excused, and so entred, viz. 
\[ \text{Licentiatur per speciale servitum.} \]
\[ \text{Excusatur ex gratia.} \]
\[ \text{Ægrotat.} \]
If none excuse him, he is entred, Deficit. 
That no Person may sit in the House until he be so returned as aforesaid, appears by several Instances of Persons who were not Members; and for coming into the House, were brought to the Bar, and some committed; and some sworn before they departed, to keep secret what they had heard there.
Petitions in Parliament:

Petitions are usually presented by Members of the same County; if they be concerning private Persons, they are to be subscribed, and the Persons presenting them, called in to the Bar to avow the substance of the Petition, especially if it be a Complaint against any.

So 18. November, 1640. one Vivers presented a Petition in the name of the Major, Aldermen, Burgesses, and other Inhabitants of Bambury, was called in, and did acknowledge the hand to the Petition to be his; and that he did deliver it by order, and on behalf of the Town of Bambury, and thereupon it was committed.

The like, in the same Parliament, upon reading the Petition of one Ward of Salop: And likewise on reading the Petition of Henry Hogan.
CHAP. XV.
Privilege of Parliament.

It is often mentioned in the Journals upon Debates, That Privilege was due eundo, morando, redeundo, for the persons of Members, and their necessary Servants; and in some cases for their Goods and Estates also during that time. Some Question hath been touching the time in which the Privilege is to be allowed, and the manner how it is to be obtained.

For the first, the Precedents are very numerous for allowing Privilege during the Session.

1. For their own persons, They have been privileged from Suits, Arrests, Imprisonments, attendance on Trials, serving in Juries, and the like; yea, from being summoned or called to attend upon any Suit in other Courts by Subpœna served on them. To begin with the latter.

Subpœna.

In the Parliament 4 & 5 Phil. & Maria, 29. January, 1557. Thomas Ennis Burgels for the Borough of Thusk, complained that a Subpœna was delivered him to appear in Chancery, and required the Privi-
Priviledge of the House; whereupon Sir Clement Higham and Mr. Recorder of London were sent to the Lord Chancellor to revoke the Proces.

And albeit an Entry is made in the Journal 10 Febraruii, 1584. 26 Elizabethe, That upon Motion made touching the opinion of the House for Priviledge, in case of a Subpœna served out of the Chancery upon M. Richard Cook a Member of the House: It was Ordered, That the Recorder of London, and two other Members of the House, attended by the Serjeant, should repair presently in the name of the whole House, into the body of the Court of Chancery, and there to signify to the Lord Chancellor and Master of the Rolls, That by the ancient Liberties of this House, the Members of the same are priviledged from being served with Subpœna's: and to require withal, not onely the discharge of Mr. Cook's Appearance, but from thenceforth, to grant Priviledge for other Members, upon the request of the House signified under the Speakers hand: which Mr. Recorder and the rest did accordingly. But they return this answer, That the Lord Chancellor told them, he knew no such Priviledge
ledge touching Subpœna's, and would not allow it, unless the House did prove it had been allowed also in that Court of Chancery: whereupon Precedents were directed to be viewed; but within few days after the Parliament ended.

Yet the practice in succeeding times declares the Priviledge, as appears by the Instance following, (which was the next Year after) and those that follow, with a multitude more which might be mentioned:

27 Eliz. One Kirle having caused a Subpœna out of the Star-Chamber to be served on a Member of the Commons House; and for want of Appearance, taken out an Attachment, and enforced the payment of Money to discharge the same; the said Kirle was committed till he had paid costs to the person served, and made a submission to the House on his knees at the Bar.

15. Maii, 1604. A Subpœna out of the Chancery to appear, was served on the person of Sir Robert Needham Knight, a Member of Parliament: upon complaint thereof, the Serjeant was sent to Attach the body of him who served the Subpœna.

7 Maii, 1607. The Serjeant was sent for
for Edward Throckmorton, for serving a Subpœna on Sir Oliver Cromwel.

14 Maii, 19 Jacobi, Upon complaint of the service of a Subpœna on a Member of this House, Sir Edward Coke vouched a Precedent; 10 Edvardi 3. That a Subpœna being served on the Clerk of this House, the party was committed for breaking the Privilege of this House.

4 Maii 1607. A Subpœna out of the Exchequer being served on Sir R. Pawlet a Member of the House; the House thought fit to grant Privilege, and that the same course should be taken, as in other the like cases are usual: viz. The Serjeant by his Mace to Attach the parties Delinquents, and to bring them to the Bar, to receive the Judgement of the House; and Mr. Speaker the next day wrote a Letter to the Lord chief Baron, that no further Proces do issue against the said Sir R. Pawlet.

3 Decemb. 19 Jacobi, Upon occasion of a Subpœna served on Mr. Breeriton, it was agreed by the whole House, That the serving of a Subpœna upon a Member of this House, knowing him to be a Parliament man, is a Breach of Privilege; and Napper who served the Subpœna was committed.
Arrest.

33. Eliz. The Sheriffs of London were fined by the Commons, and sent to the Tower, for not delivering a Burgess arrested for Debt, sitting the Parliament.

6. April, 1593. The Serjeant at the Mace who arrested Mr. Neal, a Member of this House, upon an Execution; as also Webling, at whose Suit he was arrested, contrary to the Privileedge of this House, were this day brought to the Bar, and were both committed Prisoners to the Tower; and the Serjeant at Arms attending this House, was ordered to deliver them over to the Lieutenant of the Tower.

Utterly.

13. May, 1607. Nicholas Allen an Attorney, and Palmer, at whose Suit Mr. Martin, a Member of this House, was outlawed, were ordered to be sent for by the Serjeant, and brought to the Bar to answer their Contempt.

Attachment.

In the same Parliament, there being Complaint, that an Attachment was taken forth.
forth against Mr. Bellingham, a Member of this House, out of the Court of Chancery, for a Contempt; the House ordered to have Priviledge, and a Letter was ordered to be sent to Mr. Evelin, one of the six Clerks, to stay the Suit.

Issues.

A Writ of Petition being issued out, a Writ was directed to the Sheriff, to levy xx. l. Issues upon Sir Robert Oxenbridge, for Non-appearance; the same was complained of, and the House granted Priviledge, with this, That if the Issues were not discharged before the next day at night, the parties Delinquent were the day after to be brought to the Bar by the Serjeant.

Tryals.

14. May 1576. Sir Edward Montague, a Member of the House, was warned to attend a Tryal in London, which was to be had against him; and was by Order of the House priviledged; and the party that gave the warning, was summoned to appear at the Bar the next morning.

21. Febr. 1588. Upon Motion made
by divers Members of the House, having Writs of Nisi prius brought against them, that Writs of Supercedeas might be awarded, in respect of the Privilege of this House, due to the Members: It was Ordered, That those Members of the House, who have occasion of such Privilege, should declare their Case to the Speaker, who shall thereupon direct the Warrant of this House to the Lord Chancellor for awarding such Writ of Supercedeas.

3. Martii, 18 Jacobi. Upon a Report from a Committee appointed to consider of a way of staying Tryals against Members of the House; That by several Precedents, the Custom appeared to be in such Cases; That on Motions and Orders in the House, Letters were written to the Justices of Assize for stay of Tryals against Members of the House; which Letters were entered in the Journal Book, and that it belongeth to the Clerk to write the same. It was thereupon resolved, That the former course of writing Letters to the Justices of Assize, should be held according to former Precedents.

10 Junii, 1607. Sir Robert Johnson a Member of the House moved for a Letter to
to stay a Tryal against him in the Exchequer, which was granted, as appeareth by the Entry on the 13th day, when a Petition of Sir Robert Brett was read against that Privilege. The Privilege formerly granted was affirmed, upon this Reason, That no man should have any thing to withdraw him from his Service in the House. The like 14 Feb. 18 Jacobi.

And so much this Privilege hath been insisted on by the House, that it hath been a Question, Whether any Member of the House could consent that himself should be sued during the Session; because the Privilege is not the persons so much as the Houses: And therefore, when any person hath been brought to the Bar for any Offence of this nature, the Speaker hath usually charged the person in the name of the whole House, as a breach of the Privilege of the House.

And when, 3. June, 1607. Sir Thomas Holcroft a Member of the House, had occasion to sue at Law, and was sued, with which he was content, and desired the leave of the House; there was a Question, whether the House should give leave for a breach of Privilege, and it was resolved, The House might give leave.
7 Maii, 1607. Sir Thomas Bigg and Sir Thomas Love, being returned upon an Attaint in the Kings Bench; it being moved, that in this Case they ought to have Privileedge: it was so ordered, and the Serjeant sent with his Mace, to deliver the pleasure of the House to the Secundary, the Court sitting.

22. Novemb. 1597. Sir John Tracy, a Member of this House, being at the Common-pleas Bar, to be put upon a Jury; the Serjeant at Arms was presently sent with his Mace to fetch him thence, to attend his Service in the House.

Commitment.

April 12. Jacobi, Sir William Bampfield was committed by the Lord Chancellor for a Contempt, after the Writ of Summons, but before the Election. Ordered upon the Question, That he shall have his Privileedge by Writ of Habeas Corpus.

Sheriff:

1 Jacobi. 2 Sess. Sir John Peyton Knight for Cambridge, being returned the last Session,
Session, and since chosen Sheriff; Mr. Speaker moved to know the pleasure of the House, Whether he should attend his Service here: And it was resolved upon the Question in the House; he should attend his Service here.

Privilege to Servants.

Privilege was also granted to the Servants of Members during the sitting of Parliament.

16 Febr. 5 Eliz. Robert Parker Servant to Sir William Woodhouse Knight for Norfolk, being attached in London, at the Suit of one Baker, in a Trespass; had a Warrant of Privilege, notwithstanding Judgement given against him for Four Marks.

20 Febr. 18 Eliz. 1575. Upon the Question, and also upon Division of the House, Edward Smaley Servant unto Arthur Hall Esq.; one of the Burgesses for Grantham, being arrested upon an Execution, had Privilege.

16 Decembr. 44 Eliz. Anthony Curwen Servant to William Huddleston Esq.; one of the Knights of Cumberland, being arrested upon a Capias ad satisfaciendum, out
out of the Common Pleas, for six pounds Debt, and Forty shillings Damages, and detained in Execution; a Supersedeas was awarded, and he was delivered.

11 Maii 19 Jacobi. The Under-sheriff of Middlesex was called to the Bar, for causing Alexander Melling Servant to the Chancellor of the Dutchy to be arrested; he denied he knew him to be his Servant: Mr. Speaker let him know, the House had ordered him to have Priviledge; and therefore ordereth the Under-sheriff to discharge him.

2. Session of the Parliament. 1 Jacobi, Sir Edward Sandys moveth a breach of Priviledge by Sir Robert Leigh a Justice of Peace, for committing his Coachman to Newgate: Sir Robert Leigh was sent for by the Serjeant, and an Habeas Corpus for the prisoner. Sir Robert Leigh being brought to the Bar, acknowledged his fault, and was discharged, and so was the prisoner.

3 Maii; 1606. Valentine Syre Servant and Bag-bearer to the Clerk of the Commons House, being arrested upon an Execution, was by Order and Judgment of the House enlarged.

7 Sep. 1601. Woodal Servant of William Cook
Cook Esq., a Member of the House, being arrested, and in prison in Newgate; the Serjeant at Arms was presently sent to Newgate to bring him to the House, sedente Caria; and being brought to the Bar with his Keeper, was discharged by Order of the House from his said Keeper, and from his Imprisonment.

1 July, 1607. John Pasmore the Marthall man, being sent for and brought to the Bar, for arresting John Jessop Waterman, Servant to Sir Henry Newil, a Member of the House; he denied that he knew he was Sir Henry's Servant until afterwards; notwithstanding, he took an Assumpsit from him to answer the Action: The House thought fit to commit him to the Serjeant till the House's pleasure were further known, and till he had discharged the Assumpsit, and paid the Fees.

17 June, 1609. Upon a Report of the Committee for Privileges, That a menial Servant of Sir Robert Wroth was arrested eight days before this Session; the Serjeant was sent for the prisoner, and the Serjeant that made the arrest, one King who followed it, and Fisher at whose Suit he was arrested.
to Sir James Whitelock, a Member of the Commons House, was arrested upon an Execution by Moor and Lock, who being told Sir James Whitelock was a Parliament man; Fulk one of the Persecutors said, He had known greater men than Sir James Whitelock taken from their Masters heels in Parliament time. This appearing, Lock and Moor were called in to the Bar, and by the Judgment of the House were sentenced,

1. That at the Bar they should ask forgiveness of the House, and of Sir James Whitelock on their knees.

2. That they should both ride upon one horse bare-backed, back to back, from Westminster to the Exchange, with papers on their breasts, and this Inscription, For Arresting a Servant of a Member of the Commons House of Parliament: and this to be presently done sedente Curia: which judgment was pronounced by M. Speaker against them at the Bar upon their knees.

28 April 22. Jacobi, A Warrant was Ordered to be issued by the Speaker for a Writ of Priviledge, to bring up Andrew Bates servant to Mr. Richard Godfrey of the House, in Execution with the Sheriff of Kent, at the suit of one Hunt.
Goods.

That the Members of this House have also Privilege for their Goods, is not without some Precedent.

12 March. 1606. Complaint was made by Mr. James, a Burgess of Parliament, That his horse standing at his Inn was taken by the Post-masters servant; both the Post-master and his servant were sent for and brought to the Bar: Moreton the Post-master appearing to be ignorant of what his servant had done, and disavowing it, was by Order of the House discharged: But upon the testimony of a witness at the Bar, that he told the servant when he took the horse, that a Member of Parliament was owner of it the servant was committed.

In Adjournment.

During the Adjournment, like Privilege was granted and affirmed.

In December 1606. Thomas Finch, a servant to Sir Nicholas Sandys Knight, one of the Burgess for Quinborough, was arrested during the Adjournment; which being conceived to be a great Contempt...
to the Priviledge of the House, an Habeeb
Corpus was awarded to bring him to the
House, and he was accordingly brought,
and also one Knight, who procured the
arrest, and Harrison the Yeoman.

The excuse was, Finch was an Attorney
at Law, yet it being avowed by Sir Nicho-
las Sandys, that Finch lay in his house, so-
licited his Causes, and received Wages
from him, and it being insisted on, that
all menial and necessary servants are to be
priviledged, and instance given of a Pre-
cedent of the Baron of Walton's Solicitor,
and Huddleston's Solicitor, in the time of
Queen Elizabeth: upon the Question,
Finch was priviledged, and delivered ac-
cording to the said Precedents.

During that Adjournment, a Suit was
prosecuted in the Court of Wards against
Nicholas Potts Esq; and Francis Wethered
Gent. Committees of a Ward which con-
cerned Mr. Nicholas Davyes, servant to
the then Speaker, as Assignee of the
Ward. The Speaker by vertue of a former
general Order of the House, wrote a Let-
ter to Sir Cuthbert Pepper Surveyor of the
Court of Wards and Liveries, to make
known to the Court, That the said Davyes
was one of his Clerks, and nearest Ser-
vants,
vants, and the Priviledge now as warrantable as in time of sitting; and therefore prayed him and the Court to take notice of it.

During another Adjournment in March following, the Speaker warranted by the like general Order, at the desire of Sir Edmund Ludlow, who was summoned to attend the Execution of a Commission out of the Chancery, wrote a Letter to the Commissioners to Excuse his attendance, and that he should not be prejudiced by his absence.

In May, 1697. during an Adjournment, the Speaker directed a Letter to the Lord President and Council at York, to stay Proceedings in a Suit against Talbot Bowes a Member of this House.

Priviledge, as well before as after the Parliament.

The great Question is, Within what time this Priviledge may be claimed before and after the sitting of the Parliament. It is clear, it hath been claimed and allowed for some time before and after the sitting. One Precedent may serve, because it is famous, and for the proceedings in it instar omnium.
1 Jacobi, The first day of sitting, complaint was made, That Sir Thomas Shirley chosen a Member of the House, was arrested four days before the sitting of this Parliament; a Warrant issued to the Clerk of the Crown for a Habeas corpus, to bring him to the House being then prisoner in the Fleet; and the Serjeant and his Yeoman were sent for in custody, who being brought to the Bar, and confessing their fault, were remitted for that time: The Writ being not executed, the House fell again into Debate touching the Privilege, and how the Debt to the party might be satisfied, because the Debt was gone if the party were delivered; and thereupon came to three Questions:

1. Whether Sir Thomas Shirley shall have Privilege:

2. Whether presently, or be to deferred till further Order.

3. Whether the House should be Petitioners to the King, according to former Precedents, for some course, for securing the Debt to the party, and saving harmless the Warden of the Fleet. All which Questions were resolved in the Affirmative, and a Bill drawn to secure Simp- fons Debt, &c. which also produced a Bill
Bill for relief of Plaintiffs in Writs of Execution, where the Defendants in such Writs are arrested, and set at liberty by Privilege of Parliament.

17. April. Upon hearing Council in the House at the Bar, for Sir Thomas Shirley and the Warden of the Fleet; and upon shewing divers Precedents, 39. Hen. 6. one Clark taken in Execution before the Parliament begun, was privileged 30. Hen. 6. Ferrers Case in Hollingshead's Chronicle; the Case of Huddlestone's servant before remembred; this being added, that his Body was freed, but his Lands and Goods left subject. It was Ordered, That Simpson at whose Suit, and the Serjeant by whom the Arrest was made, should be committed to the Tower.

4. May following, an Habeas corpus was awarded to the Warden, to bring Sir Thomas Shirley to the House; the Warden denied to execute it, for which 7. May following, he was sent for by the Serjeant, and brought to the Bar, who denying to bring his Prisoner, a new Writ of Habeas corpus was awarded, and the Warden was committed to the Serjeant, with this, That if that Writ were not executed, then...
then he should be delivered over to the Lieutenant of the Tower, as the House's prisoner.

8. May, The Serjeant was sent with his Mace to the Fleet, the House sitting, to require the Body of Sir Thomas Shirley, being directed by the House to pursue the Precedent of Ferrers, recorded in Hollingshead's Chronicle, and in the Book of Jurisdiction of Courts by Crompton: but the Serjeant being denied, a Warrant was made to the Serjeant, to deliver the Warden of the Fleet to the Lieutenant of the Tower, to be kept close prisoner.

11. May, The Warden was again sent for and brought to the Bar, and refusing to deliver up his prisoner, he was committed to the place called the Dungeon, or Little-easy, in the Tower.

14. May, A new Warrant was ordered for a new Writ of Habeeas corpus, and that the Serjeant should go with the Writ; that the Warden should be brought to the Door of the Fleet by the Lieutenant himself; and there the Writ to be delivered to him, and the Commandment of the House to be made known to him by the Serjeant, for the Executing of it. That in the meantime, the Warden to be presently
presently committed to the Dungeon and after to be returned thither again.

18. May, The Warden did deliver Sir Thomas Shirley, and so was not put into the Dungeon.

19. May, He attending at the door, was brought in to the Bar, where, upon his Knees, confessing his error and presumption, and professing he was unfeignedly sorry he had so offended this Honorable House; Upon that submission, by direction of the House, the Speaker pronounced his pardon and discharge, paying ordinary Fees to the Clerk and the Serjeant.

That this Privilege doth take place by force of the Election, and that before the Return be made, appears by the proceeding in the Case following.

19. November, 1601. Upon Information to the House, that one Roger Baston Servant unto Leninton, Baron of Walton, who (upon credible report of divers Members of the House, was affirmed to be chosen a Burgess for the Borough of Newton in Lancashire, but not yet returned by the Clerk of the Crown) had been during that Session of Parliament arrested in London, at the Suit of one...
Muscle; the said Muscle, together with the Officer that made the arrest, were sent for by the Serjeant and brought to the Bar; and there charged by Mr. Speaker in the name of the whole House, with their Offence herein: and having been heard, Baston was ordered to have Privilege, and to be discharged of his Arrest and Imprisonment, and the Offenders for three days committed to the Serjeant; and ordered to pay such Charges to Baston, as the Speaker shall set down, and their Fees.

For how long time before, and after the Parliament.

By these Instances, as also by Clarks Case, 39. Hen. 6. and the Case of Sir Robert Wroth's Servant before recited, it appeareth, That Privilege doth take place before the Parliament begin, but for what time is the Question: what appears by the Journall Book tending to clear it, is thus.

6. March, 1586. This day William White brought to the Bar, for arresting Mr. Martin a Member of the House, made answer, That the Arrest was above fourteen
fourteen days before the beginning of the Parliament: the House thereupon appointed a Committee to search the Precedents.

Upon Report made, that Mr. Martin was arrested above twenty days of the beginning of the Parliament, held by prorogation; and upon Debate, the House being divided in opinion about the Privilege; for the ending of the business, three Questions were propounded by the Speaker.

1. Whether the House would limit a time Certain, or a Reasonable time, to any Member of the House for his Privilege?

The House answered, A Convenient time.

2. Whether Mr. Martin was arrested within this Convenient time?

The House answered, Tea.

3. If White should be punished for arresting Mr. Martin?

The House answered, No. And the reason is given, Because the arrest was twenty days before the beginning of the Parliament, and the Creditors did not know what should be taken for a Reasonable time.

24 April
24. April, 1640. It was this day laid in the House, and not contradicted, That every Member of the House hath Privilege for Sixteen days exclusive, and Fifteen days inclusive, before and after every Parliament.

The like mention is made in several Parliaments, by Members in Debate.

How Obtained.

For the manner of Obtaining this Privilege, 21. March 18 Jac. It was resolved, That no protection under any man's Hand of this House is good.

22. Febr. 6. Edw. 6. It is Ordered, If any Burgess require Privilege for himself or his servant, upon declaration thereof to the Speaker, he should have a Warrant signed by Mr. Speaker to obtain the Writ.

22. Febr. 18 Eliz. Aug. 1575. A report was made by the Attorney of the Dutchy from a Committee, for delivery of Smaley a servant to Arthur Hall, before mentioned, That they found no Precedent, for setting at large by the Mace any person in arrest, but only by Writ. And that by divers Precedents of Record perused
perused by them, it appears, That every Knight, Citizen, or Burgess of this House, which doth require Priviledge, hath used in that case to take a Corporal Oath before the Lord Chancellor or Lord Keeper, That the party for whom such Writ is prayed, came up with him, and was his Servant at the time of the arrest made. But on the 27. Febr. after sundry Reasons, Arguments, and Disputations in the House, it was resolved, That the said Smalley should be brought the next day to the Bar by the Serjeant, and so set at Liberty by warrant of the Mace, and not by Writ.

According to which Resolution, the next day Smalley was brought to the Bar in the House by the Serjeant, accompanied with two Serjeants of London, and was presently delivered from his Imprisonment and Execution, according to the former Judgment of this House, and the said Serjeants discharged of their said prisoner:

2. March, 1592. Upon a report from the Committee of Priviledges and Elections, That one Mr. Fitzherbert was returned a Burgess, and excepted against, because he was alleged to be outlawed, and
and detained upon such Outlawry: the House Ordered, That Mr. Speaker should move the Lord Keeper for an Habemus corpus cum causa, to bring up the Body and Cause of Mr. Fitzherbert.

But the next day Sir Henry Knivet entering into a Discourse, touching the Privileges of the House of ancient times, used and accustomed for the convening of any persons into this Court, declared his opinion, That Mr. Fitzherbert was rather to be called to appear in this House, by the Serjeants Mace of this House, then any Writ of the Chancery, and quoted a Case of George Ferrers; but was put in remembrance by Mr. Speaker, that the manner for bringing Mr. Fitzherbert had received the Order of the House yesterday, and was therefore now, neither to be recalled, nor further treated of by this House, till the Appearance of the said Mr. Fitzherbert be first made in this House, according to the said former Order for the same.

On the 7th of the same Month, The House being acquainted by Sir Edward Hobby, that the Lord Keeper having been moved for a Writ of Habemus corpus cum causa, for Mr. Fitzherbert, his Lordship thought
thought it best, in regard of the ancient Liberties and Priviledges of this House, That the Serjeant at Arms be sent, by Order of this House, for the said Mr. Fitzherbert, at his own charge; by reason whereof he may be brought hither to the House, without peril of further being arrested by the way: which was also approved of.

Injuries offered to the Members and their Servants, during the Session, have been usually punished by the House, upon complaint.

29 Febr. 1575. One Williams, for assaulting a Burgess of this House, was upon complaint sent for by the Serjeant, and brought to the Bar, and committed to the Serjeants Ward.

23 April 1 Maria, One Monington, for striking William Johnson a Burgess, was sent for, and confessing it, was committed to the Tower.

28 Nov. 1601. Complaint being made by Mr. Fleetwood a Member of the House, That one Holland a Scrivener, and one Brooks his servant, had evil intreated and beaten the servant of the said Mr. Fleetwood in his presence; they were both sent for
for by the Serjeant, and brought to the Bar; and for the said Offence committed for five days to the Serjeant.

12. Feb. 18. Jacobi, Mr. Lovell, a Member of the House, informed, that one Daryell threatened his person, That for a Speech spoken by him in the House, he should be sent to the Tower during the Parliament, or presently after: Daryell was sent for by the Serjeant, to answer it to the House; and upon testimony of it, he was committed to the Serjeant till Thursday following, and then to acknowledge his fault, or to be committed to the Tower.

16. June 1694. Complaint being made of one Tho. Rogers, a Currier dwelling in Cole-man-street, for abusing Sir John Savill in flanderous and unseemly terms, upon his proceedings at a Committee, in the Bill touching Tanners, &c. he was sent for by the Serjeant at Arms to the Bar, to answer his offence.
CHAP. XVI.

Amendment of Returns.

18. Iacobii, The Sheriff of Leicestershire having returned Sir Thomas Beaumont; upon Report from the Committee for Elections, That Sir George Hastings was duly chosen, the Sheriff was ordered to return Sir George Hastings to the Clerk of the Crown, and he to accept it, and file it.

21. Iacobii, Upon Report from the Committee of Privileges, That in the Election of Mr. John Maynard for Chippingham; Mr. John Maynard was chosen, but by a mistake, Charles was afterward written in stead of John: It was resolved, The Return should be amended without a new Writ; and the Question being, who should amend it: Resolved, The Bayliff should do it, and not the Clerk of the Crown; and that it should be sent down to the Bayliff in the Country, and he to return John Maynard Esq; the first Burgess.

1 Febr. 1640. It being Resolved, That the Election of Mr. Erle for one of the Burgess
Burgesses of Wareham, is a good Election; It was Ordered, That the Officer, that was the Officer when the Return was made, or his Deputy, or the Electors, should amend the Return. But the next day it was Ordered, That Edward Harbin, the late Mayor of Wareham's Deputy, should come to the Bar of the House, and amend the Return.

20 Febr. 1640. The Bayliff of Midhurst in Sussex came to the Bar, (being sent for by Order of the House) and amended one of the Indentures of Return of Burgessess for that Town, and the other was taken off the File.

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OR

PRECEDENTS

CONCERNING

Elections, Proceedings, Privileges, and Punishments in

PARLIAMENT.

Faithfully collected out of the Common and Statute-Law of this Realm.

With particular Quotations of the Authors in each Case.

By R.C. of the Middle Temple, Esq;

To which is added,

The Authority, Form, and Manner of Holding Parliaments.

By the Learned Sir Tho. Smith, Doctor of Laws.

The Authority, Form, and Manner of holding Parliaments.

The most high and absolute Power of the Realm of England consisteth in the Parliament: For, as in War, where the King himself in Person, the Nobility, the rest of the Gentility, and the Yeomanry are, is the Force and Power of England; So in Peace and Consultation, where the Prince is to give Life, and the last and highest Commandment; the Barony or Nobility for the higher, the Knights, Esquires, Gentlemen and Commons for the lower part of the Common-wealth; the Bishops for the Clergy, be present to advertise, consult, and shew what is good and necessary for the Common-wealth, and to consult together; and upon mature deliberation, every Bill or Law being thrice read and dispu-
disputed upon in either House, the other two Parts, first each apart, and after the Prince himself, in presence of both the Parties, doth consent unto and alloweth. That is the Princes and whole Realms Deed; whereupon justly no man can complain, but must accommodate himself to find it good, and obey it.

That which is done by this Consent is called firm, stable and sanctum, and is taken for Law. The Parliament abrogateth old Laws, maketh new, giveth order for things past, and for things hereafter to be followed, changeth Right and Possessions of private men, legitimateth Bastards, establisheth Forms of Religion, altereth Weights and Measures, defineth of doubtful Rights, whereof is no Law already made, do appoint Subsidies, Talies, Taxes, and Impositions, giveth most free Pardons and Absolutions, restoreth in Blood and Name: as the highest Court, condemneth or absolveth them whom the Prince will put to Tryal: And to be short, all that ever the People of Rome might do, either Centuriatis Comitiiis, or Tributis, the same may be done by the Parliament of England, which representeth, and hath the Power of the whole
Realm, both the Head and Body. For every English man is intended to be there present, either in Person, or by Procuration and Attorney, of what Preeminence, State, Dignity, or Quality soever he be, from the Prince, (be it King or Queen) to the lowest Person of England. And the Consent of the Parliament is taken to be every man's Consent.

The Judges in Parliament are, the King or Queen's Majesty, the Lords Temporal and Spiritual, the Commons, represented by the Knights and Burgeses of every Shire and Burrough Town. These all, or the greater part of them, and that with the consent of the Prince for the time being, must agree to the making of Laws.

The Officers in Parliament are the Speakers, two Clerks, the one for the Higher House, the other for the Lower, and Committees.

The Speaker is he that doth commend and prefer the Bills exhibited into the Parliament, and is the Mouth of the Parliament. He is commonly appointed by the King or Queen, though accepted by the Assent of the House.
The Clerks are the Keepers of the Parliament-Rolls and Records, and of the Statutes made, and have the custody of the private Statutes not printed.

The Committees are such as either the Lords in the higher House, or Burgesses in the lower House, do choose, to frame the Laws upon such Bills as are agreed upon, and afterward to be ratified by the same Houses.

The Form of holding the Parliament.

The Prince sendeth forth his Writs to every Duke, Marquess, Baron, and every other Lord Temporal or Spiritual, who hath Voice in the Parliament, to be at his great Counsel of Parliament such a day; (the space from the date of the Writ is commonly at the least forty days.) He sendeth also Writs to the Sheriffs of every Shire, to admonish the whole Shire to choose two Knights of the Parliament in the name of the Shire, to hear, and reason, and to give their Advice and Consent in the name of the Shire; and to be present at that day: likewise to every City and Town, which of ancient time hath been wont to find Burgesses of the
Parliament, so to make Election, that they might be present there at the first day of the Parliament. The Knights of the Shire be chosen by all the Gentlemen and Yeomen of the Shire, present at the day assign’d for the Election: the voice of any absent can be counted for none. Yeomen I call here (as before) that may dispense at the least forty shillings of yearly Rent of free Land of his own.

The Writ of Parliament for the Lords.

Acobus Secundus, &c. Charissimo con-
sanguineo suo Edwardo Comit. Oxon. sa-
lutem. Quia de advisamento & a sensu con-
sumii nostri pro quibusdam arduis urgentibus
negotiis nos, statum & defensionem Regni
nostri Anglia. & Ecclesia Anglicana con-
cernent: quod dam Parliamentum nostrum apud
Civitatem nostram Westmonasterium decimo-
nono die — prox. futur. tener. ordinavi-
mus, & ibid. vobiscum ac cum Prelati, Mag-
natibus & Proceribus dixisse Regni nostri colo-
quium habere & tractare, vobis sub fide, &
legeancius quibus nobis tenemini firmiter in-
jungend. mandamus, quod considerat dicto-
rum negotiorum arduitate & periculis im-
minentibus, cessante excusatione quaunque
diut. die & loca personaliter interstitis nobis.
cum ac cum Prelatis, magnatibus & Proceribus predictis, super dictis negotiis tractatur vestrumque consilium impensur & hoc sicut nos & honorem nostrum ac salvationem & defensionem Regni & Ecclesiae predictorum expeditionemque dictorum negotiorum diligentissimus omissatis. Teste meipso upud Westminster die — anno Regni nostri —

The Writ of Parliament for the Knights.

R Ex Vic' N. & C. salut: quia de advisamento & assensu Consilii nostri pro quibusdam arduis & urgentibus negotiis, nos, statum, & defensionem Regni nostri Anglia, & Ecclesiae Anglicana, concernen quoddam Parliamentum nostrum apud Civitatem nostram Westminster duodecimo die — prox' futur' teneri ordinavimus, & ibi cum Prelatis Magnatibus & Proceribus dixi Regni nostri colloquium habere & tract: Tibi præcipimus firmiter injungentes quod fausta proclamac in prox' comitat' tuo post receptionem hujus brevis nostri tenend' die & loco predict' duos milit' gladiis cinct' magis idoneos & discretos comit' predicti, & de qualib' civitate com' illius duos cives, & de quolibet Burgo duos Burgenses de discretior
magis sufficiuntibus libere & indifferentem per illos qui proclamaverunt hujusmodi interfectos, juxta formam Statutorum inde edit & provis eligi, & nomina servandae militi, civium & Burgensium, sic electorum in quibusdam indeniti, inter te & illos qui hujusmodi electione interfecti, inde conficiendis, seve hujusmodi electi presentes fuerint vel absentes, inseri: eoque ad dicto die & locum venire fac. Ita quod idem Milites plenam & sufficientem potestatem pro se & communitate comitii pradicti ac dicti Civitae & Burgenses pro se et communitati Civitatum et Burgorum pradictorum divisionem ab ipsis habeant, ad faciendum et consentiendum bis quae tunc ibidem de communis consilio dicti Reg. nostri (fauste Deo) contigerint ordinari super negotiis ante dictis: Ita quod pro defectu potestatis hujusmodi, seu propter improvisam electionem militis Civium aut Burgensium pradictorum, ditta negotia in resta non remaneant quovis modo. Nolimus autem quod tu nec aliquid aliis vic dicti Reg. nostri aliulatoris: sit electus. Et electionem idam in pleno comitii factam, distincte & aperte sub sigillo tuo & sigillis eorum qui electioni illi interfecti, nobis in Cancellariam nostram ad dicto die & locum certifices indilata, remittens nobis alteram partem.
tem indenturarum predictarum presentibus consueta una cum hoc breve. Tente meipsa apud Westmonasterium decimo octavo die Anno Regni nostri ——

The Return of the Sheriff upon this Writ.


Feci etiam præceptum virtute hujus brevis I. B. & A. S. Ballivis libertatis villæ de G. in comitat meo, quod de codem Burgo eligi facerent duos Burgenses de discretioribus & magis sufficient quod sint ad Parliamentum dicti domini Regis
gis ad diem & locum infra cont', ad faciendum & consentiendum ut prae dictum est, qui quidem Ballivi sic mihi respondent, quod eligi fecerunt de prae dicto Burgo de G. duos Burg. discretos & magis sufficiens, ad essend' ad Parliamentum prae dictum: viz. R. P. & G. I. ad faciendum & consentiendum ut supradictum est. Virtute etiam istius brevis ad proximum Comitat' meum post receptionem ejusdem, tentum apud V. tali die & anno in pleno comitatu illo proclamari seci omnia in isto brevi contenta, secundum formam & effectum hujus brevis, prout hoc breve in se exigit & requirit.

Residuum vero executionis istius brevis patet in quibusdam Indent' huic brevi consuet. Li. Intr' 595.

**The Indenture between the Sheriff and Burgesses.**

HÆC Indentura facta tali die & anno inter G. A. armig' vic' comitatus N. ex una parte, & I. B. & I. D. &c. ex altera parte, testatur, quod secundum formam brevis huic Indent' consuet, fact' proclam' in pleno comitatu meo tento apud G. tali die & anno praedi'et I. B. I. D. &c. alii
alii qui Proelium predictum in pleno comitatu predictum inter se fuerunt, secundum formam Statuti in brevi predicto specificatorum & secundum exigen. brevis illius eligerunt W, F. & V. S. milites, Gladiis cin- citer pro comitatu predicto, ad essendum ad parliamentum in eodem brevi specifici qui plenam & sufficientem potestatem pro se & communitate comitatus predicti habeant, ad faciendum & consentiendum prout breve illud in se exigit & requirit. In cujus rei testimonium partes predictae sintenturis sigilla sua alternatim apposuerint. Datum tali die & an. Plo. 120.

G. A. armig. vic

These meeting at one day, the two who have the most of their voices, be chosen Knights of the Shire for that Parlament; likewise by the plurality of the Voices of the Citizens and Burgess, be the Burgess elected. The first day of the Parlament, the Prince and all the Lords in their Robes of Parlament do meet in the higher House, where, after Prayers made, they that be present are written, and they that be absent, upon sickness, or some other reasonable cause (which the Prince will allow) do consti-
tire under their hand and Seal, some one of those who be present, as their Proxy or Attorney, to give Voice for them, so that by presence, or Attorney, and Proxy they be all there, all the Princes and Barons, and all Arch-Bishops and Bishops, and (when Abbots were) so many Abbots as had Voice in Parliament. The place, where the assembly is, is richly tapestred and hanged, a Princely and Royal Throne, as appertaineth to a King, set in the midst of the higher place thereof. Next under the Prince sitteth the Chancellor, who is the Voice and Oratour of the Prince. On the one side of that House or Chamber, sitteth the Archbishops and Bishops, each in his rank, on the other side the Dukes and Barons.

In the midst thereof, upon Wool-sacks, sitteth the Judges of the Realm, the Master of the Rolls, and the Secretaries of Estate; But these that sit on the Wool-sacks have no Voice in the House, but only sit there to answer their knowledge in the Law, when they be asked, if any doubt arise among the Lords. The Secretaries do answer of such Letters or things passed in Council, whereof they have
have the custody or knowledge; and this is called the Upper House, whose Consent and Dissent is given by each man severally, and by himself; first, for himself, and then severally, for so many as he hath Letters and Proxies, when it cometh to the question, saying only, Content, or not content, without farther reasoning or replying. In the mean time, the Knights of the Shires, and Burgesses of Parliament (for so they are called that have Voice in Parliament, and are chosen (as I have said before) to the number of about five hundred and ten) are called by such as it pleaseth the Prince to appoint, into another great House or Chamber, by name, to which they answer, and declaring for what Town or Shire they answer: then they are willed to choose an able and discreet man, to be as it were the Mouth of them all, and to speak for, and in the name of them, and to present him so chosen by them to the Prince: which done, they coming all with him to a Barr, which is at the nether end of the upper House, there he first praiseth the Prince, then maketh his excuse of Inability, and prayeth the Prince that he would command the Commons to choose another.
ther. The Chancellour, in the Prince's name, doth so much declare him able, as he did declare himself unable, and thanketh the Commons for chusing so Wise, Discreet, and Eloquent a man, and willeth them to go and consult of Laws for the Common-wealth. Then the Speaker maketh certain Requests to the Prince in the Commons Name, First, that his Majesty would be content that they may use and enjoy all their Liberties and Priviledges that the Commons House was wont to enjoy.

Secondly, That they may frankly and freely say their minds, in disputing of such Matters as may come in question, and that without offence to His Majesty.

Thirdly, If any should chance, of that Lower House, to offend, or not to do or say as should become him, or if any should offend any of them, being called to that his Highness Court, that they themselves might (according to the ancient custom) have the punishment of them.

Fourthly, That if there come any doubt, whereupon they shall desire to have the Advice of, or Conference with his Majesty, or with any of the Lords, they might do it; All which he promiseth
feth in the Commons names, that they shall not abuse, but have such regard as most faithful, true, and loving subjects ought to have to their Prince.

The Chancellour answereth in the Prince's name, as appertaineth. And this is all that is done for one day, and sometime for two. Besides the Chancellour, there is one in the upper House, who is called Clerk of the Parliament, who readeth the Bills. For all that cometh in consultation either in the upper House or in the nether House, is put in writing first in Paper, which being once read, he that will, riseth up and speaketh for it or against it: and so one after another, so long as they shall think good. That done, they go to another, and so another Bill. After it hath been once or twice read, and doth appear that it is somewhat liked as reasonable, with such amendment in Words, and peradventure some Sentences, as by disputation seemeth to be amended: in the upper House the Chancellour asketh, if they will have it ingross'd, that is to say, put into Parchment, which done, and read the third time, and that eft-soons, if any be disposed to object or dispute again among them, the Chancellour
lour asketh, if they will go to the questi-
on; and if they agree to go to the questi-
on, then he saith, Here is such a Law or
Act concerning such a matter, which
hath been thrice read here in this House,
are ye content that it be enacted or no?
If the Not-contents be most, then the
Bill is dashed, that is to say, the Law is
annihilated, and goeth no farther. If the
Contents be the most, then the Clerk
writeth underneath; *Soit baîle aux com-
mons.*

And so when they see time, they send
tuch Bills as they have approved, by
two or three of those which do sit on the
Wool-facks to the Commons: who ask-
ing Licence, and coming into the House,
with due reverence saith to the Speaker:
Master Speaker, my Lords of the upper
House have passed among them, and
think good, that there should be enacted
by Parliament such an Act, and such an
Act, and so readeth the Titles of that
Act or Acts. They pray you to consider
of them, and shew them your advice;
which done, they go their way. They
being gon, and the door again shut, the
Speaker rehearseth to the House what
they laid. And if they be not busie dis-
puting
putting at that time another Bill, he asketh them straightway if they will have that Bill, or (if there be more) one of them.

In like manner in the lower House, the Speaker, sitting in a Seat, or Chair for that purpose, somewhat higher, that he may see and be seen of them all, hath before him, in a lower Seat, his Clerk, who readeth such Bills as be first proposed in the lower House, or be sent down from the Lords. For in that point each House hath equal Authority, to propound what they think meet, either for the abrogating of some Law made before, or for making of a new. All Bills be thrice in three divers days read and disputed upon, before they come to the question. In the disputing is a marvellous good order used in the lower House. He that standeth up bare-headed, is to be understood, that he will speak to the Bill. If more stand up, who that is first judged to arise, is first heard; though the one do praise the Law, the other dissuade it, yet there is no passionate reasonings. For every man speaketh as to the Speaker, not as one to another, for that is against the Order of the House. It
is also taken against the Order, to name him whom ye do confute, but by circumlocution, as he that speaketh with the Bill, or he that spake against the Bill, and gave this and this reason. And so with perpetual Oration, not with intrenching discourse, he goeth through till he have made an end. He that once hath spoken in a Bill, though he be confuted straight, that day may not reply, no, though he would change his Opinion. So that to one Bill in one day, one may not in that House speak twice, or else one or two with cross disputation would spend all the time. The next day he may, but then also but once.

No reviling or nipping words must be used. For then, all the House will cry, it is against the Order: and if any speak unreverently or seditiously against the Prince, or the Privy-Council, I have seen them not only interrupted, but it hath been moved after to the House, and they have sent them to the Tower. So that in such a multitude, and in such diversity of Minds and Opinions, there is the greatest Modesty and Temperance of Speech that can be used. Nevertheless, with very mild and gentle Terms, they
make their reasons as violent, and as vehement the one against the other as they may ordinarily, except it be for urgent causes, and halting of time. At the afternoon they keep no Parliament. The Speaker hath no voice in the House, nor they will not suffer him to speak in any Bill to move or dissuade it. But when any Bill is read, the Speakers Office is, as briefly and as plainly as he may, to declare the Effect thereof to the House. If the Commons do assent to such Bills as be sent to them first agreed upon from the Lords, thus subscribed, *Les Communs ont assentus*, so if the Lords do agree to such Bills as be first agreed upon by the Commons, they send them down to the Speaker thus subscribed, *Les Seigneurs ont assentus*. If they cannot agree, the two Houses (for every Bill from whencesoever it doth come, is thrice read in each of the Houses) if it be understood that there is any sticking, sometimes the Lords to the Commons, sometimes the Commons to the Lords, do require that certain of each House may meet together, and to each part to be informed of others meaning, and this is always granted. After which meeting, for the most part, not
not always, either part agrees to others Bills.

In the upper House they give their assent and dissent, each man severally, and by himself, first, for himself, and then for so many as he hath Proxy. When the Chancellour hath demanded of them, whether they will go to the question, after the Bill hath been thrice read, they saying only, Content or not content, without further reasoning or replying: and as the greater number doth agree, so it is agreed on, or dashed.

In the lower House, none of them that is elected, either Knight or Burgess, can give his Voice to another, nor his consent or dissent by Proxy. The major part of them that be present only maketh the consent or dissent. After the Bill hath been twice read, and then ingrossed, and eft-soons read and disputed on enough as is thought, the Speaker asketh, if they will go to the question? and if they agree, he holdeth the Bill up in his hand and faith: As many as will have this Bill go forward, which is concerning such a matter, say yea. Then they which allow the Bill, cry Yea, and as many as will not, say No; as the cry of the yea or no is bigger,
bigger, so the Bill is allowed or dashed. If it be a doubt which cry is bigger, they divide the House, the Speaker saying, as many as do allow the Bill go down with the Bill, and as many as do not, sit still. So they divide themselves, and being so divided they are numbered who made the major part, and so the Bill doth pass. It chanceth sometime that some part of the Bill is allowed, some other part hath much controversy and doubt made of it: and it is thought if it were amended it would go forward. Then they choose certain Committees of them who have spoken for the Bill and against it, to amend it, and bring it again so amended, as they amongst them shall think meet: and this is before it is ingrossed, yea, and sometime after. But the agreement of these Committees is no prejudice to the House. For at the last question they will either accept it or dash it, as it shall seem good, notwithstanding that whatsoever the Committees have done.

Thus no Bill is an Act of Parliament, Ordinance, or Edict of Law, untill both the Houses severally have agreed unto it after the order aforesaid; no nor then neither. But the last day of that Parlia-
ment or Session, the Prince cometh in Person in his Parliament Robes, and sitteth in his state: all the upper House sitteth about the Prince in their states and order, in their Robes. The Speaker, with all the Common House, cometh to the Bar, and there, after thanksgiving first in the Lords Name by the Chancellour, &c. and in the Commons Name by the Speaker to the Prince, for that he hath so great care of the good Government of his People, and for calling them together to advise of such things as should be for the Reformation, Establishing, and Ornament of the Common-wealth: the Chancellour, in the Prince's Name, giveth thanks to the Lords and Commons for their pains and travels taken, which, he saith, the Prince will remember and recompense when time and occasion shall serve, and that he for his part is ready to declare his Pleasure concerning their Proceedings, whereby the same may have perfect Life and Accomplishment by his Princely Authority, and so have the whole Consent of the Realm. Then one reads the Titles of every Act which hath passed at that Session, but only in this fashion: An Act concerning such a thing,
thing, &c. It is marked there what the Prince doth allow, and to such he saith, Le Roy, or la Royne le veut. And those be taken now as perfect Laws and Ordinances of the Realm of England, and none other, and, as soon as may be, put in print, except it be some private Case, or Law, made for the benefit or prejudice of some private man, which the Romans were wont to call Privilegia. These be only exemplified under the Seal of the Parliament, and for the most part not printed. To those which the Prince liketh not, he answereth, Le Roy, or la Rayne faddisera, and those be accounted utterly dashed, and of none effect.

This is the order and form of the highest and most authentical Court of England, by vertue whereof all those things be established whereof I spake before, and no other means accounted available to make any new forfeiture of Life, Member, or Lands of any English man, where there was no Law ordained for it before.

Note. Where the Parliament Writ speaks de qualibet Civitate Comitatus illius, this is intended, where the City is not a County
County in it self, &c. For if it be a County of it self, as London, Norwich, and such like, then the Writ shall be directed to them, &c. As it is to Sheriffs of other Counties.

At the next County meeting to be holden after the delivery of the Parliament Writ to the Sheriff, Proclamation shall be made in the full County, of the day, and place of the Parliament, and every one shall attend for the Election of the Knights for the same County for the Parliament, which Knights ought to be resident within the same County where they are chosen; the day of the date of the Writ of Summons to the Parliament. And they shall be chosen by People dwelling and resident within the same County, whereof every one of them shall have Land, or Tenement, to the value of forty Shillings, above all charges, within the same County; And such as have the greatest number of Voices of such Chusers, shall be returned by the Sheriffs, Knights for the same County.

7 H. 4. c. 15. 1 H. c. 1. 8 H. 6. c. 7. 10 H. 6. c. 2.

The Sheriff may examine every Chusser upon the Evangelists, how much he
may expend by the year, if he be in doubt of the value, 8 H. 6 c. 7.

The said Election shall be made in full County, between the Hour of 8, and the Hour of 9 in the Forenoon. 13 H. 6. c. 15.

The Knights shall be return'd into Chancery, by Indenture sealed betwixt the Sheriff and the Choosers of Knights for the Parliament. 8 H. 6. c. 7. 7 H. 4. c. 1. 23 H. 6. c. 15. As it appears by the Writ above said.

Every Sheriff that makes not a good, and true Return of such Election of Knights to come to Parliament, according to the Statutes of H. 5. and H. 6. shall forfeit 100 l. to the King, and 100 l. to the Knight so chosen, that shall commence his Action within three Months after the Parliament begun, and proceed in the same Suit effectually without Fraud. And if he so do not, another that will sue shall have the said Action, for the said 100 l. with costs, as the Knight should have had, 23 H. 6. c. 15. A Sheriff shall not be chosen for Knight, nor Burgess of Parliament, L. Int. 411. as appears also by the Writ it self directed to the Sheriff.

In every Writ of Parliament directed to the Sheriff, this Clause must be put in.
in Electionem tuam in pleno comitatu tuo fastam distincte et aperte sub sigillo tuo et sigill eorum qui electioni illi interfuerunt nobis in Cancellariam nostram ad diem et locum in breve content certifices indilate, 7 H. 4. c. 15.

The Election must be by the greater number of Free-holders; And, in an Action of Debt for him that is chosen Knight of the County, and not return'd, it sufficeth to declare, that he was chosen by the major part of the Free-holders, &c. Plowd. Com. 118. Dyer 113.

Note, If a man keeps a Household in one County, and remains in service with another Family in another County, yet he may be at chusing of Knights of the Shire, where he keeps a Family; for he shall be said in Law to be resident in either of the said Counties; as in Debt, he may be impleaded where he keeps his House-hold, ut supra, and be resident in the other County by reason of the Arrest. Vide 19 H. 6. fol. 1.

And the Statute of 10 H. 6. c. 2. is, that Knights of the Shire shall be chosen by Free-holders that are resident within the same County.
The Sheriff, after the receipt of the Writ, &c. as aforesaid, shall deliver without fraud a sufficient Precept under his Seal to every Mayor, and Bayliff (either Bayliffs, or Bayliff, where there is no Mayor of the Cities and Burroughs within his County) reciting in it the Precept of the Parliament Writ; commanding them by the said Precept, if it be a City, to choose Citizens for the same City by Citizens, &c. If it be a Borough, then Burgesses by Burgesses thereof, to come to the Parliament; and that the Mayor, and Bayliffs (or Bayliffs or Bayliff, where there is no Mayor) shall duly return the said Precept to the Sheriff, by Indenture betwixt the Sheriff and those of the Election; and the names of the Citizens, and Burgesses by them so chosen. 23 H. 6. c. 15.

The Sheriff shall make a good return of such Writ, and of every return by the Mayors, and Bayliffs (or Bayliffs or Bayliff, where there is no Mayor) to him made. And if the Sheriff does contrary to this Statue, or any other Statute for choosing of Knights, Citizens, and Burgesses to come to Parliament, he shall incur the Penalty of 100l. to the King, and shall
shall be imprisoned for one year without Bail or Mainprize; and the Knights for the County, returned contrary to the said Ordinances, shall lose their Wages, by § H. 6. c. 7. and the Sheriff shall forfeit 100 l. to every Knight, Citizen, or Burgess in his County, chosen to come to Parliament, not duly returned; or to any other, that in their default will sue for it by action of Debt, with costs expended in it, in which the Defendant shall not wage his Law, nor have any PyErrt. 23 H. 6. c. 15.

If the Mayor, and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, shall return other than those which be chosen by the Citizens, and Burgesses of the Cities or Boroughs where such Elections be; shall incur, and forfeit to the King forty pound, and moreover, shall forfeit to every Person hereafter chosen, Citizen, or Burgess, to come to Parliament, and not by the same Mayor, and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, returned; or to any other Person, which in default of such Citizen or Burgess so chosen will sue for it, shall have his Action of Debt for forty pound, with his Costs in this case expended; in
which the Defendant shall not wage his Law, nor have any Effoín. *Ibid.*

Every Knight, Citizen, and Burges, chosen and not return'd, shall bring his Action of Debt within three Months after the same Parliament commenced, to proceed in the same Suit effectually without Fraud; And if he so do not, another that will sue shall have the same Action for the said Forfeitures, and Costs in such case expended, wherein the Defendant shall not wage his Law, nor be effoíned: *Ibid.*

If any Knight, Citizen, or Burges, that shall be returned by the Sheriff to come to Parliament, after such return, be put out by any Person, and another put in the Place of him which is out, if he take upon him to be Knight, Citizen, or Burges, shall forfeit to the King an hundred pound, and so much to the Knight, Citizen or Burges, so return'd by the Sheriff; and after, as aforesaid, put out. And that Knight, Citizen, or Burges, which is so put out, shall have an Action of Debt against him so put in his place, his Executors, or Administrators; provided always that he shall begin his Suit within three Months after the Parliament
commenced. And if he do not, then he that will sue, shall have an action of Debt of the same one hundred pound against him which is put in the place of him that is so put out, after such return, &c. And that no Defendant in such Action shall wage his Law, nor be enjoined, so that the Knights of the Shire for the Parliament hereafter to be chosen, shall be Knights, or otherwise such eminent Esquires, or Gentlemen of the same Counties, as shall be able to be Knights, and no man to be such Knight, which standeth in the degree of a Yeoman, and under, 23 H. 6. c. 15.

All Persons, and Communalties, which shall have the Summons of the Parliament, shall come to the Parliament in the manner as they are bounden to do, and have been accustomed of ancient times. And he that doeth not come (except he may reasonably, and honestly excuse himself) shall be amerced or otherwise punished, according as of old times, hath been used. 5 R. 2. Stat. 2. c. 4.

No Baron, Knight, Citizen, or Burgess, which shall be elected to come to Parliament, shall depart from it till the Parliament be fully ended, or prorogued, except
except he has Licence of the Speaker, and Commons in such Parliament assembled: which Licence shall be entered in the Book of the Clerk of the Parliament; appointed for the Commons House, upon pain to lose their Wages, and all Counties, Cities, and Boroughs shall be discharge'd of the said Wages. 6 H. 8. c. 16. Vide Stamford, 153. The Bishop of Winchester was arrested in the Kings Bench for that he coming to Parliament, departed without Licence. Coron. F. 161. 3 Ed. 2.

The Lands, which were wont to be contributory to the Expences of Knights of Parliament, shall be liable to those charges, notwithstanding the purchase of them by any Lord, or any other Person whatsoever. 12 R. 2. c. 12.

The Sheriff, after the Receipt of the Writ for levying the Wages of the Knights of the Parliament, at the next County Court, shall make Proclamation that the Coroners, and every chief Constable of the same County, and the Bailiffs of every Hundred or Wapentake of the same County, and every other, which will be at the assessing of the Wages of the Knights of the Shires, shall be at the next County to assess the said Wages; and
and that the Sheriff, under Sheriff, Gou-
toner, or Bayliff, for the time being,
be there in their proper Person, upon
pain of forfeiture to the King forty
Shillings, of every of them that maketh
default. 23 H. 6. c. 11.

At which time the Sheriff, or under-
Sheriff, in the presence of them that shall
come to the same, and of the Suitors of
the same County, then being there in
full County, well and duly shall assess
evry Hundred to that assessable, by is
self, to pay a certain Sum for the Wages
of the Knights of the Shire; so that the
whole Sum of all the Hundreds do not
exceed the Sum which shall be due to
the said Knights. And after that, in the
same County, they shall assess well and
lawfully every Village within the same
Hundreds, which should be there asses-
sable to a certain Sum for the payment
of the said Wages; so that the whole
Sum of all the Towns within any of the
said Hundreds, do not exceed the Sum
assessed upon the Hundred of which they

And that the said Sheriff, under-She-
 riff, Bayliffs, nor any other Officer, for
the Cause aforesaid, shall levy more
Money of any Village than that whereunto they were assessed. And if any do assess any Hundred, or Village, otherwise than is aforesaid, he shall forfeit for every default to the King, twenty pound, and to any man which will sue in this case, ten pound. *Ibidem.*

And that the Sheriff well and duly shall levy the Money so assessed upon the aforesaid Villages, as speedily as they well may after the said assessing; and the same shall deliver to the said Knights, according to the Writs thereof, to be made upon the said Penalties. *Ibidem.*

And he that will sue in this Case, shall be thereunto admitted, and shall have a *Scire Facias* against him that offendeth contrary to this Ordinance, and shall recover ten pounds to their own use, over the said twenty pound, with their treble Damages for the Costs of their Suits. *Ibidem.*

And that the Justices of the Kings Bench, and of the Common Place, Justices of Assizes, and Gaol delivery, and Justices of the Peace, shall have Power to enquire, hear, and determine, of all the said Defaults, as well by Inquiry at the Kings Suit, as by Action at the Suit of the Parties. 23 *H. 6. c. 11.* And
And that all such Expences of Knights shall not be levied of any other Villages, Seigniories, or Places, but of such whereof it hath been before this Time. And that in every such Writ to be made to levy the Wages of the Knights, This Act shall be comprehended in the same. 23 H. 6. c. 11. Vide Register 261.


That to every Parliament two Knights shall be chosen for the County of Monmouth, and one Burgesses for the Borough of Monmouth, in like manner, form, and order, as Knights, and Burgesses of the Parliament be elected in every County of England; and that the same Knights and Burgesses shall have like Dignity, Preheminence, and Priviledge, and shall be allowed such Fees, as other Knights and Burgesses of Parliament have been allowed; And such Fees to be levied, received, and paid in such manner, form, and
and order, as such Fees be gathered, received, and paid in other Shires of the Realm of England. 27 H. 8. c. 26.

And the Burgesses Fees to be levied as well within the Borough of Monmouth, as within all other ancient Boroughs within the said Shire of Monmouth: And that a Knight shall be chosen to the same Parliament for every of the Shires of Brecon, Radnor, Montgomery, and Denbigh, and for every other Shire within the Dominion of Wales; and for every Borough being a Shire Town, within the Country and Dominion of Wales (except the Shire-Town of the County of Merioneth) one Burgess; And the Election to be in manner, form, and order, as Knights, and Burgesses of the Parliament be elected in other Shires of this Realm. Ibid.

And that the Knight, and Burgess, and every of them, shall have like Dignity, Preheminence, and Privileedge, and shall be allowed such Fees as other Knights of the Parliament are allowed; And the Knights Fees to be levied and gathered of the Commons of the Shire that they be elected in; and the Fees of Burgesses to be levied, and gathered as well of the Boroughs, and Shire-Towns, as they be Burg-
Burgesses of, as of all other ancient roughs within the same Shires. 27 H. 8 c. 26.

The Sheriffs of every of the 12 Shires in Wales, and in the County of Monmouth, shall have power to levy, gather, or to be levied and gathered the said Knights Fees and Wages of the Inhabitants of the 12 Shires, and of the said County of Monmouth, which ought to pay the same; and the same so gathered, shall pay to the Knights within two Months after the delivery of the Kings Writ for payment of the said Wages or Fees; otherwise the Sheriff shall lose, and forfeit twenty pounds: one Moiety to the King, and the other Moiety to him that will sue for the same, in any Court of Record, by Information, Bill, or Plaint, or otherwise, before any of the Kings Officers, wherein no Essoign, Protection, or Wa-ger of Law shall be admitted. 35 H. 8 c. 11.

And if it shall happen any Sheriff in any of the twelve Shires, and County of Monmouth, to make default of payment of the said Wages, or Fees, by a longer term than two Months; then every such Sheriff shall forfeit for every Month that he
he shall make default twenty pounds, to be forfeited and levied in manner and form as is aforesaid. *Ibidem.*

And that every Mayor, and Bayliff, and other chief Officers of Cities, Boroughs, and Towns in every of the said twelve Shires, and in the County of Monmouth, within like term and space of two Months after the receipt of the Kings Writ De solutione sedi, burgent. *Parliament.* as is before mentioned, for gathering of the Knights Fees, shall levy, gather, and pay the Wages and Fees to their Burgessess, in like manner and form as is aforesaid, and in, and under like pain and forfeitures, as before mentioned, to be levied of the Goods and Chattels of every such Mayor, Bayliff, or other head Officers to whom the Kings said Writ shall be directed for the levying of such Fees, making default of payment of the said Fees, and Wages to the Burgessess, in manner and form as is aforesaid; And the Burgessess of Cities, Boroughs, and Towns, within the twelve Shires of Wales, and the County of Monmouth, which are or shall be contributory to the payment of the Burgessess Wages of the said Shire-Towns, shall be lawfully.
ly admonished, by Proclamation, or otherwise, by the Mayors, Bayliffs, or other head Officers of the said Towns, or by one of them, to come, and give their Elections for the electing of the said Burgesses, at such time and place, lawful and reasonable, which shall for that intent be assigned; in which Elections the Burgesses shall have like Voice and Authority, to elect, and name the Burgesses of every the said Shire-Towns, as the Burgesses of the said Shire-Towns have or use. *Ibidem.*

Two Justices of Peace in every of the said Shires in *Wales*, and in the said County of *Monmouth*, have Power and Authority, indifferently, to lot, and tax every City, Borough, and Town, within the Shires in *Wales*, wherein they do inhabit; and in the said County of *Monmouth*, for the Portions and Rates that every the said Cities, and Boroughs shall bear and pay towards the said Burgesses, within the said Shire-Towns of every of the said Shires in *Wales*, and the County of *Monmouth*, which Rates so rated, and taxed in gros by the said two Justices of Peace, as is aforesaid, shall be again rated, and taxed on the Inhabitants of every
ry the said Cities and Boroughs, by 4 or 6 discreet and substantial Burgesses of every the said Cities and Boroughs in Wales, thereunto named and assigned by the Mayor, Bayliffs, or other Head Officers of them for the time being; and thereupon the Mayors, Bayliffs, and other Head Officers of every such City, Borough, or Town, to collect the same, and thereof to make payment in manner and form as aforesaid, to the Burgesses of the Parliament, within like time, and upon the like pains and forfeitures, as is above mentioned. 35 H. 8 c. 11.

The Kings Assent, by his Letters Patents under the great Seal of England, and signed with his Hand, and notified in his absence to the Lords of Parliament, and Commons assembled together in the higher House, is, and ever was of as good strength and force, as if the King's Person had been there personally present, and had assented openly and publicly to the same; and such Royal Assent, notified as aforesaid, shall be taken good, and so effectual to all Intents, without ambiguity or doubt, any Custom or Usage to the contrary notwithstanding, 33 H. 8. cap. 21.

Every
Every Knight chosen for the Parliament, and Sheriff that makes Election for them, shall have their Traverse to such Inquests and Offices, before any Justices of Assize hereafter to be taken, and they shall not be endamaged unto the King for any such Inquest taken, untill they be duly convicted according to the form of the Law. 6 H. 6. cap. 4.

All the Clergy hereafter to be called to the Convocation by the King's Writ, and their Servants and Familiars, shall for ever hereafter fully use, and enjoy such Liberty, or Defence in coming, marrying, and returning, as the great Men, and Commonalty of the Realm of England, called, or to be called to the King's Parliament, do, or were wont to enjoy. 8 H. 6. cap.


The Burgess of Parliament shall not be Collectors of a Fifteen, except they can dispense in the County, out of the City or Borough of which they are Burgess, in Lands or Tenements, to the value of an hundred Shillings by the Year, over the Charges and Reprises. 18 H. 6. cap. 5.
Knights, Citizens, Burgesses and Barons of Parliament, must take the Oath of Supremacy, before they enter into the Parliament House; but Lords of Parliament shall not be compelled to take the said Oath. 5 Eliz. c. 1.


Lords of Parliament, for matters of Religion, shall be tried by their Peers. 1 Eliz. c. 2.

Persons attainted by Parliament, and after become Lunatick, shall be executed notwithstanding, 33 H. 8. c. 20. Quere, if this be not repeal'd by 1 & 2 Ph.& Mary, c. 10. Staunford, 153.

Women that have Joyniture assigned after marriage, may waive them, and take their Dowry at Common Law, if the Joyniture be not assigned by Parliament, 27 H. 8. c. 10.

The County Palatine of Chester shall have two Knights for the County Palatine, and likewise two Citizens to be Burgess for the City of Chester, to be chosen by Process, to be awarded by the Chancellor of England, unto the Chamberlain of
of Chester, or his Lieutenant for the time being. And so like process to be made by the Chamberlain, or his Lieutenant, or Deputy, to the Sheriff of the said County of Chester: And the same Election to be made under like manner, and formed to all intents, constructions, and purposes, as is used within the County Palatine of Lancaster, or any other County and City within England; which Knights and Burgessses, and every of them so elected, shall be returned by the said Sheriff into the Chancery of England, upon the like pains as it is ordained that the Sheriff of any other County within this Realm should make their Return in case like. Which said Knights and Burgessses, and every of them, so chosen, and returned, shall be Knights and Burgessses of the Court of Parliament, and have like Voice and Authority to all intents and purposes, as any other the Knights and Burgessses of the said Court of Parliament have, use, and enjoy: And also may have, and take all and every such Liberties, Advantages, Dignities, Privileges, Wages, and Commodities, concerning the said Court of Parliament, to all Intents, Constructions, and Purposes, as any other the Knights and
and Burgess of the said Court, may or ought to take and enjoy, 34 H. 8. c. 13.

If any Assault or Affray be made to any Lord Spiritual or Temporal, Knight of the Shire, Citizen or Burgess, coming to the Parliament, or to other Council of the King, by his Commandment, and there being and attending at the Parliament or Council, that then Proclamation shall be made, in the most open Places in the Town, by three several days, where the Assault or Affray shall be made, that the Party that made such Affray or Assault, yield himself before the King in his Bench, within a quarter of a year after the Proclamation made, if it be in the time of the Term, or otherwise at the next day in the time of the Term following the said quarter, and if he do not, that he be attainted of the same deed, and pay to the Party grieved his double damages, to be taxed by the discretion of the Justices of the same Bench, or by Inquest, if it be needful, and make Fine and Ransom at the King's will; and if he come, and be found Guilty by Inquest, by examination or otherwise, of such Affray or Assault; then he shall pay to the Party so grieved his double damages, found by the In-
Inquest, or to be taxed by the discretion of the said Justices, and make fine and ransom at the King’s will, as above is said, 11 H. 6. c. 11.

Vide, the Act made for the assurance of Lands to John Hind, Serjeant at Law, and his Heirs, paying annually ten pounds towards the maintenance and wages of Knights of Parliament, for the County of Cambridge for ever, 34 & 35 H. 8. c. 24.

Note, by Kirby, Clerk of the Rolls of Parliament, that the custom or usage of Parliament is, that if a Bill come first to the Commons, and they pass it, then the Use is to indorse it in such manner, Soit baile a Seigniores, and upon that, if neither the Lords, nor the King do alter it, then it shall be delivered to the Clerk of the Parliament to be enrolled, without indorsing it, and if it be a general Bill, it shall be enrolled, but not if it be a private Bill, but it shall be put on the File, and that is sufficient; but if the party will sue to have it inroll’d, then it may be inroll’d for sureties sake, 33 H. 6. 17.

If the Lords will alter a Bill, in that which may stand with the Bill, they may so do, without remanding to the Commons; as if the Commons grant Poun-
Poundage for four years, and the Lords will grant it but for two years, this Bill shall not be carried back again to the Commons. But if the Commons grant it but for two years, and the Lords will grant for four years, there the Bill shall be delivered to the Commons; and in this case the Lords ought to make a Schedule of their Intention, or indorse the Bill in this manner; The Lords have assented for the term of four years. And when the Commons have the Bill again, and they will not assent to it, this can be no Act. But if the Commons will assent, then they indorse their Answer upon the Margent of the Bill beneath in such form; The Commons have assented to the Schedule of the Lords annex’d to the same Bill, and then it is delivered to the Clerk of Parliament, ut supra. 33 H. 6. 17.

If a Bill be first delivered to the Lords, and they pass it, they use not to make any Indorsement, but send the Bill to the Commons, and if it pass them, the use is to indorse it thus, Les. Commons sunt Assentants, and this proves that it passed the Lords before; And therefore if J. S. be attainted of Trespass by Parliament, and the Commons assent, that if he does
does not come in by such a day, he shall forfeit such a Sum, and the Lords give him a longer day, and the Bill is not sent back to the Commons again, this is no Act, for that the Bill was not delivered back to the Commons after the inlargement of the day given by the Lords. 33 H.6. 17.

Every Bill that passes the Parliament, shall have relation to the first day of Parliament, although it come in at the end of the Parliament, and it is not the custom to make any mention what day the Bill was delivered in to the Parliament; *per Faukes Clerk* of the Parliament. 33 H.6. 17. unless a time be specially appointed by the Statute when it shall Commence. Com. 19.

If the Parliament begin before Pentecost, and continue after Pentecost, and the Commons agree to a Bill after Pentecost, and give a day at Pentecost next, and the Lords do so too; Now for that, Bill shall have relation to the first day of Parliament, if it be not ordered otherwise; it shall be taken for this Pentecost, which is passed at this Sessions, whereas
whereas the intent of the Lords and Commons, was, that it should be Pentecost after this Petition named in the Bill. Parliament B. 4.

Altho the Lords and Commons agree to a Bill, yet it is no Act, till the King has given his Royal Assent to it in proper Person, or under his great Seal, and if the King Assent, then is written upon the Bill, Le Roy veult; And if the King will not Assent, then it is indorsed, Le Roy avisera. 33 H. 8. c. 21.

Every Knight, Burgess, Baron of the Cinque Ports, or other call'd to Parliament, shall have priviledge of Parliament during the Parliament, or Session of Parliament, so that he that arrests any of them during that time, shall be imprisoned in the Tower by the Lower House, of which he is, and shall be put to a Fine, and the Keeper also, if he will not deliver him so arrested, when the Serjeant at Arms comes for him, by the command of the House of which he is. Dier, 60.

Note, in the Lower House, when a Bill is read, the Speaker does open the parts
parts of the Bill, so that each Member of the House may understand the intention of each part of the Bill; and the like is done by the Lord Chancellor in the Upper House; then when it is read the second time, sometimes it is engrossed without any Commitment; but then the Speaker makes question of it, in this manner: The question is, Whether this Bill shall be engrossed or not? As many as would have the Bill engrossed, shall say, Yes; and as many as would not, say, No.

But in the Upper House of Parliament, when such question is made about engrossing, if there be no contradiction, the Lords do not deliver their consent in saying, Content, or their dissent in saying, Not Content, for holding the time: But if there be any contradiction, it is tried Seriatim, by Consent or Not Content; but neither in the Upper or Lower House, the Lord Chancellor or Speaker, shall not report a Bill or an Amendment but once.
amend it in any point, then they shall write down their amendment in a Paper, and shall direct to a Line, and between what words the Amendment shall be put in, or what words shall be interlined, and then all shall be ingrossed in a Bill. *Ibid.*

And if a Bill pass in the Commons House, and the Lords amend the Bill when it is sent to the Upper House, they do as before shew the Line, and between what words, and after the Amendments are ingrossed, with particular References, and the Bill with the Amendments, are sent again to the House of Commons, where they affirm them: The amendments are read three times, and then they insert them in the body of the Bill, and so *converso* of a Bill which passeth first in the Upper House. But Note, that in one of these Cases, the entire Bill shall not be read again in the House, wherein they first pass, but the amendments only, for no Bill shall be read above three times. *Ibidem.*

No Lord ought to speak to the Bill twice in one day: *Also no Knight, Citizen*
tizen or Burgess, ought to speak above once to one Bill in one day, unless sometimes by way of Explication.

No private Bill ought to be read before the publick Bills, unless the one House or the other do require it. Coke lib. 13.

Note, in the House of Commons, those that are for the new Bill, (if there be a question of Voices) shall go out of the House, and those who are against the Bill, and for the Common Law, or any former Law, shall sit still in the House; for they are in possession of the old Law, the other of the other, to number the Voices. Coke, lib. 13.

In both Houses, he which first stands up to speak, he shall first speak without any difference of Persons. Ibid.

When a Bill is engrossed, at the third reading, it may be amended in the same House if any matter of Substance à fortiori; the Error of the Clerk in the Engrossing may be amended.

Note; The Priviledge, Order, or Custom of Parliament, either of the Upper House, or of the House of Commons, belongs to the Determination or
Decision only of the Court of Parliament; and this appeareth by two notable Precedents.

The one, at a Parliament holden the twenty seventh Year of King Henry the 6th. There was a Controversie moved in the Upper House, between the Earls of Arundel and of Devonshire, for their Seats, Places, and Preheminencies of the same, to be had in the King's Presence, as well in the High Court of Parliament, as in his Counsels, and else-where: The King, by the advice of the Lords Spiritual and Temporal, committed the same to certain Lords of Parliament, who, for that they had not leisure to examine the same, it pleased the King, by the advice of the Lords at this Parliament, in Anno 27th. of his Reign, that the Judges of the Land should hear, see, and examine the Title, &c. and to report what they conceive herein: The Judges made
made Report as followeth; That this matter (viz. of Honour and Precedency, between the two Earls, Lords of Parliament) was a matter of Parliament, and belonged to the King's Highness, and the Lords Spiritual and Temporal in Parliament, by them to be decided and determined; yet being there so commanded, they shewed what they found upon Examination, and their Opinions thereupon.

Another Parliament in 31 H. 6. which Parliament begun the sixth of March, and after it had continued some time, it was prorogued until the fourteenth of February; and afterwards in Michaelmas Term, Anno 31 H. 6. Thomas Thorpe, the Speaker of the Commons House, at the Suit of the Duke of Buckingham, was condemned in the Exchequer in 1000 l. damages for a Trespass done to him: The fourteenth of February, the Commons moved in the
the Upper House, That their Speaker might be set at liberty to exercise his Place: The Lords referred this Case to the Judges; and Fortescue and Prisot, the two Chief Justices, in the name of all the Judges, after said Consideration, and mature Deliberation had amongst them, answered, and said, that they ought not to answer to this Question, for it hath not been used aforesetime, That the Justices should in any wise determine the Priviledge of this High Court of Parliament, for it is so High and Mighty in its nature, that it may make Laws, and that that is Law, it may make no Law: And the determination and knowledge of that Priviledge, belongeth to the Lords of the Parliament, and not to the Justices: But as for the proceedings in the Lower Courts in such Cases, they delivered their Opinions. And in 12 E. 4. 2. in Sir John Paston's Case, it is holden,
holden, that every Court shall determine and decide the Privileges and Customs of the same Court, &c.

See Dier, Fol. 275. One was in Execution, that was a Burgess of Parliament, and was let at large by a Priviledge Writ of Parliament: P. 34 & 35 H. 8: Rot. 23. And Debt brought against the Jaylor for an escape, but he says not what happened thereon.

See Hollinsked, in his Cronicle, Fol. 1584. The Case of one Ferrers, let at liberty, that was a Burgess of Parliament, and arrested, and put in Execution in London, sitting the Parliament; and this was Anno 34 H. 8. and was the Case of Ferrers, as I believe, of which Dier, Fol. 275 speaks.

In the Lent Season, whilst the Parliament yet continued, one George Ferrers, Gentleman, Servant to the King, being elect a Burgess for the Town of Plymouth in the County of Devon, in going to the Parliament-House was arrested in London, by a Process out of the King's
King's Bench, at the Suit of one White, for the Sum of two hundred Marks, or thereabouts, wherein he was late afore condemned, as a Surety for the Debt of one Welden of Salisbury; which Arrest being signified to Sir Thomas Moile, Knight, then Speaker of the Parliament, and to the Knights and Burgeses there, Order was taken, that the Serjeant of the Parliament, called S. I. should forthwith repair to the Counter in Breadstreet, whither the said Ferrers was carried, and there to demand delivery of the Prisoner. The Serjeant, as he had in charge, went to the Counter, and declared to the Clerks there what he had in commandment, but they, and other Officers of the City, were so far from obeying the said Commandment, as, after many stout words, they forcibly resisted the said Serjeant, whereof ensued a Fray within the Counter-gates, between the said.
said Ferrers and the said Officers, not without hurt of either part, so that the said Serjeant was driven to defend himself with his Mace of Arms, and had the Crown thereof broken by bearing off a stroke, and his man strucken down. During this Brawl, the Sheriffs of London, called Rowland Hill, and H. Suckley, came thither, to whom the Serjeant complained of this Injury, and required of them the delivery of the said Burgess, as afore, but they bearing with their Officers, made little account either of his Complaint or his Message, rejecting the same contemptuously, with much proud Language, so as the Serjeant was forc'd to return without the Prisoner; and finding the Speaker, and all the Knights and Burgesses set in their places, declared unto them the whole cause as it fell out, who took the same in so ill part, that they all together (of
(of whom there were not a few, as well of the King's Privy Council, as also of his Privy Chamber) would sit no longer without their Burgesses, but rose up wholly and repaired to the Upper House, where the whole Case was declared by the mouth of the Speaker before Sir T. Audley, Knight, then Lord Chancellor of England, and all the Lords and Judges there assembled, who judging the Contempt to be very great, referred the punishment thereof to the order of the Common House. They returning to their places again, upon new debate of the Case, took order that their Serjeant should speedily repair to the Sheriffs of London, and require delivery of the said Burgesses, without any Writ or Warrant had for the same, but only as afore. Albeit the Lord Chancellor offered there to grant a Writ, which they of the Common House refused,
fed, being in a clear Opinion, that all Commandments, and other Acts proceeding from the nether House, were to be done and executed by their Serjeant without Writ, only by shewing of his Mace, which was his Warrant. But before the Serjeant's return into London, the Sheriffs having intelligence how heinously the matter was taken, became somewhat more mild, so as upon the said second demand, they delivered the Prisoner up without any denial. But the Serjeant having then further in commandment from those of the nether House, charged the said Sheriffs to appear personally on the morrow by eight of the clock before the Speaker in the nether House, and to bring thither the Clerks of the Counter, and such other of their Officers as were Parties to the said Affray, and in like manner to take into his custody the said White, which witfully procured the
the said Arrest, in Contempt of the privilege of the Parliament, which Commandment being done by the said Serjeant accordingly on the morrow, the two Sheriffs, with one of the Clerks of the Counter (which was the chief occasion of the said Affray) together with the said White appeared in the Common House, where the Speaker charging them with their Contempt and Misdemeanor aforesaid, they were compelled to make immediate Answer, without being admitted to any Counsel. Albeit Sir Ro. Cholmsley then Recorder of London, and other the Counsel of the City there present, offered to speak in the cause, which were all put to silence, and none suffered to speak, but the parties themselves, whereupon in conclusion, the said Sheriffs and the same White were committed to the Tower of London, and the said Clerk (which was the occasion of the Fray)
to a place there called Little-ease, and
the Officer of London which did the
Arrest, called Tailor, with four Of-
cicers, to Newgate, where they re-
mained from the 28th until the 30th
of March, and then they were de-
livered, not without humble suit
made by the Mayor of London, and
other their Friends. And forasmuch
as the said Ferrers being in Executi-
on upon a Condemnation of Debt,
and set at large by privilege of
Parliament, was not by Law to be
brought again into Execution, and
so the party without remedy for his
Debt, as well against him as his
principal Debtor; after long debate
of the same, by the space of nine
or ten days together, at last they
resolved upon an Act of Parliament
to be made, and to revive the
Execution of the said Debt against
the said Welden, which was Princi-
pal Debtor, and to discharge the
said Ferrers. But before this came
to pass, the Common House was divided upon the Question: but in conclusion, the Act passed for the said Ferrers, who won by fourteen Voices. The King being then advertised of all this proceeding, called immediately before him the Lord Chancellor of England and his Judges, with the Speaker of the Parliament, and other of the grarest Persons of the nether House, to whom he declared his Opinion to this effect. First, commending their wisdom in maintaining the Privileges of their House (which he would not have to be infringed in any point) alleged, that he being Head of the Parliament, and attending in his own Person upon the business thereof, ought in reason to have Privilege for him and all his Servants attending there upon him. So that if the said Ferrers had been no Burgess, but only his Servant, that in respect thereof, he was to have the pri-
priviledge as well as any other. For I understand (quoth he) that you not only for your own Persons, but also for your necessary Servants, even to your Cooks and Horse-keepers, enjoy the said Priviledge, insomuch as my Lord Chancellor here present, hath informed Us, that he being Speaker of the Parliament, the Cook of the Temple was arrested in London, and in Execution upon a statute of the Staple: And forasmuch as the said Cook, during the Parliament served the Speaker in that Office, he was taken out of Execution by the priviledge of the Parliament: and farther, We be informed by our Judges, that We at no time stand so highly in our Estate Royal as in the time of Parliament, wherein We as Head, and you as Members, are conjoined and knit together into one Body Politick, so as whatsoever Offence or Injury (during that time is
is offered) to the meanest Member of the House, is to be judged, as done against our Person, and the whole Court of Parliament, which Prerogative of the Court is so great (as our learned Counsel informeth us) as all Acts and Processses coming out of any other inferior Courts, must for the time cease and give place to the highest. And touching the Party, it was a great Presumption in him, knowing our Servant to be one of this House, and being warned thereof before, would nevertheless prosecute this matter out of time, and therefore was well worthy to have lost his Debt, which I would not wish, and therefore do commend your Equity, that having lost the same by Law, have restored him to the same against him who was his Debtor, and this may be a good Example to others, not to attempt any thing against the Privilege of this Court, but
but to take the time better; whereupon Sir Edward Montague, then Lord Chief Justice, very gravely declared his Opinion, confirming by divers reasons all that the King had said, which was assented unto by all the Residue, none speaking to the contrary, the Act indeed passed not the higher House, for the Lords had not time to consider of it, by reason of the dissolution of the Parliament. Because this Case hath been diversly reported, as is commonly alleged as a President for the privilege of the Parliament, I have indeavoured my self to learn the Truth thereof, and to set it forth with the whole Circumstances at large, according to their Instructi- ons who ought best both to know and remember it.

Note, Danby says—That one coming to Westminster (for that he was a Parliament-Man) and was arrested, and lay in Execution upon a Condemnation long time before the Parliament, and would
would have been discharged of the Execution, and the matter was notified to the King's Council, and to the Justices of the Bench, that he could not be discharged, and Coke said, that it was true. 2 E. 4. fol. 8. vide Dyer, 162. A man in Execution for Debt, altho he was necessary for War, which is for the publick good, cannot be taken out of Execution. per omnes Justic.'

The Parliament shall not give Privilege, in time of Vacation, but sitting the Court, Privilege. Br. 56.

Necessary Servants attending upon their Masters, during the Parliament, shall have privilege of Parliament; so that they shall not be arrested for Debt, or such like; And so shall have privilege of Parliament the necessary Officers that attend on the Parliament, as the Serjeant at Arms, Porter of the House, Clerks, and such like, and in the same manner for their necessary goods, so that they shall not be arrested nor taken by any other Officer (unless it be in case of Treason or Felony) in the same manner as Judges, or Ministers of other Courts shall have for their Servants,
vants, Goods, and Chattels necessary; Priviledge, Br. 6. 29. 24.

If they cannot agree in Parliament upon a Bill, the Tryal shall be by the greater number of Polls.

He that comes to Parliament, ought to be a lawful Person, not Out-law'd, nor in Execution, nor attainted of Treason or Felony, neither shall he be a Villain. Vide Process Fitzh. 20 8. 34 E. 1. A Witness that was named in a Deed among others, was Out-law'd, no Process shall be awarded against him by the Statute, for that he was Out-law'd; If one of the Indictors be Out-law'd, the Indictment is not good, because he is not Legalis & pro-bus Homo. 11 H. 4. 11.

Divers of Parliament were attainted of Treason by the Parliament in the time of R. 3. with H. 7. and it was agreed by the Justices, that untill the Act of Attainder was repeal'd, such Burgessesses or Knights shall not be received into the House to sit there, but assoon as the Act was reuers'd and annull'd, they should come into their places, and then may proceed upon any thing there moved
moved lawfully, as lawful Persons; But as to the King himself, it was a-
greed, that the King was a Person able, and discharg'd of any former Attain-
der ipso facto, that he took upon him to Reign, and to be King, for there is no
Superiour to discharge him: 1 H. 7. 4.

If there be divers Sessions of Parliament, and there Acts passed at every
Session, every Act shall have relation to the first day of every Session. Comment.
78.

The Errors committed in Chancery, in things appertaining to the Common
Law, shall be reversed in the Kings Bench. Dyer 315, & Error Fitzh. 71.
18 E. 3. by which it seems that the Kings Bench is a Higher Court than the
Court of Chancery as to that; Ta-
men quere, vide 37. H. 6. 15, where it is said, that it shall be reversed in Par-
liament, by Choke, Danby, and Ashton,
vide Com. 393, & Breve Fitzh. 651. Vide
42 Lib Aff. 22. where Error was com-
mitted in Chancery upon Petition made
there, and a Scire facias issued in the
same Court against the Party to the Pe-
tition of the Terre-Tenant, to reverse this
Erro-
Erroneous Judgement thereof. If the King be deceiv'd in making his Charter, it shall by \textit{Scire facias} be annulled in Chancery, out of which it issued, and not in Parliament, \textit{Brief Fitzh. 651. 16 E. 3.} But note there, that both are the Kings Courts, and the King may sue in which of his Courts he pleases, in his own Case. But \textit{Thorpe} said there, that in the Case between G. and G. the Suit was in Parliament, to reverse a grant and Charter of the King, which \textit{Parner} granted, for that it was between party, and party; and as to the last matter, \textit{vide 21 E. 3. 46.} accorded.

If there be a Statute that was never put in use, yet it may be put in use at this time, \textit{11 H. 4. 7.} yet see the Statute of \textit{Bulter} made \textit{20 E. 1.} is not put in use, which gives waste to the Heir done in the time of his Ancestor, for the Register gives not a Writ of waste done in the time of the Ancestor, &c.

A Parliament may err, as appears \textit{Parliament. Br. 16.} which reversed the Estate of J. S. in certain Land, and the Charter thereof to him made, without calling the Patentee to it by process before

The Queen may under the great Seal assign two or three Lords of Parliament to supply her place in Parliament, if she be sick, or if she will not come for any other cause to Parliament, as it was done Anno 31 Eliz. the Queen that now is; at which time the Arch-Bishop of Canterbury, the Lord Treasurer of England, and the Earl of Derby, under the great Seal, were appointed Commanders by our Sovereign Lady the Queen to represent her Person in the Parliament, and they sat one space lower from the Cloth of Estate in the Parliament House.

A Statute in the negative restraineth the Common Law, so that after such Statute a Man may not use the Common Law, as the Statute of Marlbr. c. 3. Non ideo puniatur dominus per Redemposure, and Magn. Chart. c. 34. nullus appelletur ad se tam elienius feminae nisi de morte viri sui. Otherwise, it is where a Sta-
Statute is made in the Affirmative, because that does not alter the Common Law. Parliament. Br. 72. 108.

Note, by Englefield Justice, in the case of Button and Savage, that where a man had an elder Title to Land by one Entail, and after the same Land is given to him by Parliament, his Heir shall not be remitted, for by the Act all other Titles are extinct, for that the Act is the Common Judgment, and an Estoppel to every one that is privy to the Act. Parliament. Brooke 73. 29 H. 8. 21 Ed. 4. 57.

If the King has an ancient Title to Land tayled, and the same Land is given to him by Parliament, the Entail is gone, so that his Heir shall not avoid Leases made by his Father, nor Charges and the like. Parl. Br. 73. 29 H. 8.

It was held, that these words, to wit, the King with the Assent of his Lords and Commonalty Grants, or Establishes, &c. This is as well as if it had been, That it was enacted at the Request of the Lords and Commons, &c. and that the King had assented; but the more usual words are, That it be enacted by the King.
King, by the assent of the Lords and Commons, &c. But the shorter, and sufficient Words are, that it be enacted by the Authority of Parliament. Parliament. Brooks 76. 7 H. 7. 14.

The ancient Statutes, as Magna Charta, and other Statutes are, Quod Rex Statuit, and good, for it is implied, that the Lords and Commons assented, Parliament. Br. 76. and the Statute de Finibus, 27 E. 1. is, Statuimus & ordinavimus.

No Lord shall be tryed by Peers, but Lords of Parliament, which are Temporal Lords, and not Spiritual Lords; for a Bishop, that is a Lord of Parliament, shall be tried as other common Persons are, as by Knights, Esquires, and Gentlemen; for that a Bishop is not a Lord, but by reason of his Bishoprick, and so was Cranmer, Arch-Bishop of Canterbury, 1 Mar. Reg. Stanford, 153.

A Peer of the Realm shall be tried in an Appeal by Knights, &c. and not by his Peers, because it is at the suit of the Party. Trial. Br. 142. Coron. Br. 153, 10 E. 4. 6. Stam. 152. Otherwise it is in an Indictment of Treason or Felony, for that it is at the suit of the King, 10 E. 4. 6.

The
The Duke of Somerset in the time of Ed. 6. was tried for Felony and Treason by his Peers upon an Indictment, for it is the Statute of the King. Coron. Br. 153. to Ed. 4. 6. accords. And there it is said by Littleton, that the Lord Gray of Codnor, in an Appeal, was tried, as a Common Person is, and not by his Peers, although he was a Lord of Parliament. Treason, Br. 2.

A man may be attainted by Parliament of Treason as well as by the Common Law, by Verdict, Outlawry, or Confession; because the Parliament is the highest Court of Record in England, and shall not be restored in his Blood without Parliament, but the King may give to him that is attainted his Life by his Charter of Pardon, and that by apt Words. Stanford 53.

The King cannot alter the Common Law, nor a general custom of the Country, as the descent of Land in Gavel-kind, Borough-English, and such like, without Parliament. Prerogative, Brooke 15. 11. H. 4. 74. and see the Statute of 33 H. 8. c. 3. of the alteration of descents of Gavel-kind, and that the descent shall be as to Heirs at Common Law.
When a Lord of Parliament is tried by his Peers, they shall not be sworn to say their Verdict, but they shall give their Verdict upon their Honour, and are not otherwise charged but upon their Honours. 1 H. 4. r. and Stamford 152. From this, note what accompt the Law makes of a Peers Word, when he speaks upon his Honour, and this in case of a man’s Life. A multo fortiori they ought to observe it in lesser Cases when they speak, and make promise upon their Honour upon good Considerations.

When a Statute may be taken to a double intent, the better shall be taken for the King, as the Statute of 14 E. 3. c. ultimo, in Stat. r, it is ordained, that for every Sack of Wool carried out of the Realm, the Merchant shall find Surety to bring into England Plate of Silver of two Marks, and to take two marks of Coyn again for Bullion; and after were two Statutes, one made 36 E. 3. c. 11, whereby it is ordained, for that the Commons have granted to the King of every Sack of Wool for three years one grand Subsidy, he grants by the
the same Statute, that after the three years, nothing shall be taken or demand-ed of the Commons but the ancient Custom of one Mark of every Sack of Wool; and the other Statute made 45 E. 3. c. 4. which ordains, that no Imposition, or Charge shall be put upon Wools, &c. other than the Custom and Subsidy granted to the King, in no sort, without the assent of the Parliament, and upon an Information in the Exchequer against one that had carried Wools, and had not found Surety according to the said Statute of 14 E. 3. which two Statutes aforesaid were pleaded, and adjudged, that the finding of Surety for bringing in the two Marks of Bullion is not taken way, for every Statute shall be taken most beneficial for the King, where it may be taken to a dou-ble intent, and it shall be taken, that it was the intent of the Makers of those said Statutes, to discharge the Commons of the grand Charges upon Wools after the three years, 4 E. 3. fol. 3. & fol. 12. Barre. Fitzh. 309. Vide Com. 10. 11.

The Duke of Buckingham brought an Action, de Scandalis Magnatum, against one
one Lucas; for that he had said, the Duke had no more Conscience than a Dog, and so that he may have Goods, he cared not how he came by them, and recovered forty pound, as appears, Mich. 4 H. 8. Rot. 659. And the Duke may have a Suit in the Star-Chamber for such words; and I have viewed a Copy of the Record.

The Lord Abergaveny, brought an Action upon the said Statute against Cartwright, for that the Defendant had told, and counterfeited false news of the Plaintiff; to which the Defendant said, that the Plaintiff will wind the Guts of the Defendant about his Neck; the Defendant pleaded not Guilty, and in Evidence the Plaintiff shewed a Letter written to one B. wherein the Defendant said, that he understands by Report, that the Lord had said, ut supra, and held good Evidence, and it was found for the Plaintiff, and had Judgment accordingly; And so see, that to write and to say, are all one, for it is publick. Vide Book of Entries 13. that fixing a Slanderous Bill in an open and publick Place bears an Action, &c.
In an Error in Parliament, the Record remains with the Justices, and they are to shew it to the Parliament, and it shall not be removed to Parliament. 8 H. 5. Error Fitzh. 88. Dyer. 375. In such Case the Roll was carried by Wray Chief Justice into Parliament, for the Error was assign'd in the King's Bench, but after that the Court of Parliament had examined it, he takes the Record with him, and leaves a Transcript in the Court of Parliament.

A Petition in Parliament exhibited by A. T. for a Title he made to Land, that the King enjoyed, which was received, and sent into Chancery to be tried, Ass. Fitzh. 287. Lib. Ass. and he surmised, that there was a delay in the Tryal of his Right.

Those of London may bargain and sell their Land there, as they might before the Statute of Inrolments, and so it may be done in other Boroughs and Cities; and it was the Opinion of the Justices of both Benches, that the Lands in Cities, &c. are, where the Common Law is exempted from the Act, and so, that Lands devisable before, 32 H. 8. c. 1:

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are devisable at this day, notwithstanding the Act aforesaid. Dyer 155. And so a Statute in the Affirmative shall not change the Common Law, nor common Custom of a Town, as to Inheritances.

A Lord of Parliament shall have Knights upon his Tryal in every Action, 27 H. 8. fol. 27. Challenge. Fitzh. 115. 13 E. 3. in a Quarre Impedit against a Bishop it has been so adjudged. Com. 117. Dyer 208. according.


If a Lord of Parliament makes a Rescous, a Capias shall be taken out against him, if the Sheriff return the Rescous; otherwise it is in Case of Debt. 27 H. 8. 27.

An Exigent shall issue forth against a Lord of Parliament, if it be not certified that he is a Lord of Parliament, 27 H. 8. 27. 35 H. 6. A Lord of Parliament shall not be Sworn on an Inquest, 27 H. 8. 27.

Day of Grace shall not be given against a Lord of Parliament: 27 H. 8. 27. 27 E. 3.
A Capias ad Satisfaciendum, does not ly against a Lord of Parliament. 27 H. 8. 57. for the Law presumes that he has Assets, &c. 11 H. 4. 15.

A Man shall not be remitted that takes an Estate by Parliament. 34 H. 8. Remitter Br. 49. If the King gives Land to me, that is mine already, by Patent in Fee, I shall not be remitted. 21 E. 4. 57. But if the King recites my former Right, and gives it me, I shall be remitted. Ibidem. Lib. Ass. 28.

Note; That the King cannot alter the Law, by his Proclamation, but he can make Proclamation, that if any one does contrary to the Contents of the Proclamation, that he shall incur the Indignity of his Majesty; But upon pain of forfeiture of his Land or Life, without Parliament he cannot. Vide 31 H. 8. c. 8. That it was ordain'd by Parliament, that Proclamations made by the King, by advice of certain of his Council named in the same Act, ought to be obeyed, as though they were made by Act of Parliament. And after, 34 H. 8. c. 23, another Statute was made, concerning Offenders of the former Statute; But by

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the 1. H. 6. c. 12. both the Statutes are repealed; by which Statutes it appeareth, that Proclamations shall not bind, as Acts of Parliament do, unless it be so ordained by Parliament; for if so, the said Statutes of H. 8. were made in vain.

A Statute recites, that such are attainted of Treason before such Commissioners, and this Attainder is confirmed, if there were no such Attainder in deed, the Act does not attain them at all. Com. 400. A notable Case between Robert Earl of Leicester and Sir Christopher Heydon, and the recital that they were attainted, shall not conclude the Party so supposed to be attainted, but that by an Averment he may avoid it; see the Book.

By the 27 H. 8th. it was ordained, that it should be Felony in a Servant to embezil the Goods of his Master, and after by 1 E. 6. c. 12. all Felonies made in the time of H. 8th. are annul'd, but the Felony of Embezilling, &c. And by the said Statue of 1 E. 6. it is shewn, that the said Statue of 27 H. 8th. was held at Westminster, upon divers Prorogations, the 4th. of February in Anno 27 H. 8.
H. 8. and there continued, and kept until the 24th day of April next following; and for that the said Branch misquotes the Act of 27 H. 8. aforesaid, (for that Session begun the fourth day of February 27 H. 8. and continued until 24th day of April then next following, and then ended, and not continued until 24th day of April, as the Branch makes mention) by which it is Evident, that the Branch of the Act that refers to a Statute made in one Parliament, that begun such a day and continued till such a day, (whereas the Parliament did not continue) this must be void in point of time: and so the Parliament may mistake a thing, and by reason of this Misprision, it will not Arraign a Man that shall embezil his Master's Goods, after the said Act of 27 H. 8. Cor. 400.

If a Statute make an Act Felony, and does not mention Accessories, yet there shall be Accessories in the Case of the Statute: and this Master Dallisfon, Justice of the King's Bench, said, that it was so held by the King's Bench Court, 3 & 4 Ph. et Mar. as Lambert Reports in his Book of the Justices of Peace. Fol. 289.

Vide:
Vide Stamford, 44: and 19 H. 6. 47: according. In the Case of counterfeiting the Seal, or Money, where the con- tenter or aider to it, &c. And yet the Sta- tute speaks, If a Man counterfeit, &c. which thing another did not: so of Rape, where one commits the Act, and the other aids. 11 H. 4. 12. Coron. Fitzh. 228. Vide Parliament. Br. 46.

If an Act make a new Law in the Affirmative, which was not at Common Law, this Law implies a Negative; as a Man seised in right of his Wife, infeoffs a Stranger to the use of himself and his Wife, the is not remitted because she is a Purchaser of the Use, and the shall have the Land, as to the Use, wherein so much is implied, as if the Statute had said, Et non aliter, seu alio modo. Com. 113. As the Statute of Westm. 7 c. 4. grants, that in a Quod ei Deorciat, if the Tennant recover, and maintain the Title of that which the Demandants call Ad Warrantum ac si effent, Tenants in Priori brevi, there, if the former Action had been such, in which he could not Vouch, as a Scire Facias, the Demandant shall not Vouch because
because it is not a new Ordinance of a thing that was at Common Law, which implies a Negative; As if it had been said, _Et nullo aliq modo. Ibidem. 113._

When a Statute is made to Redress Covin, or an Inconvenience which was at Common Law, altho' it be penal, yet other Cases in the same mischief shall be taken by Equity of the Statute, as the Statute of the 16 R. 2. c. 5. of _Penumire enactts_., that if a man Sue for any thing in the Court of Rome, or else-where, for which he may have remedy in the Court of the King, he shall lose his Land, &c. In this Case, if a man Sue at the Court of Rome for that, for which he may have remedy in the Bishops Court in England, he shall be within the said Statute, and yet the said Statute speaketh of the Court of Rome, as appears, _Penumire Br. 9.9 E. 4. 3. per Telverton_, who said, that in the King's Bench it has often been the Opinion, that if a Clerk sue another in the Court of Rome for a thing Spiritual, where he may have remedy in this Realm, in the Court of the Ordinary, that he is in the Case of the Statute. The Statute de
de Religiosis, is that a recovery by the Defendant shall be Mortmain, and the Recovery by Reddition, Confession, or Action tried, is taken by Equity, by Genney, which is not decided, and so of Rent or Common, which is neither Land nor Tenement, by Laco, which is not denied, 3 E. 4. 14. Vide Montague in the Case of Wimbi. Cor. 59. That the Statute which comes to redress Covin and Fraud, shall be taken by Equity, altho 't be not within the words of the Statute, and a Statute that is for the Redressing a general Mischief may be taken by Equity. by Horfan. Parl. Br. 13. 1. 9.

The Justices ought to take notice of a general Pardon given by Parliament, and allow it to the Party upon his Argument, altho' the Party do not plead it, unless there be an Exception in the Pardon so given; for in such Case he ought to shew, that he is not one of them that is excepted, 27 H. 8. 7. for the former and the latter, 8 E. 4. 7. Charter of Pardon, Br. 46.

The King shall not be bound by a Statute, unless he be expressly named in it, by Prift, and Ashton, as in a Quean Impe-
Impedit. Altho the six Months are elapsed, the King shall not be bound, but shall have a Quare Impedit; so if the King usurps on an Infant, this shall put him out of Possession, notwithstanding the Statute of Westminster 2 c. 5. which aids an Infant against a common Person. 35 H. 6. 62, 63.

A Man is attainted of Treason, and after the King gives his Lands to a Stranger, and then he commits a Trespass on the Land, and after this he is restored by Parliament, and the Attainder is annulled, as if there had been no such Attainder, he shall not be punished for that Trespass. Vide Trespass Br. 425. 10 H. 7. adjudged; Vide 4 H. 7. 10. But if a Daughter, or other collateral Heir enter, and take the Profits, and after the next Heir is born, as a Son; he shall not have remedy for the outing of the Incumbent, nor shall have an account for the mean Profits. 9 H. 6. 23.

Note, if a man is attainted of Treason by Act of Parliament, all his Lands, Goods and Chattels are forfeited to the Crown, altho it be not so said in the Act it self; by Trespass and Justice.

By
By the Common Law, if a man be attainted by Parliament of Treason or Felony, yet the Land is not in the Crown before it be so found by Office, if it had not been so ordered by the Statute, 43 H. 8. c. 20, which gives possession in such case to the King without any Office; yet where a Tenant of the King dies without Heir, there the Free-hold shall be in the King without Office, for that the Free-hold cannot be in suspense.

9 H. 7. 2 Dyer 486. Com. 486, 229.

An Act of Parliament in the Affirmative shall not alter the Common Law, as a man recovering Debt or Damages, does not sue Execution within the year he was put at the Common Law to his new Original, for he should not have had a Scire Facias before the Statute of Westminster 2. c. 45. de his. que. recordata sunt, which gives a Scire Facias in such case, yet the party that recovers, may have a Writ of Debt after this Recovery, for that the said Statute is the affirmative, 39 H. 6. 3.

The Statute of 42 E. 3: c. 11. ordaineth, that four dayes before the Assizes, the Pannel of the Assize shall be arrayed,
ed, yet two dayes before the Assize it is
sufficient to array the Pannel in Assizes,
for that the Statute is in the affirmative;
43 Lib. Ass. 22.

It is enacted by Parliament, that A.B.
shall be restored, and that he may enter,
yet he shall not enter upon the King, if it
be not so enacted by Statute, that he may
enter as well upon the King, as upon a
Common Person. 4 E. 4. 22, 23.

At a Parliament holden by Adjourn-
ment, 38 H. 8. it was admitted, that if a
Burgess of Parliament was made Mayor
of a Town that had Judicial Jurisdicti-
on, and the other is sick, that those are
sufficient Reasons to choose others; and
so they did by Writ of the King out of
Chancery, that contained this matter, that
it was admitted in the Commons House

Note, A Statute or Act of Parliament
shall not be proclaimed, for the Parlia-
ment represents the Body of the whole
Realm, for there are Knights, and Bur-
gesses of every County and Town,
39 E. 3. 7. But otherwise where it is or-
dained by the Act, that it shall be pro-
claimed, as the Statute of Labourers,
23 H.
23 H. 6. c. 13: And the Statutes of Maintenance, Champertty, Imbracery, and Retainers, 32 H. 8. c. 9. are ordained to be proclaimed.

A private Act of Parliament shall not conclude men, as a general Act shall, neither are strangers to it bound to take any notice, as Privies are, by 37 H. 6. 15. 13 E. 4. 8. Office de Court, Br. 27.

Where the matter is against Reason, and the Party has no Remedy by the Common Law, he may sue for Remedy in Parliament, 37 Lib. Aff. 7.

A man was restored by Parliament to Land that was forfeited, and had a Writ directed to the Escheator to put him into Possession, and he returns, that he was disturbed in making Execution, by A. B. who came; and said, that he had not notice of the Restitution, and by the Justices he is excused till he had notice, and the Reason, as it seems is, for that it is a particular Act, 43 Lib. Aff. 29.

The Crown of England, and the Pre-eminence thereof, by Parliament, with all Pretensions belonging to it, was gi-
ven to H. 7. in Tayle, this extends not to Liberties and Franchises of others. 1 H. 7. 13.

The King and the Lords assent, that H. 8. shall be attained, and lose his Land, and because it did not appear by the Act, that the Commons assented, therefore adjudged by all the Justices, that it was no Act of Parliament, whereupon the party was restored, 4 H. 7. 10.

Note. By the same Reason, that the Queen by her absolute Authority may commit a man to Prison, and to tarry there during Pleasure, as appears, Stamford, 72. So also by her Proclamation, she may ordain, that if any one do act against the Consent of that Proclamation, that he shall be imprisoned, and yet see 42 Lib. Ass. 5. where a Commission issuing out of Chancery to seise the Goods of 4. and his Body without other process, the Suit was awarded void.

Note. The Queen may by Proclamation inhibit, that her Subject shall not go out of the Realm, upon pain to make Fine for the Contempt, if he go, &c. Fitzh. Nat. Br. 85.
T. infec'his W. and A. his Wife in Tail, and after it was enacted by Parliament, that all Estates made by T. to W. shall be void; yet by Fineaux and Brian Chief Justice, this is void, as well to the Wife as to the Husband, for they are but one Person in Law, and the Wife cannot take but by the Husband; But if an Estate had been made to J. and to another Man, and all Estates made to J. are enacted by Parliament to be void; there the Estate is good for a Moiety to the other man, and with this agreed Vuisitor, yet others are of a contrary Opinion 5 H. 7. 34. Dyer 331, 332.

Note, that it was agreed by the Justices, that the Statute of Additions, made in Anno 1 H. 5. c. 5. shall bind the King as to Indictments and such like, as well as common Persons. 5 E. 4. 32. Com. 236. But see there, that an Indictment is specially mentioned, which is at the King's Suit, and so is as a Name in the Statute.

See in the Book of Bratton, about a Parliament holden by a Lieutenant, or by a Protector, or by a Deputy, and the
the like; See 8 H. 5. c. 1. whereby it is enacted, that Parliament Writs being awarded in the name of the King's Lieutenant, shall not be stayed upon the King's Return into England, neither shall the Parliament be dissolved.

An Act of Parliament in the time of H. 6. was made, whereby all Corporations and Licenses granted by that King were made void: It was held, that this Act must be pleaded Certain, and the Court is not bound to take Conscience of them no more than of a particular Act for a particular Person, for this Act is not general, but particular in a generality, That all Corporations, &c. or that all Lords, or all Bishops shall have such a Thing, &c. But where an Act is general, and extends to every Man, this ought to be pleaded. 13 Eliz. 4. 8.

A particular Act was made, that the Chancellor calling to him a Justice, may award a Subpœna against A. and B. and make Fine of the matter; there all the Justices besides Littleton, would not award a Subpœna General, but a Special one, making mention of the Act, for
a particular Act shall be taken strictly, and a general Act for the Publick Good shall be construed largely. 14 Eliz. c. 41.

Every one shall be bound by an Act of Parliament, if his Right be not saved, for every one is privy to an Act of Parliament. 21 H. 7. 4. by Vauisor.

The Statute gives a Writ of Premu- nire, &c. Yet one may have a Bill in the King's Bench, in Custodia Mare- Shall, 2 R. 3. 17. and the Statute of 1 R. 2. c. 12. gives a Writ of Debt against the Jaylor, and yet the Party may have a Bill upon the Escape against him. Com. 35.

If the King be intitled to the Land of J. S. by forfeiture for Treason, or Felony, by Act of Parliament, or Office, by this all Tenures are determined, as well of the King as of all others, and there, if this Land be afterward given to another, by another Act of Parliament (saving to others all Rights, Interests, Titles, Rents, Service, and the like, as if no such Act had been made) there the Seigniories and the like, are revived, for no Seigniory was in esse at the time of the second Act made, and so there are no
no Words of giving, nor of reviving; but Words of saving, which serve not but to save that which is in esse at the time of saving, &c. But such Provisi in the first Act may serve, for it comes with the Act, that intitles the King, and if the King is intituled to Land by Office, by Escheat, and after it is enacted by Parliament, that the King shall enjoy it, saving to all others their Seigniories and Hundreds, there such saving will not serve, for the Reason aforesaid, for all was extinct before by Office, and nothing was in esse at the time of the saving, &c. 27 H. 8. Parliament. Br. 77.

Note, If an Act be general, viz. Where it speaks as well within Franchise, as without, this shall bind a County Palatine. 19. H. 6. 12. by Hoddy.

Note, Those Words that destroy Life and Member in Statutes, are intended of Felony, as the Statute of Westm. 2. c. 34. where a Man ravished a Woman espoused, or Damsel, that attented not before or after, he shall have Judgment of Life and Member; which Words have always been taken to be Felony, without the word Felony mentioned
tioned in a Statute; and so the Statute de fragentibus Prisnonam. I E. 2. Coron. Br. 204. 9 E. 4. 20.

If a Felon be pardoned by Parliament, and pleads not Guilty, he shall not have a Writ of Conspiracy, for the Felony was gone before by the Pardon. Fitzh. Nat. Br. in the Writ of Conspiracy there.

In a Replevin, the Defendant justifies, as under Sheriff of London, by a Fieri facias, to levy the Expences of the Knights of Parliament, amounting to, &c. And every Hundred was put in certain, and W. one of the Towns of such an Hundred, was rated 10 l. and he, as under Sheriff, took the Cattel in the Town, in such a Place, and the same Beasts he sold, and paid the Knights, and so avows, &c. And there by the Court, he may take the Arms of a Man for the Duty of the whole Town; and that those Boroughs which send Burgessses of Parliament, shall not pay to the Expences of the Knights of the County, unless there be a Prescription, That the Tenants of the Ancient Possessions of Lords of Parliament, have paid towards the ex-
expenses of Knights of Counties; But if the Lords purchase Lands de novo, (that are liable to those Expences) there the Tenants must pay. 11 H. 4. Fol. 2.

The Villains of Lords of Parliament, that come to Parliament, shall not be contributory to the Wages of Knights of the County, that come to Parliament, but the Lords shall have Letters in their own names, directed to the Sheriff, commanding him, not to distress their Villains, &c. F. N. B. fol. 229.

If there be divers Sessions in one Parliament, and the King signs not a Bill till the last, there all is but one and the same day, and all shall have Relation to the first day of the first Session, and the first day and the last are but one Parliament, and one and the same day, unless special mention be made in the Act when it shall take its force; but every Session, wherein the King signs Bills, is a day by it self, and one Parliament by it self, and shall have no other Relation, but to the same Session. 33 H. 8. Parliament. Br. 86.

Note, If a Man in pleading alledge a Statute, and misrecites it in the Matter,
or in the Year, Day, or Place, the other Party may demurr generally, because there is no such Law; for every one that alledges a Statute, ought to recite the Law truly, but in the King's case it may be amended, and this in another Term, otherwise in the case of a common Person. 33 H. 8 Parliament. Br. 87.

A Man cannot prescribe against a Statute, as in Trespass, the Defendant prescribed to distrain for Tenure upon the Land holden, and to carry the distress to D. in another County, whereupon he was condemned, for the Statute is, that a man shall not take a distress in one County, and carry it into another. Marlebr. 4. and W. 1. c. 16. 30 Lib. Assis. Pl. 38. Prescription Br. 50. And yet, if a man hold Land in one County, of a Mannor that is in another County, he may distrain for Rent, or Services of the same Land, and carry the distress where the Mannor is, and impound it there. 1 H. 6. 4. Vide Prescription. Fitz. 58. 8 H. 3. &c. 6 H. 8. Rot. 351.

Ass. was awarded for Damages for the Plaintiff upon Certificat of the Bishop, that the Tenant was a Bastard, and the Par-
Parliament wrote to the Justices of Assize to cease, and yet they proceeded; whereupon the Chancellour reversed this Judgment before the Council, and adjudged it in the same manner as it was upon the Certificat, &c. And then remitted it to the Justices of Assize, that had proceeded, and given Judgment for the Plaintiff, for that the Bishop had certified the Tenant to be a Bastard; and they took no notice of the Reversal before the Council, for that is not a place where a Judgment ought to be reversed. 39 E. 3. 14.

Note, After Judgments given in the Court of the King, the Parties and their Heirs shall continue in possession till the Judgment be avoided by Attaint, or by Error, as it hath been used by the Laws in the time of the Kings Progenitors. 4 H. 4. c. 23.

The Parliament may take Recognizances, whilst it is sitting, viz. the Upper House, 1 H. 7. 20. and so it seems may the Lower House, Recogn. Br. 8. Parl. Br. 92.

Note, That it hath been often found, that Wales, and the Counties Palatines that did not come to Parliament, should not be bound by the Parliament of England,
Land, for Ancient Demesne is a good Plea in an Action of Waiete, given by the Statute, and yet Ancient Demesne is not excepted; and it is enacted, 2 E. 6. c. 28. that Fines with Proclamations shall be in Chester, for the former Statutes do not extend to it, and it is enacted, that Fines with Proclamation shall be likewise in Lancaster, 37 H. 8. c. 19. and Proclamation upon an Exigent is given by Statute, in Chester, and in Wales, 1 E. 6. c. 10. and such another Act of Lancaster, 5 & 6 E. 6. c. 26. And the Statute of Justices of Peace shall not extend to Wales, not to a County Palatine, and therefore an Act is made for Chester and Wales, 27 H. 8. c. 5. But see Tit. County Palatine, 17. & 20. that any Act shall extend to a County Palatine, 8 H. 6. c. 34. See above, the Act for Knights and Burgesses of the said County Palatine to come to Parliament, &c. 34 H. 8. c. 13.

The Wife of a Duke, Earl, Baron, and such as being married, or Widows, in Case of Felony and Treason, shall be tried by their Peers, as her Husband shall be tried. per 20 H. 6. c. 11. Stamf. 153. But if her Husband cannot have such Tryal, the Wife shall not; and if after the death of the Husband, the
marries an Esquire or Knight, she loses her Dignity in Law. Dyer 79.

An Attachment is not grantable by the Common Law, Statute Law, Customs, or Precedent, against a Lord of Parliament, and the Lord Cromwell by order in the Parliament Chamber was discharged of such Process. Dyer, 316.

See Debt, for 100 l. brought by R. Buckney, Knight, against Richard Thomas of Lanuary, upon the Statute of 23 H. 6, for that he was chosen Knight for the County of Anglesey in Wales, which said R. F. being Sheriff of that County, did not return him accordingly; whereupon it was argued, that the Statute did not extend to Wales, as to give the forfeiture aforesaid to the Knight chosen, and not returned; And yet it was adjudged, that the Plaintiff should recover, because the Statute 27 H. 6. enacts, that the Country, and Dominion of Wales shall be, stand, and continue for ever incorporated, united, and annexed to and with the Realm of England, and that every Person born, or after to be born in the said Country or Dominion of Wales, shall have, enjoy, and inherit all and every Liberties, Franchises, Rights, Privileges, and Laws, with-
within this Realm, and other Dominions of the King, as other Kings Subjects naturally born within the same, have had and have enjoyed. *Com. 120.*

If a man speaks slanderous words of the Queen, and is not punished within the time given by the Statute of 23 Eliz. c. 2. he shall be punished by the Statute of Westm. 1. viz. shall be imprisoned until he find the Person that spake, &c. according to the Statute, *W. 1. cap. 33.* and not according to the advice of the Council, for that is when the slander touches the Nobles and great Officers, expressed in the Statutes made 2 R. 2. c. 5. & 12 R. 2. c. 11. and not the King, for he is a Person exempted, and not implied in those words of great Men and Nobles. *Dyer, 155.*

In a *Praemunire* against a Lord of Parliament, he ought to appear in his proper Person, and not by Attorney, unless he has a special Writ of Chancery. *14 H. 4. 14. 9 E. 4. 2.*

*Note, that in January, 38 H. 8. Henry Howard, Earl of Surrey, Son and Heir Apparent of Thomas Duke of Norfolk, was attainted of high Treason for joyning the Arms of England, before the Con-
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Conquest, and other Arms after, to his own Arms, and other pretences against the Prince, and he was tried by Knights and Gentlemen, and not by Lords, nor by Peers of the Kingdom, for that he was not an Earl by Creation but by Birth, as Heir Apparent of a Duke, who was invested with the dignity in Law, for if it had been a Dignity by Creation, and a Lord of Parliament, he should have been tried by his Peers. 38 H. 8. Treason, Br. 2.

A Statute in the Affirmative doth not alter the Common Law. Dier. 50.

Every Session is as a Parliament. Dryer, Fob. 203.

Note. An Attaint by Parliament, shall have Relation to the first day of Parliament, as to the forfeiture of the Lands of the Offender, unless it be specified in the Act, that the forfeiture shall relate to the day when the Treason was committed. Relation, 43. 35. H. 8.

Note, That in every Case of Treason or Felony newly made by Statute, the Lords of Parliament shall have their Tryal by their Peers, notwithstanding that the Statute does not provide for it by express Words; so that the Proviso...
inferred for their Tryals in such Cases as in
the Statute is an abundance. per Stamford,
153. And Tryal per pares is given by
Magna Charta, cap. 9. Stamford, 152.

Note, That in Cases of misprision of
Treason, or Felony, Lords of Par-
liament shall be tried by their Peers.

Note, That a Statute was made Anno
Domini 1296. by the King and his Bar-
rons, Clero exlibro; and this was at a Par-
liament holden at St. Edmundsbury, in
the Reign of Ed. 1. as Jemel Bishop of
Sarum, against Harding, fol. 620, repor-
teth; And in a Province at Merton, in
the time of H. 3. 1273, where the mat-
ter was moved touching Basterdy, for
the Legitimation of those that were
born before Marriage, and it is said, that
the Statute passed intirely with the Lords.
Temporal without the Clergy; but it
seems that it is no Statute, but an affir-
mance of the Common Law, which the
Lords said, that they would not alter.
see 11 R. 2. cap. 9.

A man attainted of Felony or Treas-
fon, shall not be restored in Blood with-
3 E. 6.
In a Homine Replegiando, the Sheriff returnes, that the Defendant had cloi-
gned the Body, so that he could not make deliverance, &c. then the Plaintiff
shall have a Capias in Witheram, to take the Body of the Defendant, and
detain him, &c. untill, &c. be he either a Peer of the Realm, or other Common
Person, and if the Sheriff return, Non est invenitus, upon this Capias in Witheram,
of the Body, then the Plaintiff shall have a Witheram of the Goods of the De-
F. Nat. Brevium 68. 11 H. 4. 15
sendant.

R. E. brought a Writ of Chancery, and of the Privy-Seal, to be discharged
of serving in Juries and Affairs, for that he was a Baron, and therefore ought not
to be sworn in Aff. against his own Will, and it was questioned whether he held
by Barony, to come to Parliament as a Baron, and he said, that he held by
one part of a Barony, and that he and his Ancestors have used to hold so time
out of mind, and after upon good Advise he was altogether discharged. Ex-
emption. Br. 3. 46 E. 3. 30.

When an Error is fixd in Parlia-
ment, committed in the Kings Bench, an
Seire factas shall issue forth to the Par-
E 5 ty
ty to answer at the next Parliament; and, by Hankford, in Errour sued there, it is said, that the Record must remain with the Justices, and they send a transcript of it thither, &c. Error. Fitz. 18. S H. 5. and Dier 375, the Record itself, and a Transcript of it, was brought into Parliament to be examined, and the Transcript was left there.

Bagot was made a Denizen by H. 6, and after, by a Parliament in the time of Ed. 4. All Acts done by H. 6. are repealed and annulled, yet B. continues a Denizen, for that he was made once a Denizen, and there must be a special Act to annul that Denizenship. Denizen. Fitzb. 1. 9 E. 4.

Note, If a Peer of the Realm, or Lord of Parliament, be Demandant, or Plain-tiff, Tenant or Defendant, there must two Knights be returned of his Jury, or else the Array may be quashed; as appears in an Assize betwixt the Earl of D. and Newdigate. Com. 117. Challenge, Fitzb. 115. 13 E. 3. and Dier, 107. Vide Dyer. 318. where the Defendant was proclaimed Earl of Kent, by Descent, pending the Writ, and after the Earl challenged the Array, for that he was an
an Earl, and no Knight returned in the Pannel, and it was not allowed, for the admittance of both Parties is to the contrary, and no default in the Sheriff, for he had no notice of such estate of either Parties; and note, Dier 246. If there are divers Defendants, whereof one is a Lord of Parliament, and the Array is challenged for the Cause before, this shall serve to quash all the Array against the other Defendants also, for that it is intire.

The Statute of 4 H. 7. of Fines is penal, because the Right shall be bound, if he comes not in within five years after the Title accrued, and for that the Statute is very beneficial for the repose and quiet of Land in Possession of the Subject, it shall be largely expounded, and therefore, if the time Commence in the Father, which is a stranger to the Fine, to make claim within the five years, and after he dies, within the five years, his Issue, that is within Age, shall be bound to pursue the rest of the five years commenced in the Life of his Father; as it is adjudged in the Case of Zouch and Stowell. Com. Fol. 375. And a Corporation, as Mayor and Communalty, that have an absolute Estate, shall
Shall be bound, if they do not make claims within five years after the Title accrued; and yet the Statute of 4 H. 7. of Fines, makes no mention of Corporations, or Bodies politick, but yet are Parties within the intent of the Statute, c. 53.  Otherwise it is of a Person of the Church, and a Bishop, because they have not an absolute Estate. *Ibidem.*

Chaplains, that are Masters of Chancery, and are attendant on the Parliament, shall not be Contributory (by reason of their Benefices) to the expenses of Preston, made by the Clergy, that come to Parliament, and if they be, they shall have a Writ to the Arch-deacon and his Officers, for the discharging them, and upon that there shall be an *Alius* and *Pluries*, and *Attachment* against them: which *Writ* appears in *Etab. Nat. Brevium*, 229; and by the *Writ* it appears there, that this is given by the Statute of Westminster, Privilege. Br. 56.

Lord and Tenant, and the Tenant is attainted of Treason by Parliament, and it is ordained by it, that he shall forfeit all his Lands, and after is pardoned and restored by another Parliament.
Habendum sibi, & Hereditibus suis, as if there were no such Attainder, now he shall hold of the common Person as before, and yet once the Tenure was extinct by the forfeiture of the Land to the King. 21 H. 8. Tenures. Br. 70. Vide, Parliament Br. 77: What words in an Act will revive Seigniories, which were before extinguished, and that it is no good Case; And see Stamford 197. That if the King infects an estranger of them, it ought to revive the mean Seigniory, which was before the Attainder, Ierendum of the mean Lord, as it was before the Attainder. Vide Petition E. 19 H. 4. 6 Edw. 3. For this excellent Case, Vide Dyer 313, where the saving of a Seigniory in a Statute is not good.

When a Statute gives a forfeiture to the King, and to the Party griev'd, as where a man is prejudiced by Perjury, or by a fraudulent conveyance of Land or Goods, to defraud the Action or Suit of Creditors, and such like, there none shall have the Suit upon the Statute but the King, or the Party that has received Loss thereby.

Otherwise it is, if the Statute says, that the King shall have a Moiety, and
he that shall inform shall have the o-
ther Majesty (without mentioning the
Party grieved.) And if the King com-
 menceth the Suit before an Information
of the Party, in this Case the King shall
have all the Forfeiture, and he may, be-
fore the Suit of the Informer, release to
the Party offending, and by it every
other Person is excluded. 1 H. 7. 19.

The Statute of 21 H. 8. c. 13. is, If a
Parson take another Benefice beyond
the yearly value of 8 l. without a Qua-
lication, the first Benefice is void; This
value shall not be taken as the Parsonage
is valued in the Book of first-Fruits,
but as it is valued in deed. Dyer, 237.

The Statute 21 H. 8. c. 13. says, that
no Parson of a Church, or such Spiritu-
al Man, shall take a Lease for years, for
Life, or at Will, &c. upon pain of for-
feiture for every Month that he shall
occupy it, 10 l. to the King and Infor-
mer; But note, that the Lease is not
made void by the said Statute, as it has
been ruled. Dyer, 358.

Note, no man can make Proclama-
tion but by Authority of the King, as
Mayors, and such like, as have privi-
ges in Cities and Boroughs so to do, or
have
have it by Custom; And therefore where an Executor made Proclamations in certain Market Towns, that the Creditors should come by a certain day, and claim, and prove their Debts due by the Testator, and because he did this without Authority, he was committed to the Fleet, and fined. 22 H. Br. 8. 10.

Note, a Man shall not be made a Bastard after the death of his Father and Mother, because the marriage is determined, and if a Commissary after their death find such Case of Divorce, and after such Divorce being made, after the death of one of the Parties, this shall never Bastardize the Issue; and so it was taken in Parliament. 24 H. 8. Bastard. Br. 23. 39. c. 3. 32.

Note, If a man gives Lands to one, and his Heirs Males, in this Case his Heirs Females shall also inherit; and this was also adjudged in Parliament, as Thorpe said, 18 La. p. 5.

Note, It was written Tybinry-broke, in a Writ of Cosinage, and in the Haberes facias Visum, the Writ was Tybinry without Broke, and it was demanded of the King's Council, by S. H. Green and Thorpe, Justices, whether this word may be
be amended by the Statute of 14 Eliz. c. 6, which enacts, that the Justices may amend a Syllable or Letter, which is found too little or too much; and one of the Council answered, that it was a needless Question of them, whether it may be amended, for he said, that it may be well amended, be it a Syllable or a Letter, without which the Word cannot subsist, and no difference. 40 Eliz. 3. 34. And so see, the Justices demanded the intent of the makers of the Statute, of those that were of the King's Council.

Note. A Fifteenth is granted by Parliament, and it is well known by the Exchequer Roll how much every Town in England shall pay at every Quinzime granted. Br. 9. 34 H. 8. And if the Tenants pay for their Goods, the Lord shall not pay towards the Fifteen out of the Rents of the Lands that they occupy and enjoy. 7 H. 4. 33. 11 H. 4. 46.

A Town is charged upon a fifteen granted, at the sum of 4/1 and one of the Town by the King's Charter is discharged of the fifteen in the same Town, so much as amounts to his part shall be recounted in the said 4/1 and the Town shall
shall be charged of the rest. Per Curiam, 19 H.6. 63.

Note, A Bishop has a Manor within which are Tenements by the Verge, by Copy of Court Roll; which Copy holds, time out of Mind, have been taxed within the same manner to the Wages of the Knights of Parliament, and a good Prescription, altho' the Lord come to Parliament, and is charged for his Spiritual Possessions for the Dimes or Tenths among the Clergy. Vide Aron. Fitzb. 260. 8 R. 2. according.

One is taxed for the Fifteenth in his Land, and when he perceived that the Collector was coming to distress for the 15th; that is to say, for his part that he was to pay towards the 15th, he drove his Cartel out of the same Land, before the Collector could take them: he cannot pursue: by Brian. So for damage, seellant. 19 E. 4. 10. otherwise it is for Rent-service. 44 E. 3. 20.

At the time of a 15th granted to the King, A. who lives in W. has Corn growing in C. and before the Assessment, he reaps and carries it to W. it shall be liable for the goods in W. and not in C. and in a Replevin the Issue shall be, If
at the time of the Assesstion of the 15th the Corn were remaining in C. or at W. 2 1 E. 3. 42.

Note, The Fifteenth at this day is le- vied by Rods of Land most common- ly, and in some places upon their Goods. Quinse. Br. 9. 3 4 H. 8.

Note, That where the Abby of Saint Edmundsbury was founded by the King's Progenitors, and exempted from all Episcopal Jurisdiction, so that no Ordi- nary could Visit there, contrary to the Foundation, and Ordinance aforesaid; upon a difference that was between A. Bishop of Norwich, and B. Abbot of Bury, concerning that Exemption; It was Ordained at a Parliament of William the Conquerour, held such a Year (by the Arch-bishop of Canterbury, and all other Bishops of the Realm, and by the Earls and Barons) that for the time to come, neither the Bishop of Norwich, nor any of his Suc- cessors, should act contrary to the Points of the Exemption and Foundation a- bovesaid; and that he that shall be Bi- shop, shall pay to the King or his Heirs thirty Talents of Gold; and for that the Bishop of Norwich that now is, has gone
gone contrary to this Ordinance of the King, a Contempt was issued against him, and the Bishop pleaded Not Guilty, and was found Guilty; whereupon it was awarded, That the Bishop's Temporalities shall be seized into the King's Hands, and that the King shall recover the said Sum of Money. 21 E. 3. 60.

Note, Those of Ireland are bound by the Statute of England for their Goods, if the Statute gives forfeiture of Goods for doing a thing contrary to the Statute, but not for Land, or any thing touching Land there. 2 R. 3. fol. 12. And yet those of Ireland, do not send any Lord, Knight, or Burgess to the Parliament of England, for they have a Parliament of their own when the King pleaseth. Vide Action upon the Statute, Fitzh. 1. and 11 H. 6. where Hussey Chief Justice said, that the Statutes of England bind those of Ireland, which was not much denied by the other Justices at that time, altho the Term before some were of a contrary Opinion. Vide 20 H. 6. 9. That those of Ireland are not bound by the Statutes of England, as if Tenth be granted by the Parliament of England, those of Ireland are not bound; because they are not

Vide Dier, 360. A Lord of Ireland shall not be tried in England for Treason done in Ireland, nor by his Peers, nor by Jury, because he is a Subject of Ireland; and England and Ireland have several Seals; whereby it appeareth, that the Laws of England shall not bind those of Ireland for their Land. Dier, 303. A man has Goods in England, and other Goods in Ireland, and dies intestate in England, and the Intestate has an Obligation of a Merchant that dwells in Ireland, which Obligation was in England, when he died, and the Son of the Intestate obtains the Administration of the Bishop of Dublin for the Goods there, and the Wife of the Intestate of the Goods in England, of the Arch-Bishop of Canterbury within his Province, the Son releases to the Obligor in Ireland, and in Debt by the Wife of the Intestate, who has the Obligation in her Hand. This Release was pleaded; and the issue taken was, whether the Obligation was in Eng-
England or in Ireland, when the Obligee died. Out of which it may be collected, that the Arch-Bishop of Canterbury had to do with it, and not the Bishop of Dublin. Dier 305.

Vide p. 16. El. Ro. 436. Lanc. A Writ of Accompmt was brought by Steven Pinde, by his Guardian assigned by the Court, after that he was of the Age of fourteen years, and before twenty one years, for the profits of Land in Gavel-kind, received by Giles Frankling Defendant, Guardian of the said Pinde Plaintiff, before fourteen years, and yet the Statute is, Cum ad etatem, &c. and this is intended one and twenty years. Vide 29 E. 3. 3. Accompmt for Land in Gavel-kind after that the Heir came to fifteen years.

A man has Restitution by Act of Parliament, and a Writ of Ouster le main issued forth to the Escheator, and the Tenant that had the Land, upon a Traverse by him tendered, made Restous: If he had not notice of this Restitution, he shall not be punished by Fine for that Restous, and the reason may be, for that it is a special Act. 43. Lib. Ass. 28.
Hentic', &c. Vic. Darby salutem; Præcipimus tibi quod statim post receptionem præsentium in singulis locis infra Ballivas tuas, tam infra Libertates, quam extra, ubi magis expedire videris ex parte nostra solemniter, & publice Proclamationem factam Statutam, & Ordinationes per nos de Communi assensu Pralatorum, Magnatum, & Communis. Regni nostri in presenti Parliamento nostri apud Westmonasterium pro communi utillitate totius Regni nostri præditi, editi, & Provisi, qua in quibusdam schedulis huius brevi nostro annexa per Lato-rem præsentium tibi mittimus, mandantes præterea quod immediate post Proclamationem sicut permitt, per te factas omnes & singul. hujusmodi schedulas in separat' distincta, et public' locis, ut subditis et Ligeis nostris plenius apparere poterit, in Tabulis affigi, et ponit similiter fac, et hoc sub periculo incumbente non omini; Teste, &c.

Note; That a special Bill against J. P. was put into Parliament, 33 H. 6. for Ravishing of a Woman, whereby it was ordained, that he come before the Lords within a certain day after the Proclamation made by the Sheriff of the County of E. after Pentecost next, and if he appeared not, then he should be attainted, and
and pay a certain Sum to the Woman, 
and this Bill was exhibited to the Commons after Pentecost, which was within 
the time of Parliament, that begun 15 
P. before; Anno Prædicto. And the Lords 
gave day to J. P. to appear after Pentecost, Anno 1457, which was 34 H. 6. with-
in a day certain after the Proclamation, 
and this Bill was not sent to the Commons, as it ought to have been, for that 
the Lords gave a longer time than the Commons gave, and after J. P. did not 
appear according to the Proclamation, 
whereupon he was taken, and sent into the 
King's-Bench, and there pleaded by his 
Counsel, that the Act was not an Act, 
for that the Lords had given a longer 
day, ut supra, and the Bill was transcript-
bed upon a Certiorari in Chancery, and 
by Mittimus of Chancery under the Seal 
there, was sent to the Justices, and the 
Writ was, Rex Justitiarius suis, &c. Trans-
scriptum cujusdam bille coram nobis in 
Cancellariam nostram in filacio, &c. ex-
bibit, &c. authoritate ultimi Parliamenti 
nostrri, &c. Confirm. versus J. P. Vobis mit-
timus, by which, &c. And altho it is not 
an Act of Parliament in Law, for that 
the Lords gave a longer time, ut supra,
yet the Clerk of Chancery made the Writ, which was confirm'd by Parliament, and it was not so in Truth; And Fortescue, in the Exchequer Chamber, seems, that it cannot be intended but that the Act is good, for that the King by his Writ certified the Justices, that the Bill was confirm'd by Parliament; But Illingworth, Chief Baron, said, that it shall not be taken for an Act of Parliament; for the writing of a Clerk of Chancery cannot make an Act of Parliament good, if it be vitious or void in it self; and after, Fortescue said, that this is an Act of Parliament, and he would be advis'd before he would make void an Act of Parliament; and so see, if a Certificat under the Seal of the Chancery of a Record there, shall be contra-dicted. Vide Com. 232. and 21 E. 3. 40; that a Man shall not have an Averment against a Certificat under the great Seal.

FINIS.
THE
OPINIONS
Of several
Learned Antiquaries,

VIZ.
Dodridge.
Agar.
Tate.
Camden.
Holland.
Cotton.
Selden.

TOUCHING
The Antiquity, Power, Order,
State, Persons, Manner, and Proceedings of the High Court of
PARLIAMENT
IN
ENGLAND.

LONDON,
Printed by F.L. for Matt. Gilliflower,
at the Spread Eagle and Crown in
Westminster-Hall. 1685.

Dodridge.

There is no King in the World, nor Subjects of any King, that have a greater, and more binding, and yet a freer Council, than this our Parliament in England, whose general Acts, since all men must take notice of, it may profit any man to understand the Dignity, Order, and Antiquity thereof. Soveraignty, the highest degree of Honour, is imported in the very Summons: For the King alone (Caire Regio) as a Flower
The Antiquity of the Flower of the Crown, hath the absolute power of calling and dissolving it. Order it self stands represented, when the Court is sitting, such is the Majesty of the Presence, the gravity of the persons, and their state in proceeding: but this being often seen, and so best known; and the other unknown to many that sit, and often see the order of this Court.

Therefore we will treat principally of the Antiquity of this high Court of Parliament. And first of the Appellation: The Word Parliament, some derive it from Peers, quasi parium Convensus; or as others say Parliament, Quasi parium lamentum.

Others more probably from the French word Parler, or that of the Greek παραλαλεῖν, to treat and confer freely. The French Histories say, that this name in this sense, began at the Assemblies of the Peers of France, Anno Domini 1200.

But it appeareth to be more Ancient with us than of that time: For Ingulphus who died Anno 1009. saith in Publico nostro Parlamento, &c. taking it there for a meeting, or Chapter of the Abbots.

Angelo King of Polonia, in Polish States calleth the Allemby Generale Parliamen-
Parliaments of England. 

This may raise a doubt of the former Etymology of it, from the French word Parler. But, no doubt, the word was brought into the Statists in the time of Henry the First, to the general Council of the Kingdom.

But the like Assemblies as Parliaments being much more ancient than the Parliament, underwent these names of old times. The Britains called them Keyfrithem, because Laws were therein made by the English Saxons in their English Graduisies, a Council; sometimes Wittenæ motu, a meeting of Wise men: sometimes by the Greek word, Synodus. The Latin Authors of that age called it Concilium magnatum conventus Curiae altissima presentia Regis Praalorum, Procerumque collectorum; as appeareth by the Charter of Withlaffias, Anno 833. and of King Edgar, Anno 966.

And now to step a nomine ad Rem, before the time of Soveraigny, Nature's Law directed men to the love of Society, and care to preserve it, gained free consent even of lawless men to admit of certain Customes as Laws, herehence framing matter of form for a Commonwealth.
But new springing mischiefs, remediless by the elder Customes, causeth, for remedy thereof, the calling of yearly Councils, the Original, no doubt, of our after Parliaments; and it shall appear that our Kingdom from as grounded authority as any other Nation, can prove of old the practice of those great Assemblies, then called Councils, now Parliaments. Those Sages, the Druides, most proper to this Isle, had yearly Conventions of their noblest and best people, in a middle consecrated plott of this Kingdom, punishing with proscription from their Sacrifices, whose obeyed not those general designs.

Before the Romans arrived in this Kingdom, Cassibulan was before Communi Concilio, Chieftain of the Britains Forces; Summa enim Imperii Bellique administrandi communi Concilio permissa est Cassibulano. The Ancient Laws of the Britains (which to the honour of our Common Laws have to their use to this day) were composed in their Common Councils; the multitude at that time, as possessed of nothing, had neither voice nor place; Usury, Tribute, and Greatness, having made them servile to their betters.
Parliaments of England.

And thus stood the State until by Conquest it was made a Province. So before our Britains learned the Laws of their Visitors, they held their Common Councils.

Tacitus seemeth to ascribe much to the prosperous proceedings of the Romans against the Britains, quod non in communi consulementum.

After the entry of the Romans, who with their People brought their Laws, their Councils were Comitia, as Parliaments compounded of the three degrees, (Senatores, Equestres, Plaebi) and termed Curia, Centuria, or Tributa, so called for that the People were divided per curiae; in which Assembly, Populus Suffragia tenebat; distinguished by Seath summoned by the Lictor, held in the City had power to consult of Peace and War, and to dispose of the lesser publick Offices.

Romulus was founder thereof, and nobler people were divided per Centurias; for this the Council fore-sent by Edict, quis dies comitii, centurialis futurus est, summoned per Corni nicem, assembled in Campo martio, because all in Arms.

In this year were disposed the greater Magistracies, and affairs of that. Hostilinus was the Institutor, Tullie gloried in that.
he was recalled from Easlege Centuriata Tributa; For in this be people assembled by their Tribunes: Much agreeing with that of Curiata; And the Leges peculiare was general Jussu populi, Regnante Magistrati, but not in force, as Laws, until their promulgation, for which cause the Country Tribunes repaired to certain Fairs, where Proclamation was made of their new Laws, and holding it æquum ut quisquam obligaretur quod sine culpa sua ignorat; but these Freedoms of the people maimed as the Empire grew absolute.

And, when that State declined, we (as other infranchized Countries) began to give Laws to our selves. Therefore the Britains told Augustine, Sæ non posse absque suorum consensu,« licetia, priscus abdicare mo-ribus. And thus it stood in Britain until the coming of the Saxons. Now that substance and form of Parliamentary Assemblies, went all along the Saxon age, held during the incursion of the Danes, and was continued by the Conqueror in part. And when the assembly of the three Elites formed the Parliament (as now we keep it) it shall by clear proofs and presidents appear. The Story of the Saxons and their Laws do shew that they were of the same mind,
mind; translated hither, as Tacitus saith the Germans were, Nec legibus infinita Po-
testas de minoribus Rebus Principes consultant de majoribus omnes Rex Edwinius (saith Beda,
lib. 2. cap. 13.) Quod antiquam fidem susci-
peret dixit se cum amicis Principibus & consi-
liariis suis collaturum.

In a Charter of King Ethered, it appear-
eth quod ad Sinodale concilium apud Ciren-
chester universi optimates simul convenierunt,
& Astricum majestatis reum de bac patria pro-
fugum expulerunt. Bertbolphus held a Coun-
cil at Kingburn (Pro Regni negotiis congrega-
tum) to the which the west Saxon King, and
people sent thither their Legate. Ingul-
phus hath many places of clear proof, but
I will move but one: In festo Nativitatis
Beatæ Mariae, cum universi magnatis Regni
per Regium Edictum, Sommoniti tam Archi-
episcopi, Episcopi Abbates & cleri, quam totius
Regni Proceres, & optimates London convene-
runt ad tractandum de Negotiis publicis totius
Regni consumatis omnibus Rex Eldredus coram
universis Domino Turketillo Abbati monacis-
que suis accercitis dedit Monasterium de Crow-
land, &c.

Here you may see the sampler of our
Parliament; but to come nearer, when
King Ina established his Laws he saith, I
Ina King of the West Saxons, have cal
all my Fatherhood, Aldermen, and my wisest Commons, with the Godly men of my Kingdom to consult of great and weighty matters.

Here is presented in King Ina, the Kings Royal person, the Fatherhood in those Ancient times were those whom we call Bishops, and therefore we should term Reverend Fathers.

By Aldermen the Nobility is meant. So honourable was the word Alderman in those times, that only Noblemen were called Aldermen; by the wisest Commons is signified the Knights and Burgesses; And so is the Kings Writ at this day: De disciectoribus & magis sufficientibus. By Godly men is meant the Convocation-house, for that it consisted only of Religious men; to consult of great and weighty matters. So is the Kings writ, pro quibus dam Ardius & urgentibus negotiis, nos statum, & defenseorem Regni nostri Anglia, & Ecclesiae Anglicana concernentibus.

The like was in King Alfreds days, where the King, Sancti Episcopi, & Sapientes laici Statuerunt leges, calling the Statute Books Libri Sinodales, all their Laws going by way of suffrage general, according to the writ of our Parliament, Wherefore King Offa having gathered, Concilia sapi-
Parliaments of England.

apientum, the best Laws of Ina allured, and Etheldred would not publish them until such time, (as the text faith) ostenenda bac omnibus sapientibus nominis & dixerunt omnes placet custodire ea. But howsoever the Government was by sundry Kings and continually at interwar, the Saxon time held hardly one form of this their great Assembly or Council, yet in Canutus days, he having Conquered all, and reduced that Heptarchy into a Monarchy.

So that he could say, Sicut in una lege universalium Angliae Regnum Regeretur. It is plain that he held a Parliament, though not then so stiled, yet truly so to be accounted, and since it hath all parts of our Parliament, we might rightly call it so. In the preamble to his Laws thus he faith, Convocato itaque Com- muni Procerum comitatu & Episcoporum abbatum & Cætorum Nobilium. Nec non & cæ- teræ nobilitatis sapientaque torius Angliae confi- lio Satagebat cora decreta & in quantubhumana ratio voluit & Stabiliret.

After this pious King Edward the Con- fessor, in a Charter made to Westminster, for thus he faith; banc igitur Chartum Donati- onis & libertatis in dedicatione predict Ecclesiæ recitari nisi coram Episcopis Abbatis, comitibus & optimatis Angliae omnuque populo audiente.
But now to come to the Norman time after the Conquest, the two first Kings, the Conqueror and his Son William Rufus, Reigned with their Swords in their hands absolutely of themselves, not admitting the former general assemblies of the States. But permitting only Provincial Synods the Clergy for compounding of the Ecclesiastical causes; where nevertheless they sit as presidents. And the Conqueror himself did not challenge to himself, so absolute a conquest; but the Laws that he made have this Title; Hic intimatur quod Gulielmus Rex cum principibus suis constitutus. And in giving Laws to this Nation: Fecit sumoniri per universos, Consulatus Anglia Angos Nobiles & Sapientes sua lege eruditos ut coram & nira & consuetudines ab ipsis Archiepiscopis, & Episcopis audiret.

And often doth he and his Son call William, Archiepiscopis, Episcopis, Abbates, Comites, Barcines, Vicecomites, cum suis militibus ad Consulendum. And likewise oftentimes afterwards, until the time of Henry the first, we find that there were Conventus Episcoporum, Abbatum & Procierum Regni Londini, in Palatio Regis: Wherefore, Pollidore Virgil, and Palladine were much deceived if they thought that Henry the first's Parliament within this Realm; neither do they seem to
to be of that opinion, their words being that Reges ante tempora Henrici Primi, non consueverunt populi Conuentum consultandi causa nisi per raro facere.

Therefore they might hold some, though not so often as their Successors, or agreeing with the Manuscript of Canturbury.

That the first Parliameut wherein the Commons were called, as well as the Peers and Nobles was 16 H. 1. for it is true that after the Conquest until this time, the Commons were not called; and so at this time they will have it first called by the name of Parliament, indeed if the policy of the time be noted that may yeild some difference. The strangers had no way to make permanent their Victory, but by adding other Laws, and plucking up the old roots of Families they found, and to plant them in themselves as in new grounds.

So for that age it was their wisdom to rule, and not to advise with the people. But Henry the first, a newbudd of the old stock, being a natural Englishman himself, born at Selby in Lincolnshire in love of the English Nation to whom he ought his strength.

The Normans at that time standing at Terms of revolt from him in favour of his Brother
The Antiquity of the

Brother Robert Duke of Normandy, he well understanding the love of his people, called them to his great Councils, and setting the Authority of this Court of Parliament, so Established his Throne, that neither Britain, Dane, nor Saxon could ever after to this day disturb either him or his posterity, from the possession of this Land; the making of his Laws were by act of Parliament: the Marriage of his Daughter Maud; and the intailing of the Crown to her, were done by Act of Parliament.

The Accord made between Stephen and him, was made by Parliament. And consequently all the succeeding Kings since, have ever concluded Granda Regni only in the Parliament, yet all the times since have not kept the said form of the Assembling of the three Estates. For sometimes the principal of the Nobility were only called, and they, at the end of the Parliament were to impart to the other Barons and their Country, that was done in the Parliament. Afterwards King John ordained, that all the Barons of England should come in their proper persons to the Parliament, being Summoned. 20 Knights fees, after 20 l. a fee; going to the value of one entire County; 18 Knights fees ma-
Parliaments of England.

king an entire Baron, by which they fat.

But King H. 3. after he had smarted by the Tumultuation of the Barons, their multitudes bringing Confusion, ordained that those Earls and Barons, only to whom he directed his writ should come unto the Parliament and none else. And this with H. 3. began his Son Edward the 1. the Founder of this our civil Estate, calling the Barons, and appointing the Knights and Burgeses to be elected, and of the Barons selected the wisest, and such as pleased him, and did omit them, and their Children, which did not equal them, and their Parents, in Wisdom and Vertue: So held it until the time of Edward the 3. there being then a writ then in use, De admissendo fide dignos ad colloquium.

Some also at that time called, as William Earl of Nottingham, to attend upon the King with 120 men at Arms, Lawrence de Hastings Earl of Pembroke, with 120 at Arms, and so divers others. The calling was with distinction; the Bishops and Barons, De negotiis tractatis & consilium impensuri, the Knights, and Burgeses Ad faciendum & consentiendum, those times had certain Ordinances besides Statutes; For whatsoever the Lords and Commons agreed upon, was
was presently an ordinance, but when the
King gave his Royal assent unto any ordi-
nance, it then became a Statute.

For the Kings Answer is no more, Le
Roy le wil, on le Roy le avisera.

And before the Printing of Acts was
used, they were always Engrossed, and
Sealed with the Great Seal of England,
and proclaimed in every Shire; which use
was continued from the time of H. the
Third, until H. the Seventh's days.

And the form was, the King, by the
advice of the Lords Spiritual and Tempo-
r al, at the special instance of the Commons
assembled in Parliament, hath made and
established these Ordinances and Statutes,
to the Honour of God, the good of the
King and Realm. In which words you
may observe a summary of this great
Council.

1. First, the persons the three Estates.
2. Secondly, The end for which the
Parliament was called (viz.) the Honour
of God, &c.

3. Thirdly, The means by Council
and consent each duty of the three de-
grees is insinuated in these three things,
(viz.) request of the Commons, advice of
the Lords, and establishment of the King.

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Parliaments of England. 15

1. The first expressing the suiters for the Royal assent is never prayed by the Lords, but by the Speaker, the mouth of the Commons.

2. The Second, distinguishing the House, the King hearing the Causes debated only by the Lords.

3. The Third, intimating that no Bill receiveth life until the Royal assent be given.

So by looking back it is easy to see the great Antiquity of this great Court, deduced as you see from before the Romans, but never so dignified as since Queen Elizabeth's time.

Now for the nature of a Parliament, it is Consilium and it is Curia; the power of it in matters hereditary and personal. The proceedings of it in causes Criminal and Civil.

The privileges of it, Sedentibus Sernienibus. The Offices, Officers, and order of that Court; we leave to a farther discourse; thus much only of the Antiquity of Parliaments in England.

Dodridge.

The most Ancient and First Parliament is that in Pollidore Virgili, in the Reign of H. i. the 16th year, which was about the year of our Lord God 1106. and that was held at Salisbury (as he faith) where were assembled with the King, all the Prelates, Nobles, and Commons, to consult for the publick weal, and as he thinketh before that day, the King never called the people to consult, or make Laws, and he deriveth the name of the French word Parler.

There is an Ancient Roll in some mens hands, which describeth the whole State and Order of the Parliament, and the title of
of it is, De modo tenendi Parliamentum. And it is further described, modus, quomodo Parliamentum Regis Angliae & Angli Sumoniri tenebatur temporibus Regis Edwardi filii Etheldredi, qui modus recitatus fuit co-ram Willielmo Duci Normandiae conquestore Rege Angliae, & per ipsum approbatus.

By this it should seem, as they are described in that Roll, were held in the time of Edward the Holy; for he was the Son of Etheldred. For Edward the Elder was the Son of Alfrid, and this Edward the Holy lived about the year 1043. And by this it should seem also that the Conquerour held a Parliament. In this it is first set down what Clergy-men were called, which were not only Bishops, but Abbots and Priors, that held Per Baroniam. By which I do gather, that they came not to that place as they were Spiritual men, but by reason of their Temporal Honour that they enjoy in the Commonwealth.

For they have a place in the Convocation in respect of their Spiritual function, and in that they are a part in the Court of Parliament.

We read of a Parliament in 35 E. I. in which were sixteen Abbots and eight Priors, but how many of these were of the house
The Antiquity of the

house in general, for that I know it is not clear, that there was then a distinction of Houses.

1. The First is de Clericis.
2. The Second de Laicis.
3. The Third is de Militibus.
4. The Fourth is de Cinibus.
5. The Fifth de Burgensibus.

All other Circumstances of Places, Times, Orders, and such like are recited, which I omit to remember particularly, because I know that is a thing well known to all this Company: And that it differeth from the order of that Court now used.

The Court of Parliament hath a double power, the one to consent by way of deliberation, for the good Government of the Commonwealth, and so it is Consilium, not in Curia; and another power it hath as a Court of Administration of Justice.

The principal purpose of that Assembly seemeth to be for Consultation; For the Writs are, Ad consultandum & deliberandum; but being assembled, they may hold Plea of Causes.

But the difference I find, that in Criminal Causes both the upper House and lower House entermeddle therewith, as in Attainders: Only in these, the Spirii-

Spiritual Lords do all go out of the House, and give their Assent by Proxies, 10 E. 4. 6.

But in Civil Causes, as in Writs of Error sued there out of the King's Bench, the Upper House only meddlest, as is well described in the Case of H. 7. 19, 20. in a Writ of Error sued out by one Flowerdove, on a Replevin, wherein Judgement was given against him in the King's Bench.

But we have an express Authority in 4 H. 7. 18. That in a Criminal Cause the Commons must assent, for the King and Lords did attain one, and nothing was said of the Commons, therefore by the opinion of the Justices, the Act was held void, and the party restored.

The Peers of Scotland were wont to come to our Parliaments: For 39 E. 3. 35. in a Writ of Banishment, Degard against Gilbert Umfreville, he demanded Judgement of the Writ, because he was Earl of Angus, and not so named in the Writ. Angus (saith the Plaintiff) is out of this Realm; yea, but, (said the Defendant) I am summoned to the Parliament by that name; and the Writ was abated.

This therefore proveth, that the Peers of Scotland came to our Parliaments for Justice.
The Antiquity of the Justice. But Littleton faith 20 Ed. 4. 6. that we shall implead an Earl or Duke of France, by the name of Knight only.

I need not declare of the nature of a Parliament, how that it is a Body Politick; or of what parts and members it consisteth, for that is very well understood of all this learned Company; neither of the Order of it at this day, for most here know that of their own experience.

The privileges of it are great, and more safely be discussed, what they are without the House in regard of others, than what they are in the House, for their Liberties there.
Of the Antiquity of the Parliament in England.

Agar.

That which we in English call a Parliament, I suppose and know to have taken the Name from the French, and Norman Tongue, sounding upon the word Parle or Parler, to speak or discourse. In Latin I find that it was called before the which is used most for the assembly of the Spirituality to treat of Divine causes, and so was practised when Augustine came to Canterbury, where the King of Kent called Ethelbert, gathered his Nobles and people to understand the message, and Preaching of Augustine; and again it is termed Consilium as hereafter shall be set down, and in that sense in Anno Domini 833. Whitelias Dux Winnyn. Winnyn a great Lord or Prince amongst those of the Fens called Girrii, or Girregii, in his Charter for the
The Antiquity of the founding of the Abbey of Ramsey, in which he termeth Egbert King, and Aethelwulf his Son to be Dominos suos; and he dateth his Charter thus, Datum apud Londini viatatem ubi, omnes Congregaturum sumus pro con-
silio capiendo a Danitos Piratos litora Angli assidue infesterantes.

This mentioneth Ingulphus; So that it appeareth when any eminent peril drew near for the hurt of the Common wealth, that then there were called in the History of Eli Duces, Principes, Satrapae Regiones & causidici, also convenuerunt Angelicus, Aldermani, & Episcopus Oswinus, & alii Episcopi, & omnes meliores, contionantes de
com. & c.

And the same Author sheweth Brunthmothus, most noble Duke of Northumberland, was called Alderman, id est, Senior vel Dux qui Dinodo magna constantia restituit Regem Edgarum & alios Monachos dicens, neququam se ferre posse ut Monachi ejicentur de Regno qui omnem Religionem tuerunt, & coluerunt in Regno.

King Offa in his Charter granted to the Abbey of Chestersie, hath these words, Hanc libertatem omnia predicta ad pre-

História de Chestersfe. 

Sinodali conventu in loco nomi-
Parliaments of England.

Canutus the Dane, beginning his Laws, sheweth plainly that he made the same by the advice and Council of a Parliament, and beginneth thus: *Hæc est consolatio, quam Canutus Rex mediatione vel decreto suorum sapientium conciliatus est cum suis sapientibus apud Wintoniam, &c.* Where I observe an old Written Copy, with a Comment thereupon: And they are expounded thus, *Consiliatio id est institutione multorum facto concilio.*

Item constitutionem pro institutione, ponitur hæc non instituta fuisset suo proprio arbitrio, sed multorum consilio. And the said King Canutus in the preamble of his said Laws, in this manner: *Convocato itaque Comitum Procerumque conventu & Eporum, Abbatum, & cæterorum Nobilium, Nec non & cætera nobilitatis, sapientiaeque totius Angliae concilio satagebat communis decreto ut in quantum humana ratio valeat ea quæ justa fuereus stabiliret, &c.*

And in the said preamble is set down that before his time Synods, and Assemblies for the Commonwealth were very rare, saying; *Ecclesiae institutiones, Synodo-
The Antiquity of the
rumque conventus apud Anglos insitati ad buc
fuereus: And the reason I suppose was, be-
fore Canutus the Realm was Governed
by several Kings, but he having Conquered
them all, and reduced them into one
Monarchy alledged in this preamble, Sum
in uno Rege, ita & una lege universum An-
glia Regnum vegetur.

So as I conclude in this point, that be-
fore Canutus there were no Parliaments in
England, the reason I have shewed before;
which was the diversity, and continual
interwar, betwixt the Heptarchy, by
him reduced; into a Monarchy: Since
this time I find that King Edward the
Confessor in his Charter made to Westmin-
ster Abbey, did seal the same at a Parlia-
ment. For thus he saith, Hanc igitur do-
nationem liberalitatem in die dedicationis pre-
dicta Ecclesia recitari nici coram Episcopis,
Abbatibus comitibus, & omnibus optimatibus
Angliae omnique populo audiente, & vidente;
where note these words omnibus optimatibus
Angliae, & omni populi audiente, & c. which
cannot be but in a general Assembly, by
Summons, and that is proved by the num-
ber, and diversity of the Witnesses, being
Bishops, Abbots, Kings Chancellors, Kings
Chaplains, Dukes, Earls, & ministri
multi, &c. And
And William the Conqueror in his Charter of his Ratification of the liberties of that Church, after he had subscribed the Cross with his name, and besides him a great number of others of the Clergy and Nobility, instead of cum multis aliis hath these words, multis præterea illustrissimis virorum personis, & Regni Principibus diversi ordinis omnes qui similiter binc confirmatione püssimo affectu testes, & scribes fuerunt hui etiam illi tempore a Regia potestate ad diversos Provincias, & verbis ad universalem Synodum pro causis cujuslibet Sanctæ Ecclesiae audiendis & trætandis quod Westmonasterium dicitur convocati, &c.

And in another Charter of his to the said Abbey are these words, Anno incarnationis Domini 1081. Regni etiam pronominati gloriosi Regis Willielmi 150 convenientibus in unum cunctis primis Primatibus in Nativitate D. N. I. &c.

I Read not in Rufus time of any Parliament, but it appears in the Red Book of the Exchequer, that Hen. r. before the making, or constitution of his Laws seteth down, Quæ Communis consilio & consensus Baronum Regni Angliae &c. and then proceedeth, omnes malus consuetudines quibus Regni Angliae oprimebatur inde aufero quas
The Antiquity of the quas ex parte suppono Testibus Archiepiscopis, Barcinibus, Comitibus, Vicecomitibus, & optimatibus Regni Angliae apud Westmonasterium quando coronatus sui.

The Marriage of his Daughter Mawde, and the intailing of the Crown to her and her Heirs, was done by Parliament; and so consequentially all matters of importance was done and concluded, which the accord between him and Stephen was done in Parliament, and of such force is an Act of Parliament. Herein the Government of the State of the Realm, as it is deemed as an Oracle from Heaven, and resteth only in the King and Queens power to qualify and mitigate the severity thereof. And thus much of the Antiquity.

I leave to others to discourse of the manner how they that are to treat therein are to be called, and of their privileges. And so I end.
The Antiquity of Parliaments.

The diligent observers of the Antiquity of this Realm, do very well know that Acts of Parliament are of so huge a nature, that they do not only tye the Inheritance of every man, but what is there Ordained, every subject of this Land is bound to take notice of at his peril. And because no man that should desire to inform himself therein should be ignorant what was done in Parliament, as now we use Printing of the Acts, so before Printing, all the Ordinaneees affirmed by Royal assent, were Recorded; and then published under the Great Seal of England, with a general Preface, and proclaimed in every Shire. This you may see continued from the time of Henry the Third till about H. the Seventh's days; and ordinarily the form was thus.
The King such a day, and at such a place, as at Westminster, the second day of April, in the second year of the Reign of King H. 6. by the advice of the Lords Spiritual and Temporal, and at the special instance and request of the Commons assembled in Parliament, hath made and established these Ordinances, Acts and Statutes, to the honour of God, and good of the King, in form following: And then sets forth every Act in particular Chapter.

Here you may see the persons assembled, the end of their meeting, and the means to make it effectual. The persons which meet at the Parliament are the Land, the end of the meeting is to be something to Gods glory, the Kings good, and the benefit of the whole land; and the means to effect the same is by Consultation and Consent.

The particular Duty of each of these three, seems to be insinuated in these words: First, the request of the Commons; Secondly, the advice of the Lords; Thirdly, the establishment of the King. The Commons being most in number, and such as live in all parts and places of the Land, are like to have most and best notice of
of such things as are most likely and meet to be provided for; and being weak in power, and most subject to such inconveniences as greatness may lay upon them, and therefore are fittest.

First, to lay open their Grievs, and pray Reformation; or though they be not able at the first, with Judgment to foresee ensuing dangers, yet the same being once purposed, and instantly apprehended, they may with instance importune allowance of such Laws as may turn to their good, and our own experience teacheth us that the Royal assent was never prayed by the Lords, but by the Speaker, who is the mouth of the Commons.

In the presence of a Prince a common person will scarce have the Audacity to speak, but when necessity maketh him crave help.

And therefore it is properly said, that the King advised with the Lords because he heareth the Causes debated with them only; the Commons being separated for consultation, what were fit to propose into some other place.

Whatsoever the Lords and Commons agree upon is an Ordinance presently, though it be never ingrossed, and Sealed with
The Antiquity of the with the Great Seal, and proclaimed in the Countries, as the common course was; but it took no effect as a Statute, till the King declared his Royal assent, which he might very well do by Writ after the Parliament, as well as during the Parliament, p. 29. Ed. 3. fol. 46. 39 Ed. 3, fol. 7. For the Kings Answer is no more, but that he will be advised whether he will assent or no.

And if he assent not till after, it is some doubt whether it be an Act of Parliament, or but from the time of the Royal assent given.

The general assent of the Realm to make Ordinances and Laws, the Ancient Writers called Concilium commune concilium, Placitum generale curia altissima & Parliamentum generale Curia altissimum & Parliamentum generale seu altissimum.

The Saxons called it Gemote, Pirena, or Pizena Gemore, Ealpa, Zemots, Synods.

I find not the word Parliament before the beginning of Edward the First fully in use amongst us, but the assembly of the three Estates to consult of the affairs of the Commonwealth, is as Ancient as the Britains, and continued here in the time
time of the Saxons days, and Normans.

I ground my opinion for the Britains upon no express authority, but by Inference out of divers. 1 Ed. 1. Caes. Com. lib. 5. cap. 5. faith, Summa Imperii belliique administrandi commissa est Cassibulano, so that here we have the name. And if you think that the Commons were not called to this Consultation, hear what Zothilus faith of the Britains, Apud hos populus magna ex parte primatum tenet, exclude themselves of these general Councils, and you de-prive them of this right: Vitus in Histor. Britain. lib. 8. fo. faith, That Arthurus Victor cum Regio Splendore Londinum ingrediatur, eaque urbe convocatis clericis Principibusque suae quidem potestatis omnibus consilium quod optime factu fit capit Beda, lib. 2. cap. 2. faith the Britains told Augustine,

Se non posse absque suorum ac licentia pris-cis abdicare moribus Beda, lib. cap. 13. Rex Edwinus antequam fide Christianam sub- scriperet Dixit se non amicus Principibus, & consiliarius suis collaturum, & habito sapienti-bus consilio, &c.

The Story of the Saxons and their Laws make evident proof that they were still of the same mind, transplanted hither, as Tacitus faith the Germans were, nec Regi-
The Antiquity of the
bus infinito potestas de minoribus rebus Principes consultans de majoribus vero omnes.

Historia Eliensis lib. 2. de Dunelmie mortuo Rege Edgardo Lesse, (vel Lepsiis) Deo, & Sancto Petro abstulit cum rapina Burch, & Vendales & Cataringas postea alicibatur generalis placitum apud Londinum ad quodde Duces, Principes, Satrapae, Rectores, & causadici ea omni parte confluenserunt, Beatus Ethelwaldus lessum in vis protaxit coram cum etis injuria patefecit, & bene aparte discussea ea omnes Ethelwaldo per judicium reddiderunt Burch, & vendales & Katheringas.

Ingulphus hath many places to the like purpose, but I will use but one, In festo Nativitatis Beatae Mariae cum universi magnates Regni per Regni editum summone tit tam Archiepiscopi, Episcopi & optimates Londonii convenerunt ad tractandum de Negotios publicis totius Regni consummatis omnibus coram universis Domino Turketillo Abbati Monachisique suis accersitis Rex Etheldredus dedit Monasterium Croyland, &c.

Polidore, Virgil and Paradine are therefore much deceived if they thought Henry the first that held any Parliament in this Realm, neither do they seem to be of that mind: Their words are, Reges ante Tempora H. 3. non consuerunt Populi conventum.
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Yet I think their Successors held Parliaments oftener than they did, yet nevertheless they held some. And William the Conquerour challenged not so absolute a Conquest of this Land: But the Law he made hath this Title, Hic intimatur quod Gulielmus Rex cum Principibus suis constituit, &c. And I think all Kings may yield to consult with their poole, for that reason which Alfred used in his Preface to his Laws, Terneritatis videatur ex suis ipsius decretis quonquam plura literarum Monumenta consignare cum incertum sit qualem apud posteros habetur quæ nos magni facimus.

I have not seen Arthur Halls Book whereby he disalloweth the Commons to have any voice in Parliament, and for which he is disabled to be of the fame House for ever, but I think he mistaketh some Writers meaning, which speak only of Barons, or Magistrates, but words are not so much to be regarded as whatsoever the Parliament alloweth, it bindeth as a Law, though it be set forth only in the Kings name, as the Statute of Gloucester and Magna Charta, or in the names of the Commons only.
In the Kings Oath the word (*Populus*) extendeth to the greatest Subjects of the Land, and so doth it also in a Recognizance of the peace or good behaviour *quod bene se gerat erga populum cunctum*; If therefore he strike or misdemeanor himself towards a Baron the Recognizance is forfeited.

There is an express Authority that proveth that the word *Magnates* comprehendeth the people. *Howden* saith *Anno 1170. Rex celebrat magnum consilium Londinum cum Principibus & magnatibus terra de coronatione. A. filii sui & Domini sequenti Clero & populis consentientibus fecit ipse filium Sum Coronari.*

Francis Tate.

*The*
The Antiquity of Parliaments.

Camden.

That there were such like Assemblies as Parliaments now are, before the Romans arrival, hear some rather by the words of Cæsar, lib. 5. De Bello Gallico, Summa Imperii bellique administrandi communici concilio premissa est Cassibudano: and for not such due holding of Common Councils.

Tacitus seemeth to refer the happy proceedings of the Romans against the Britains, A quod in communione consuluerunt.

These Parliament Assemblies the Britains do call Rifrithem, because Laws were there Enacted.

The English Saxons as soon as they settled themselves held also the like Assemblies, which they called in their Ancient English Tongue Gereduisis, or a Council; sometime Wittenamotts, a meeting of
The Antiquity of the
wise men; and sometime of the Greek
word Synoth. - The Latin Authors of that
age did call it, Concilium magnatum con-
ventus, and Præsentia Regis Prelatorum
Procerumque collectorum, as appeareth by
the Charter of King Edgar to the Abbey
of Croyland, in the year 966.

At which time, it seemeth by the sub-
scribing and subsigning, that Abbasses had
the Voices there, and Consents, as well
as the Prelates and Nobles of the Land.

After the Norman Conquest, the two
first Kings Reigned with their Swords in
their hands, absolutely of themselves,
(viz.) the Conqueror, and William Rufus
his Son, not admitting of themselves any
general Assemblies of the States of the
Realm, but permitting only Provincial
Synodus of the Clergy, for composing of
Ecclesiastical Controversies (as somewrte)
wherein they themselves sate nevertheless
as Presidents.

Yet in their meeting (as it is in Hovedon)
where he setteth down the Laws of Wil-
liam the Conqueror, he did set them down,
and Council of the Barons.

Fecit Summoniri per Universis consulatus
Angliae. Anglies Nobiles & Sapientes & sua
lege eruditos, ut eorum & viræ & consuetudines
ab.
Parliaments of England.

ab ipsis audiret Electi igitur de singulis totius patriae comitatibus Viri, Duodecem in revirando confirmaverunt primo, ut quoad posuit recto tranite; neque ad dextram, neque ad Sinistram partem de vertentes legum suarum consuetudinem & Sanctitatem patefacerent in bill. pretermittentes nihil addentes nil prevaricando mutantes.

And oftentimes both he and his Son called the Arch-bishops, Bishops, Abbots, Archiepiscopos, Episcopos, Ab-bates, Comites, Baronies, Vice-comites, cum suis militibus; and the time following we find that there was Conventus omnium Episcoporum Abbatum, & Procerum Regni Londini, & in Palatio Regis.

But an old Manuscript-book faith that the First Parliament, Liber Cantu-ar.

wherein the Commons were called as well as the Prelates and Nobles, was Anno 16 H. r.

And then was first called by the name of Parliament, as some say, from the Peers, a potiore parte quas parrum conventus; some derive it from the Peer, Rediculosi quasi partum lamentum; others more probably derive it from the French word Parler, or that of the Greek ἄγγαλαλάτη, that is to treat and to con-ferr
The Antiquity of the
ferr together, some of the French Histories write that this name in this scene began at an Assembly of the Peers of France, about the year of Christ 1200. But I find the word to have been in use as in this Realm long before. For Ingulphus who died in the year 1109, used the word of the Meeting or Chapter of the Abbot and Convent, writing thus.

Conceffimus etiam tunc Seriantiem nom. Ecclesiæ Seiano de Leke qui veniens coram conventui Publico. Parliamento nom. similiter viramentum prestiit quod fidus nobis existerit:

Neither do I doubt but that the word was brought into this Realm by the French mouth, and first used by the Statist in the time of H. 1. since that time the authority of this Court hath stood settled, and the Commonalty hath had their voices which the said Henry the First granted unto them, being a natural Englishman himself, and the love of the English Nation; when at that time the Normans were on the terms of revolt from him in favour of his Brother Duke of Normandy.

Now for the form of assembling these three sorts of Estates in this high Court. I find no certainty till the time of King John, it is apparent by a Petition exhibited
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bited by the Lord Fitz Hugh in a Parliament holden at Leicester 2 H. 1. that the principal Nobility were only called, and they after the end of the Parliament to impart unto the Barons and their Country, what was done in the Parliament. Afterwards King John ordained that all the Barons of England should come in their proper persons to the Parliament whenever they were Summoned: The former I will deliver, out of the words of the Petition.

Ipse Dominus Rex quando generailes Sumonitiones vicecomitibus cujuslibet committatus dirigeret ipsos invingendo quod omnes Comites & Barones quorum nomina infra Scripta fuerunt & intra suas Ballivas residentes ipsi summiserent ad veniendum ad Parliamentum Regis, & hoc non ommittatur quacunque ex causa Subpæna magni contemptus: At which time as it is in the Book intituled Modus tenendi Parliamentum, all Earls which have Land, Tenements and Revenues to the value of an entire Baron, which is 15 Knights fees and a half, come to the Parliament, but when so great a multitude bred Tumultuous confusion, King H. 3. after that he had smarted by these confused multitudes of Barons, ordained that these Earls
The Antiquity of the
Earls and Barons unto whom he had di-
rected his Writ should only come to Par-
liament, so the Ancientest Summons which
I have seen, which were Anno 49 H. 3.
they were called besides the Earls 17
Barons, this which H. 3. began was fully
perfected by King Edward the First, his
Son, who elected the wisest, and such as
pleased him, and likewise omitted them
and their Children in his Summons, if they
did not equal, their Parents in wisdom and
other good parts and Offices of valour
and Government: So as we see in that
time Helton, Corbet, Points, Leibourne, Va-
va~ar, &c. and such other like were Sum-
moned once or twice to Parliament, and
their posterity, wholly omitted afterwards.
The Barons, and Bishops were called De
Negotiis tracturi, & concilium impensuri, the
Knights and Burgess was, ad faciendum & con-
sentiendum ii quae ibum de communi consilio di-
eti Regni hom. favente deo, contigerit ordinari
super de Negotiis ante dictas, and in the same
words were the Clergy called Ad facien-
dum & consentiendum, so as it seemeth they
had as much to do in Parliaments then as
Knights of Shires and Burgess.

William Camden.
Of the Antiquity of the Parliaments in England.

Holland.

I find in many Ancient Histories that the Kings of this Land, did use to call together the Nobility and States of this Realm to confer with them especially about matters of War, when any necessary occasion did move them thereunto.

But it is thought by Hollingshed in his Chronicle that the first use of Parliament did begin with the Seventeenth year of Henry the First which since that time hath remained in force, and is frequented unto our times, insomuch as when any thing is to be decreed appertaining unto the State of the Commonwealth, it shall not be received as a Law, until by authority of that assembly it shall be established.

It is recorded amongst the Commons of
Parliament in the 35 E. 3. that there is one Writ De admittendo fide dignos ad colloqui-
un; and amongst the Earls and Barons there is returned Marie countesse de Norfolke, Alia-
nor Countesse de Ormone, Philipp Countesse de March, Agnes Countesse de Pembrook and Katherine Coun-
tesse de Asbell.

Upon the Parliament Roll Anno 14. vel 15 E. 3. there are divers Writs directed to sundry Earls and Barons De veniendo Ad Regem, whereof the first is directed to William Earl of Southampton to attend the King with 120 men at Arms, William de Clinton, Earl of Huntingdon with 60 men at Arms, Lawrence de Hassings Earl of Pem-
brook with 50 men at Arms, and so likewise there were divers directed to others, and these several kind of Summons, because I find them recorded amongst the Parliament Rolls; I thought good to remember them to you, I will conclude upon the Etymo-
logy of the word which is Parliament, which is to speak, and deliver mans a mind freely in that Assembly. Wherefore the boldest Speech that ever I did read of to be spoken of in the Kings presence, was spoken by Roger Bigod Earl Marshal of Eng-
land unto King Edward the First in the Par-
liament.
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dliament House at Salisbury, where the King would have him to go into Gascoine for him with an Army; but when the Earl excused himself, saying, he would be ready to go if the King went himself.

The King then in a great chafe said by God Sir Earl thou shalt go or hang, and I (said the Earl) swear the same Oath that I will neither go nor hang: And so departed from the King without taking leave.

Joseph Holland.
As touching the nature of the High Court of Parliament, it is nothing else but the King's great Council, which he doth assemble together upon occasion of interpreting or abrogating of old Laws, and making of new, as all manners shall deserve; or for punishment of evil doers, or for reward of the vertuous; wherein these four things are to be considered.

1. Whereof the Court is composed.
2. What matters are proper for it.
3. To what end it is Ordained.
4. What is the means to bring the end to pass.

1. As for the thing itself it is composed of


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of a Head and a Body: The Head is in the King, the Body are the members of the Parliament. This Body again is subdivided in two parts: The Upper and the Lower House.

The Upper House is divided partly of the Nobility Temporal, who are Hereditary Counsellors to the High Court of Parliament, by the Honour of their Creation and Lands; and partly of the Bishops, Spiritual men, who are likewise by virtue of their dignity, Et ad vitam, of this Court. The other House is composed of Knights of the Shires, and Burgess of the Towns.

But because the number would be infinite, for all the Knights, Gentlemen and Burgess, to be present at every Parliament, therefore a certain number is selected out of that great Body, serving for that great Parliament where their persons be the representations of that great Body.

2. For the matters whereof they ought to treat, they ought therefore to be general; and rather of such matters as cannot well be performed without the assembling of that general Body; and no more of the generals neither than necessarily shall be required; for as in corruptissima Rei Publi-
The Antiquity of the

caplurimae sunt Leges; so doth the life and
strength of the Law consist not in heaping
of infinite and confused numbers of Laws,
but in the right interpretation, and due
execution of good and wholesome Laws.

3. The end for which the Parliament is
ordained being only for the advancement
Gods glory, and Establishment of the
weal of the King and his people; It is no
place for particular men to utter their pri-
vate concepts for satisfaction of their cu-
riosities, or to make shew of their eloquence
by spending the time with long studied,
and eloquent orations, for the Reverence
of God, their King, and to give their best
advise for the furtherence of his service,
and flourishing weal of this Estate.

4. And lastly to consider the means how
to bring all your Labours to a good end,
you must remember that you are assem-
bled by your lawful King to give him your
best advice in matters proposed by him un-
to you, being of so high a nature as before
said wherein you are gravely to deliberate,
and upon your consciences plainly to de-
termine how far those things propounded do
agree with the weal of your King and the
Country, whose weals cannot be separated.

But of the form of holding, see Sir Tho.
Smith's Book Cap. 3. Fol. 47.
Descriptions and Occurrences of the Parliament.

Selden.

That we now agreeing with the Scots, do name a Parliament; the Frenchmen do call it le Estates ou le assemble del Estates, because with them there (as with us also) the King, Nobility and Commons do meet thereat to consult. And the same in Germany is termed a Diet; for those other Courts that carry the name of Parliaments be but ordinary Courts of Justice, which as Paulius Jovius Writeth, are thought to have been planted by us, and of which our own Counsels established in Wales, and in the North parts do bear the nearest shew and resemblance:

This word Parliament faith one is compounded of Parium & lamentum because (as he thinketh) the Peers of the Country did at those meetings lament and complain
plain each to other of Country grievances, and thereupon provided redress for the same.

But their opinion's more probable (as I think) who drew Parliamentum from the French word Parler. And that also from the Greek παραλαμβάνω, both signifying to speak, and so adjudge the determination (ment) which is common in the French Tongue as well to main Nouns as Adverbs do make up a Parliament, meaning thereby an assembly of men called together to speak and confer of their advices or opinions.

And also it may not unfitly be called Parliament, for that each man there doth, or should speak his mind.

But Lawrentius Ville misliketh that manner of Etymology, I will not take upon me to set down the very time in which the the word Parliament came first in use.

But forasmuch as it was transported out of France, it is not improbable to guess that it began here shortly after the time of the Norman Conquest; and of the first Authentical reports of that name Parliament that I have found in the Statute made 3 E. r. and commonly called Westminster where that assembly is said to be Primer Parliament general a pres corone-
Parliaments of England.

ment le Roy; But yet that is not the very first use of the word, for in the Statute called Articulis Celere published 9 E. 2., these words are read amongst others, Temporiibus Primo genitoresque & quondam, must needs reach higher than to Edward the First that that was: but Father to him that spake it. So that I can willingly thereto subscribe to the opinion of Pollidore Virgill, who in the XI. Book of his English History which containeth the Reign of H. 1. that was Son to the Conqueror, Writing of the great Assembly at Salisbury faith thus, Ad illud opposite habeo dicere Reges ante hie tempora non consuevisse populi conuentum consultandi causa nisi perraro facere adeo ut ab Henrico id institutum vire manasse dici posset, &c.

And a little after Gallico Vulgo Parliamentum appellant, &c. And this by so much the more credible, as that King laboured by all means, and especially by restitution of the Ancient Laws (as all Historians do agree) to heal the hurts of the Englishmen, which were before deeply wounded by the oppression of his Father, and his Brother William, to the end that he might thereby the better keep the Crown of this Realm against his Elder Brother Robert, who both had good right, and made his claim thereto.

But
The Antiquity of the

But what time soever after the conquest this Court began to be called by the name of Parliament yet, is it certain that the same was free known to the Saxons, and Englishmen, sometimes by the word of Sinoth, and Gemot, and Micell, Witen, ala Witen, and Lemote, and Halimote, that is to say, Assembly, or the meeting of the Wisemen of a Shire of the men of the Town, and of the Tenents of a Hall or Mannor had there beginning also. And as Sinod is more used in the Acts of Parliaments themselves, so Gemote is more familiar to the Histories.

Thus much of the Ancient usual name, now let us look to the thing itself; like as in War, when the King is present, and with him the Nobility, Gentry, Yeomanry, there is the force, and puissance of the Realm, even so in peace; wherefoever the Prince is (as the head) to give life, that is to yeild the last, and highest assent, and where the Barony consisting of the Lords Spiritual and Temporal, and Commonalty, made up of the Knights, and Burgesses (be as the Body) present at his commandment to deliberate, confer and consent.

There is also the Council and Pollicy of the Realm, so that for as much as eve-
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ry man from the highest to the lowest, is there by person, or by procuration, therefore of right reason every man is said to be found by that which doth pass from such an Assembly.

And this form of Policy is both Natural and Armonical, Natural in that it hath an Imitation of the natural Body, of a man (truly called the little world) out of the three Cells, whereof namely the Head, Breast, and Body, the whole three parts of the Soul do open, and utter themselves, and Harmonical because so well tuned a Bass, Mean and Treble, there proceedeth a most exquisite consent, and delicious harmony.

The beginning of which manner of consultation, and namely with us of this Realm, if not how can I derive it from any other time, than from that which the German and English Nation did set their first Foot in this Land to invade it.

For Cornelius Tacitus Writing of the manner of the Ancient Germans saith thus, Nec Regibus infinita potestas de minoribus rebus Principes consultant omnes, neither did they together with the change of the Soil make change of this their wonted manner of deliberation, for it is yet extant in mo-
The Antiquity of the numents left behind them, that after their coming hither they frequented the same order in Counselling which they had used in their own Country before, for proof hereof I might call Beda the Saxon Historiographer to witness, who reporting how the Christian Faith took root by little amongst themselves in their particular Kingdoms in this Land, Writeth, that King Edwin of Northumberland would not embrace the Preaching of the Gospel, before he had commended and consulted with his Freinds, his Nobility, and his Willemen. And so I end.

FINIS.
THE
METHOD
OF
Passing BILLS
IN
PARLIAMENT.

Written by Henry Elsinke, Cler. Par.
Now Printed from the Original Manu-
script under these Heads, viz.

1. Proceedings upon Bills.
2. The Commitment of Bills.
3. Manner how Committees are named.
4. Who may not be of a Committee, and who ought to be.
5. Council heard at the Committee.
7. The Third Reading.
9. Amendments and Additions, or Proviso's added
   afterwards, how Lawful.
10. Amendments of Amendments how Lawful.
11. A Provise added after a third Reading, not
    usual.
12. A Proviso added by the one House, and desired
    be taken away by the other House, whether Lawful.

LONDON,
Printed by F. L. for Matt. Gilliflower,
at the Spread Eagle and Crown in
Westminster-Hall, 1685.
Proceedings upon Bills

The first Reading.

The Clerk reads the Bill standing at the Table, and then delivers the same kneeling unto the Lord Chancellor, together with a Brief of the Bill.

The Lord Chancellor reads the Title of the Bill, and then reports the effect of the same out of the Brief, and concludes. This is the first time of the reading of this Bill.

At the first Reading, the Bill is seldom now spoken against.

There are presidents to the contrary, prout A. 1 H. 8. ii de Parliamenti Billa de actionibus (brought from the Commons) lesta i. vice & Domini
The Method of Passing Bills

Domini disputando censerunt reformandum; quod regia Majestas haberet 3. vel 4. annos pars vero contra partem, nisi unum annum.

And a Bill hath been received at the first Reading prowt.

Anno 3 E.6. 14 No. Billa pro Jurisdictione Episcoporum rejected, and a Committee appointed to draw a new Bill.

The Subsidy Bill and the Kings general Pardon, were used to be Read but once, and so were expedited at the first Reading.

Yet if a Proviso be added to the Subsidy Bill, that hath been read three times prowt.

So if a Proviso be added to the general Pardon, that is to be read three times, V. 3. E. 6. 1 Febr.

Anno 35 H. 8. 4 die Martii 1. Vice lecta est Billa, concerning the Kings Majesties Award between the Lord Dacres, and the Heirs general of Sir James Strangwush the younger, cui quidem Billae Proceres assenserunt.

Bills
in Parliament.

Bills also have been committed at the first Reading.

Anno 6 H. 8. 14 Febr. recepta est Billa in papiro concernens apparatum & lecta, est jam primo, & deliberata Magistro Pigott reformanda.


Anno 5 E 6. 16 Febr. Hodie 1. vice lecta est Billa, to avoid regrating, foreflalling, &c. & commissa Magistro Hales, Magistro Molineux, Magistro Saunders, & Solicitor Regis.

And there are very many Presidents, that Bills have been committed at the first Reading, in the times of H. 8. and E. 6. as may appear by the Committees of those times.
The Method of Passing Bills

The like Presidents I find in most of the Journals of Queen Elizabeth, &c.

Anno 8 Eliz. 3 Oct. Bills for the better executing of certain Statutes, &c.

Eodem Anno 5 Octobr. touching Fines and Recoveries, &c.

Anno 13 Eliz. 20 April. against fraudulent Conveyances, &c.

Anno 14 Eliz. 12 May, for preservation of Wood, &c.

Eodem Anno & Die, for the punishment of Vagabonds, &c.

And so in many other Parliaments of Eliz. &c.

The Second Reading.

In the same manner the Clerk reads the Bill the second time, and delivers the same without a Brief to the Lord Chancellor.

His Lordship recites the Title therefore, and faith, This is the second reading.

Then if no man speaks against the Bill, it is ordered to be engrossed, if begun
begun with the Lords; or to have a third Reading, if brought from the Commons.

If any doubt be conceived, which is often pro forma tantum, the Bill is committed.


Bills are commonly let pass at the first Reading, and committed at the second.

Yet it appears by many Presidents of H. 8. E. 6. and Q. Eliz. that if the Lords did apprehend any dislike or doubt in the Bill at the first Reading, it was then committed immediately, prout antea.
The Commitment of Bills.

At the second Reading, if the Bill be required to be committed, the Lord Chancellor demands of the Lords how many of each Bench shall be of the Committee.

Which being agreed on to 3, 5, or 6, &c. the Earls are first named, then the Bishops, then the Barons.

The like Order is observed in the naming of Committees for any other business.

And if there be five Earls, then five Bishops, and ten Barons; the reason whereof I know not. Neque fuit sic a principio.

Anno 3 E. 6. 14 No. the Committees to frame a Bill for the Jurisdiction of Bishops, were the Marquess Dorset, 4 Bishops, and 2 Barons.

Eodem Anno 2 Januarii, the Committee sent to the Duke of Somerset were, 1 Earl, 5 Bishops and 2 Barons.

Anno
in Parliament.

Anno 27 Eliz. 4 Decembr. the Bill for the Clothiers of Boxted, &c. was committed unto 3 Earls, 1 Viscount, 1 Bishop, and 3 Barons.

Eodem Anno 3 Dec. the Bill for the landing of Merchandize, &c. was committed unto 8 Earls, 2 Bishops, and 4 Barons.

Eodem Anno 27 Eliz. the first Bill for encrease of Mariners, was committed unto 2 Earls, and 6 Barons, and no Bishops.

Eodem Anno & Die, the Bill for the Sabbath day, is committed unto 6 Earles, 1 Viscount, 5 Bishops and 7 Barons.

The Presidents hereof are infinite; that no such order was observed to name a set number of each Bench, or to double the number of Barons until in the latter Parliaments of our late King James: Neither was this constantly observed until the Parliaments of 12 Jacobi Regis, and afterwards. For in the Fourth Session of the Par-
The Method of passing Bills

liament, Anno 1 Jacobi Regis, sometimes the number of each is equal, and sometimes the Barons are the greater number. But they seldom double the number of the other Bench, unless in the Committees of a small number.

But here may be a question (viz.) Whether a Bill may be committed by the orders of the House, if no Lord move any doubt, or imperfection in the same.

And I am of opinion that it may not, neither is it necessary.

My reason is, for that I find many Bills to pass without commitment, and some at the second Reading in the times of H. 8. E. 6. and Queen Elizabeth.

But now the constant order is to Read every Bill (save the Pardon) 3 times.

And the general Voice to commit the Bill at the 2 Reading, shews that the Lords do conceive some doubt therof, though none move any.
The manner how Committees are named.

The number of each Bench being agreed, they are named promiscue, by any of the Lords, but the Clerk is to be careful to set down those whom he hears first named: which is done in this manner.

First the Earls are named and those that sit on that Bench.

The Clerk having written them stands up and Reads their names.

Then the Bishops, then the Barons in like manner.

And if the Clerk happen to set down more than the number agreed on; it is in the Liberty of the House to take out the latter, and so to leave the just number, or to admit them.

Then the House names the attendants which are of the Judges, the Kings learned Council, and the Masters of the Chancery.
The Clerk Reads their names also. The last is the time and place where to meet, which being agreed on, and set down, the Clerk reads that also.

Who may not be Committees, and who ought to be.

If any Lord speak against the Body of the Bill, he is not to be named of the Committee of the same Bill.

No absent Lord is to be of any Committee, unless Officers of State, when the Bill or Business concerns their Office. And then they are to be named, and to have notice sent them thereof.

V. Anno 1 Jac. 14 Junii, Subsidy of Tonnage and Poundage.

That Lord which moveth any doubt concerning the Bill, ought also to be named, and to be of the Committee, if he be present.

This is also a received opinion, and often in practice; and the Clerk ought
to be attentive, and hearken after the names of such Lords.

The number of the Committees being agreed on, named and Read, the Clerk delivers the Bill with a note of the Committee affixed, unto the first of the Committee then present.

The Committees being met, though not all, yet if the better half, they may proceed.

_Ano 18. & 19. jac. 30. No._ It is ordered that that if 10 or upwards of any Committee do meet (though not the one half of their number) they may proceed notwithstanding.

At the Committee the Judges and other Attendants do neither sit, nor are covered unless it be out of favour, and then they sit behind, but are never covered.

One of the attendants Reads the Bill and writes the amendments (if any) in Paper, with directions to the places to be amended.

And if any addition or Proviso be conceived, he writes the same in Paper also.
The Method of Passing Bills also with directions where they are to be placed.

Any other Member of the House may be present at this Committee, but they may not Vote: And must give place to all of the Committee, and sit below them.

If the Business be not dispatched at the first meeting, the Committees themselves may appoint another day.

V. An. 4 Jac. 26 Febr.

But this must be done before their departure.

Council heard at the Committee.

At this Committee, if it be a private Bill, they will not only call both parties before them, but hear their Council.

Wherein this order is observed, that the Council who speaks against the Bill is heard first, for it is already understood what the Bill desires.
in Parliament.

And either part may desire to have their Council heard in the House, which being reported by the Committee, is so ordered.

There also the Council against the Bill speaks first.

And for publique Bills Council is also heard, if any oppose it.

And if a publique Bill concern any Officer, Corporation, or particular Person, or any Artificers, they are usually sent for to attend the Committee.

The Bill reported by a Committee to the House.

The Committee, or greater part being agreed what report to make to the House,

The first of the Committees that was present, makes report thereof standing and uncovered with the Bill in his hand.

And all the rest of that Committee (then present) stand up and are uncovered,
covered, whereby they signify their assent unto the said report.

The report being ended, he delivers the Bill and the amendments, addition and Proviso, (if any) unto the Clerk, who goes from his seat, and receives the same from his Lordship.

If the report be for the Bill to sleep it is so ordered and entered by the Clerk in the Journal Book, and endorsed on the Bill also.

If Amendments, Additions, or Proviso's be reported (when the House orders the same to be read) they are Read on this manner by the Clerk, (viz.) The amendments of the Bill &c. (reciting the Title thereof, or the Additions or Privoiso's to be added to the Bill, &c. And so Reads the same as they are in the Paper delivered by the Committee.

Then the Clerk delivers the same kneeling unto the Lord Chancellor, having first endorsed on the amendments &c. 1. Vice lecta.
His Lordship first Reads the Title of the Bill. Then that the same is returned by the Committees amended thus (viz.) In such a line between such a word, and such a word insert these words, &c.

Or in such a line put out this words, &c. and faith further, before it was thus, and now it is thus.

If additions and Proviso's are only reported, and no amendments, then his Lordship, first recites the Title of the Bill, then that it was committed and returned with such or such Additions, or Provisoes, and so repeats the effect thereof briefly.

This being done, the Lord Chancellor demands whether their Lordships be pleased that their amendments, &c. shall receive a second Reading, and if so agreed on,

The Clerk receives the Bill with the amendments, &c. of his Lordship and Reads the same again, and endorses on the amendments, &c. 2. Vice lecta, &c.
And kneeling delivers the same unto the Lord Chancellor again.

His Lordship Reads the same thus.

First recites the Title of the Bill, then that it hath been committed and returned with amendments, &c. the which amendments have been twice Read. And demands their Lordships pleasure (if the Bill began above) whether the Bill shall be engrossed with the said amendments, &c. or no: And if answer be made affirmatively and no Lord speaks against it: Then it is so ordered to be done; and the Clerk receives the Bill again, and endorses on the said amendment to be engrossed; if the Bill be sent from the Commons, then the Lord Chancellor demands their Lordships pleasure whether the said Bill, and amendments, &c. shall be Read the third time or no.

At the second Reading any of the Committee may speak against the Body of the Bill, or against the amendments, &c. before they be engrossed.
V. An. 39. Eliz. 24 Jan. This was debated, but not then determined. But An. 43 Eliz. 12 No. it was resolved by the House.

Recommitted.

The Bill being thus reported by the Committee: if any doubt be moved, and the House think good then (before the amendments be ordered to be ingrossed) or ordered to have a third Reading, the same may be re-committed, either to the former Committees only, or to the same and others. If the Committee find the Bill so imperfect, that it can hardly be amended,

Then they may without further order from the House, frame a new Bill.

Which is most commonly done by one of the Attendants.

This new Bill being agreed on and returned with the old Bill to the House, and the cause thereof reported by the Committee, the old Bill sleeps. And
And the Lord Chancellor demands of the Lords whether they be pleased that the new Bill shall be Read or no, which is done accordingly.

If any doubt be conceived of the new Bill, the same may also be committed as the former was recommitted.

Or (after the second Reading) the House may order a third Bill to be framed. V. An. 1 Jacobi 4 Junii. Recusants: But after the third Reading this is not now done.

The third reading.

The Clerk first Reads the Title, and then Reads the Bill, and delivers the same to the Lord Chancellor in manner as before having first indorsed 3. An. V. lecta.

His Lordship repeats the Title only and says, this is the Third Reading of this Bill.

If no Lord speak against it, then his Lordship demands, whether he shall put
put it to the Question which being agreed on, or not denied.

The Question is thus.

Such of your Lordships as are of opinion, that this Bill is fit to pass (or shall pass, say content.

They which are of another opinion say not content.

Then the lowest Baron begins and faith content, or not content, without any more words. And so they proceed in order to the first Baron.

Then the Bishops.

Then the Viscounts, and Earls, and those that sit on the Earls Bench in like manner.

The Lord Chancellor, or Lord Keeper (if he be a Baron, Earl, or Bishop,) removes to the first place on the Earls Bench, and giveth his voice Content, or not content.

The Prince (if present) speaks last, if any doubt be of the most voice then one Lord who said content, and another Lord who said not content are
are appointed to number them by the Poll, which they do in this manner.

They go together to the Barons Bench, and every Lord who said Content, stands up. Then the Bishops and Earls Bench in like manner.

Then they return again to the Barons Bench, and every Lord who said not content standeth up; and so of the Bishops and Earls.

And according to the relation it is agreed whether content, or not content, had the more voices.

And the Bill doth pass or is rejected accordingly.

This Order is observed in all Questions.

Upon examining of the Votes the Proxies of the absent Lords may be demanded, and such Lords as gave their own Vote with the Question may give his proxies against it, Prout.
in Parliament.

Nova Billa.

If the Bill began below be committed, and a new Bill brought in by the Committee,

When the same is past by the Lords, it is to be returned to the Commons together with the Old.

Hereof are may Presidents, temporibus H. 8. E. 6. Eliz. And one 4 Jac. 27 May pro Comite Darby.

So likewise the Commons are to do if they make a new Bill.

but if the Commons send up a new Bill, and the Lords Reads the same and reject it, the Commons cannot send up another Bill of the same Argument in the same Session: V. An. 3 Jacobi 27 May, Purveyors.

If the Lords pass a Bill, and send it to the Commons, and they reject the same without conference with the Lords, they cannot send up a new Bill of of the same Argument (in the same Session) V. An. 29 Eliz. 22 Martii, Handsfords Bill. But note this new Bill
The Method of Passing Bills

Bill was sent up without the old, otherwise I conceive it had been according to Orders.

And I suppose the reason to be for that the Lords will not proceed in a new Bill, before they understand what is become of the Old, which they formerly past: Nor unless they may also have by them the former Bill.

And therefore either a conference or the old Bill to be returned is necessary.

The same order is observed if the Commons send up a Bill to the Lords.

Amendments, and Additions, or Provisos added afterwards how lawful.

V. An. 27 Eliz. Decembr. 17 The Commons sent up a Bill (for the Sabbath day) to the Lords who past the same with amendments, and so returned it to the Commons: They sent it back to the Lords with new a-
mendments who rejected the same as against Order.

It seems the Commons had some conference with the Lords concerning the same; for afterwards in the same Parliament the Third of March it is thus entered (viz.)

Memorandum that this day were chosen for Committees to examine the Record touching passing amendments of amendments, moved to the same by the lower House, the Lord Treasurer, the Earl of Sussex, the Viscount Mountague, the Bishop of Winchester, the Lord Hunsdon, the Lord Buckhurst, the Master of the Rolls; and Mr. Attorney about the Bill for the better observing of the Sabbath day.

The Presidents they named were the Bills for Treasons, and bringing in of Bills. Acts passed in An. 13. of the Queen.

But these Presidents appear not in the Journal of the upper House.

It should seem, that the Lords were then satisfied, and ratified the same
unto the Commons, for afterwards 6 Martii, the Commons returned the same again with amendments of amendments, which the Lords publickly read 3 times and past the same.

V. the Journal of the lower House 22 Febr. fol. 97 & 99. That the Commons desired the Lords that search might be made in the upper House, for Presidents touched by them of the lower House, and reported by the Committee. That upon search of Presidents their House might add to the Lords former additions to a Bill pro Billa Sabbath day. V. tamen An. 39 Eliz. 14 Jan. The Lords having returned to the Commons their Bill for Houses of Correction with amendments and Provisoes, the Commons prayed a Conference touching the said amendments and Provisoes.

The Lord yielded to the Conference thus far, to satisfy the Commons what moved their Lordships to make those amend-
in Parliament.

amendments with this caution, that nothing can now be altered by the order of this House.

Amendments upon amendments were very usual in the times of H. 8, and Q. Mary, prout An. 32 H. 8. 2 July & 5. 12, 19, 21, 22 & 24 July Billa annexorum honori de Petworth.


An. 6 H. 8. 15 Martii, &c. usq; 3 April. Billa Ducis Suff.


Anno 31 H. 8. 10. Junii. The Bill for the First Articles are sent to the Commons, 14 Junii it is returned with a Provisioe, and expedited 16 Junii: And 24 Junii, the Lords and Commons agree to some amend-

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ments. Afterwards the 27th Junii, the Lords agree to another Proviso, and send it with a Proviso to the Commons 28th Junii, who returned the Bill expedited the same day in the Afternoon.

An. 37 H. 8. The Bill for the Custos Rotulorum returned from the Commons with a Proviso, rejected by the Lords, and sent back to the Commons, and returned by them expedited (without the Proviso) 16th & 18th Decembris.

An. 4 Jac. 29th Junii. The Lords having returned to the Commons their Bill of Hostile Laws with amendments and a Proviso, the Commons prayed a Conference for consideration thereof.

At the Conference they moved that they may clear their doubt of the said amendments and Proviso, either by amendment, or by another Proviso; of which kind of proceeding, they affirmed they had good Presidents of former times in like case.
And accordingly they did amend the same: And the Lords past the Bill after the third Reading thereof, \textit{V. ib. 3 Iunii & in pomeridianno.}

Amendment of the amendments how Lawful.

The amendment of a Bill coming from the Commons (as hath been said) are to be written in Paper and to be inserted into the Bill by the Commons at the return thereof unto them. And if the Commons do think fit, that those amendments be amended they are to signify so much to the Lords and to move their Lordships to amend their own amendments before the same be asserted in the Bill. \textit{V. the Journal of the lower House: An. 27 Eliz. 10 Martii fol. 132. The Bill against Jesuits, \& ib. A.23 Eliz. 17 Martii, concerning the Borders of Scotland, where the Lords are prayed to amend the sense of their own amendments;}}
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The Bill was sent them, and returned amended.

Divers Lords were of opinion the last Parliament An. 18 & 19 Jac. That a Bill might be amended after the third Reading.

But in the same Parliament 27. No. in the Bill for Suits, and 1 Decembr. in the Bill for Monopolies it was agreed per plures (but the question for it was denied) that it was against the orders of the House to recommit a Bill after the third Reading.

Yet it was agreed that a Bill might have a small amendment after the Third Reading, with which agreeth that Anno 27 Eliz. 13 Martii. In the Bill for Provision to be made for the Queens Royal Person, &c. which was thus amended of the Third Reading, and before it was put to the question (viz.) in the 24 line after this word (left) put out (so as) and in place thereof put in ( foreseeing that.) And such small amendments are usual after the Third Reading. E 4 A
A Provifoe added after the Third Reading, not usual now.

A

Anno 35 Eliz. 9 April. A laving of the Queens Right, and all mens right added to the Bill for repealing of certain ues, and concerning the Lands of Anthony Coke, Esq; was added to the Bill after the the Third Reading and Question.

This Bill was sent up by the Commons 28 Martii 6 April it was Read the Third time and Expedited. The laving was added the 9 of April with this Caution, that the Lords upon weigh ty considerations have ordered that this shall not hereafter be drawn to make any President. Then the Bill was returned to the Commons who sent it up the same day expedited.

According to this order of Anno 35 Eliz. the House hath forborn to add any
any thing to the Bill: after the Third Reading prout. Anno 3. Fac. 13. Martii 3. Vice lecita est Bill.a For the establishing of the possessons of Edmund late Lord Chandois of Sudley. And ordered that the late Chandois shall give security for the payment of 7000l. to her Daughter Katherine before the Bill be sent to the Commons; For that the same is not sufficiently provided for by the Bill.

15. Martii. this is referred to Mr Justice Tanfeild, and Mr Justice Crook, and they to acquaint the Lord Committees that were named on the Bill with the cause by them advised on. That the Lords might proceed for the security as they should find cause.

27. Martii. This Bill (with others) is sent down to the Commons with a recommendation from their Lordships, to be had by them touching assurance to be given for the said portion which was not remembred to their Lordships until the Bill was past this House.
in Parliament.

But this order was not thus nicely observed, tempore H. 8. An. 6. H. 8.

1 Martij Billa concernens debita Regia lecta est 3.

3 Martij lecta est 4. & Domini deliberabunt.

15 Martij lecta est 5.

16 Martij lecta est.

20 Martij lecta est & Domini deputaverunt principalem Justiciarum & ad consiniendum quendam effectum pro securitate regia pro debitis suis obtinendo.

Here it appears that at the third reading, the Lords not being agreed, the Bill was Read again the fourth time, yea and the 6. and 7. times, and at last the Lords appointed a new Bill to be drawn.

There are many Presidents that Bills have been read oftner than thrice in that Kings Time, and of E. 6. by which it appears that Bills might then be recommitted after the third Reading. V. My Collection of those Times
The Methods of Passing Bills

Times which I will not here relate: For that it is now constantly observed to Read Bills but thrice.

A Proviso added by the one House, and desired to be taken away by the other House, whether Lawful.

This was usual in former times, yet in the Parliament 21 Jac.

May the Lords having returned unto the Commons their Bill for ease of Pleading of Licence of Alienations &c. with a Proviso, the Commons misliking of the Proviso desired a Conference, and moved to have the Proviso taken away, and some doubting and others affirming that this could not be done by the orders of the House, the Commons framed a new Bill to that purpose without a Proviso, and sent it up to the Lords the next morning, and with it returned the old Bill, and
and the Lords past this new Bill.

Anno 3. H. 8 24. die Parliamenti Billa concernens Coriarios lecta est primo &c. sent to the Commons, & 29. die Parliamentum assentita est, dempreta additione.

Anno 6 H. 8 31 die Martii Billa Duecis Suff. remissa est in domum communem, & due provisiones eidem prius per Commiones annexæ abstrahuntur & eodem die recepta est, ablatis provisionibus pri-us annexis.

Anno 1 & 2 Ph. & Mar. The Bill for the Supremacy of Rome, 4 Jan. a Provisoe added by the Commons misliked, a new Bill made, and the old taken away by the Commons at the Lords request.

Anno 4 & 5 Ph. & Mar. The Bill of Musters returned from the Commons with two Provisoe's, and sent back to have them taken away, and returned again with certain Corrections mentioned in a schedule, expedited 4 & 6 Martii & prout M. 6 May.

FINIS.
Errors of the Press, in the Opinions of the Antiquaries.

P. r. l. ult. r. Fure : p. 3. l. 4. r. Realm by the Statists : l. 13. r. Wittenam motu : p. 5. l. 17. r. Seats : p. 6. l. 11. after obligeretur add non ad id : l. 13. r. vanished : p. 7. l. 2. r. Regibus : p. 10. l. penult. after first add held the first : p. 11. l. 4. r. pro : p. 14. l. 5. r. veult : p. 15. l. 21. r. Servientibus : p. 22. l. 4. r. civitatem : p 38. l. 25. after Henry add the first was : l. ult. r. H. r. p. 41. l. 5. r. here some gather : p. 46. l. 19. r. tractaturi.