

THE
MANNNER

How
STATUTES

Are enacted in

PARLIAMEN T,

BY

Passing of Bills.

Collected many years past out
of the Journalls of the House
of Commons.

By *W. Hakewil* of Lincolnes Inne,
Esquire.

*Together with a Catalogue of the
Speakers Names.*

LONDON,

Printed for *Abel Roper*, at the Sign
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MANAGER

and

SECRETARY

of the

PARLIAMENT

of

Great Britain

and the Colonies

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1840



THE PREFACE.

AVING about thirty years past, the free use and perusal of all the Journalls of the Commons House of Parliament from the first year of King *Edward* the Sixth, (being the most Ancient that they have) untill that time. And being unwilling to lose the advantage of that Opportunity, I read them all through, and whatsoever I

conceived to tend to the rule of the House, (wherein I was the better inabled to judge, in respect I had served in divers Parliaments, or Sessions of Parliament before that time) I reduced under apt Parliamentary Titles: Amongst the rest in this Chapter of passing [of Bills, I was the more sedulous, because it is indeed the daily and most proper work of that House, wherein I have been carefull, not to propose any thing for a Rule, for which I have not vouched the Authority of the Journall. Those my Collections, I imparted many years since to some of my Friends (which being by the length of time multiplied into very many Copies) one of them, (and I think the falsest written of all the rest) was without my knowledge lately printed.

The Preface.

ted, and by the negligence of the Printer, the errors of the Copie were much increased, in so much that it pleased the Honourable House of Commons, (because it concerned their Orders) to take notice thereof, and take some order therein; by which I was induced to make this Publication, being otherwise very unwilling to have appeared in Print, and to have subjected my self to publique censure.

It were (in my poor Opinion) to be wisht, that the same course were taken by the House of Commons, as was by the Lords in 18. *Jacobus Regis*, who appointed a Committee for the collecting of the Rules and Orders of that House; which being Collected, they caused to be fairly ingrossed in

a Roll of Parchment, which by Order is alwayes read in the beginning of every Parliament, and resteth in the custody of the Clark of that House, to be presently resorted unto upon all occasions, whereby much of their pretious time is saved, which otherwise perhaps would have been spent in the debating of the Rules and Orders of their House.

Another excellent Order was made by their Lordships, that once every week, a Committee appointed for that purpose, that should peruse and perfect the Clarks notes, and that at the end of every Session, all the Orders of that Session should be ingrossed in vellam, and fairly bound up, which course first began in the time, when my worthy friend *Master Henry Elsynge*, that most
indu-

industrious and able Gentleman, was Clark of that House, & hath continued ever since; whereas before that time all their Journalls (of which the most ancient are from the beginning of King *Henry* the eight) are in paper, as are those of the Commons House, but more fairly written.

If to this care of perfecting of the Journalls of the House of Commons, there were some provision made by that House, for the safe preserving of them, answerable to that which the Lords have, whose Clark hath a house belonging to him and his successors, where all their Records are kept to Posterity; the Journalls and Records of the Commons House, would not (as now they may) come to the hands of Executors or Administrators, and be removed too & fro in hazard of being lost, or corrupted

The Preface.

and defaced, as is well known that some of them have been, and that in passages of the greatest moment, whereby the Commonwealth may receive great prejudice if it be not prevented, which my humble Propositions, I do (together with this Treatise) in all humility submit to the great wisdom of that Honourable Assembly, by whose favour this is published.

William Haknel.

The



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The



The manner how
S T A T U T E S
 Are Enacted in
P A R L I A M E N T
 By Passing of
B I L L S.

C H A P. I.

Sect. 1.

By whom Bills are drawn and presented to the Parliament.

Public Bills are usually drawn by such of the House (with the advice of Lawyers) as of themselves are earnestly inclined to the effecting of some publick

lick good, which requireth the assistance of some new Law, which being fair written in paper with wide lines, they are either by some Member of the House publickly presented to the Speaker in the House, with some short speech setting forth the needfulness of a Law in that behalf, or are delivered in private to the Speaker, or the Clark of the Parliament, to be presented to the House at some time convenient. And it is in the choice of the party to prefer his *Bill*, First, into the Lords House, or the House of Commons which he list, and as he shall think it may most advantage his cause.

Many times upon the motion of some one of the House (wishing a Law weremade for provision to be had in such a case) a Committee is purposely appointed by the House to draw a Bill to that effect; which being done, one of them presents it to the Speaker.

This is usual in cases of great moment and difficulty.

The Bill for Subsidies is usually drawn by some of the Kings Councill, after the substance thereof, for the number of Subsidies & fiftens to be granted,
and

and the times of payment is first agreed in the House. The preamble thereof containeth the causes of the grant, which is usually drawn by some principal member of the House, being a selected Committee for that purpose.

Bills for the Revival, Repeal or continuance of Statutes, are usually drawn by Lawyers, being members of the House, appointed thereunto by the House, upon some motion to that purpose made, which is usual at the beginning of every Parliament.

Private Bills are usually drawn by Councillors at Law, not being of the House, and sometimes by those of the House (and that for their fees) which howsoever it hath been held by some to be lawful, yet it cannot be but very inconvenient, seeing they are afterwards to be Judges in the same cause.

A Bill hath been sent to the Speaker, signed by the hand of Queen *Elizabeth*; with special commandment to be expedited; but that is a rare case and very extraordinarie: yet such was her Majesties favour to Sir *Thomas Perrot*, in a Bill for his restitution in
blend,

bloud, as it appeareth by the Clerks Journall 35 Eliz. 26. Martii.

Such Bills as being first passed in one House, are sent unto the other, are alwayes sent in Parchment fairly ingrossed.

Thus much touching the first drawing and presenting of Bills to the Parliament.

SECT. II.

Orders to be observed in preferring of Bills to be read.

Publicke Bills are in due course to be preferred in reading & passing before private: and of publique, such as concern the service of God and good of the Church. Secondly, such as concern the Common-wealth; in which are included such as touch the person, revenue, or Household, of the King, Queen or Prince, and they ought specially to be preferred in passing. Lastly, private Bills should be offered to be read and passed in such order as they were preferred.

There

There have been oftentimes orders in the House, that after nine of the clock, when usually the House groweth to be full, they should not be troubled with the reading of any private Bill: And towards the end of the Parliament, when there remaineth many Bills in the House undispached, there hath been a speciall Committee appointed to take a survey of them, and to Marshall them by their titles in such order as they should think fit; they should be preferred to their passage, having respect to the importance of the matter which they concern.

It hath at some times been ordered, that every one that preferreth a private Bill, should pay five pound to the poor, which was done 43. *Eltz.* towards the end of the *Parl.* when they were troubled with much business, but it holdeth not in other Parliaments.

In the Treatise de modo tenend. Parliament. which I have seen exemplified under the great Seal of *Ireland*, in the sixth of *Henry* the fourth, testifying the same to have been sent into *Ireland* by *Henry* the second, for a form
of

of holding Parliaments in that Kingdom, of which I have a Copy, there is (touching the order of preferring of Bills) this clause found.

*Petitiones sunt affilate sicut de'iber n-
tur, & sic per ordinem leguntur & re-
spondiant r, sed primo determinentur
que ad guerram pertinent, p'stea de per-
sona Regis & Regina & pueris suis, de
gubernationem eorum, & postea de com-
munibus negotiis terra; sicut est de le-
gibus faciend. & emendend. (viz.) o-
riginalibus judicialibus & executoriis
post iudicium reddit, & post singulares
petitiones secundum quod sunt super fi-
lariis.*

But the Speaker is not precisely bound to any of these rules for the preferring of Bills to be read or passed, but is left to his own good discretion (except he shall be especially directed by the House to the contrary) and howsoever he be earnestly pressed by the House for the reading of some one Bill, yet if he have not had convenient time to read the same over, and to make a breviat thereof for his memory; the Speaker doth claim a priviledge to defer the reading thereof to some other time. And

And thus much touching the order of preferring of Bills to be read or passed. Now followeth touching the reading or passing of them.

SECT. III.

Touching the first reading of Bills.

THe Clark being usually directed by the Speaker (but sometimes by the House) what Bill to read, with a loud and distinct voice, first readeth the title of the Bill, and then after a little pause) the Bill it self; which done (kissing his hand) he delivereth the same to the Speaker, who standeth up uncovered (whereas otherwise he sitteth with his hat on) and (holding the Bill in his hand) saith, *this Bill is thus intituled*: and then readeth the title, which done, he openeth to the House the substance of the Bill, which he doth, either trusting to his memory, or using the help, or altogether the reading of his Breviat, which is filed to the Bill, sometimes reading the Bill it self, especially upon the passage
of

of a Bill, when it hath been much altered by the Committees, so that thereby it differeth very much from the Breviat.

Tertia Sessioe I. Parliament. Jac. Reg. It was ordered, that the Committees which amended the Bill, should likewise amend the Breviat in the principal matters for the ease and direction of the Speaker.

When he hath thus opened the effect of the Bill, he declareth to the House, that it *is the first reading of the Bill*, and delivereth the same again to the Clark.

The Bill containing the Kings generall pardon hath but one reading in the Lords House, and one below: The reason is, because the subject must take it as the King will give it, without any alteration: and yet many times exceptions are taken at the reading thereof, for that it is not so favourable as in former times.

The like of the Bill of Subsidies granted by the Clergy.

That day that the Speaker being approved by the King, commeth down into the Commons House to take his place,

place, the custom is to read for that time onely one Bill, left unpast the last Sessions, and no more, to give him feisin as it were of his place, 39 *Eliz.* 27 *Octo.*

The usuall courle is to spend the morning before the House grow full in the first readings, and to defer the second or third reading till the House grow full.

At the first reading of the *Bill*, it is not the course for any man to speak to it, but rather to consider of it, and to take time till the second reading; yet it is not altogether without-president, that a *Bill* hath been spoken for, and again upon the first reading, which is very seldom, and onely in cases where the matter of the *Bill* is apparently inconvenient and hurtful to the Common-weal, and so not fitting to trouble the House any longer; but at the first reading, no man in ordinary course should speak to any one part of the *Bill*, or for any addition; for thereby it is implyed, that the body of the *Bill* is good, which till the second reading, doth not regularly come to the triall.

If any Bill originally begun in the Commons House upon the first reading happen to be debated too and fro, and that upon the debate, the House do call for the question, it ought to be not *whether the Bill shall be secondly read*, for so it ought to be of ordinary course, but *whether it shall be rejected* in this sort: *As many as are of opinion that this Bill shall be rejected* (say yea) *As many as are of the contrary mind* (say no) and the greatest number of voices shall carry it, 43 Eliz. 17. November. *The Bill against unlawful hunting*, 5 Sess. Jac. Reg. 25. Octob.

If a Bill coming from the Lords be spoken against, and pressed to be put to the question upon the first reading: the Speaker in favour and respect thereto, should not make the question for the rejection, as in Bills originally begun in the Commons House upon the first reading, but should first make the question for the second reading: And if that be denied, then for rejection. *This course was usually he'd by Serjeant Phillips, when he was Speaker.* But usually when any such debate is upon the first reading

ing of a Bill, the Speaker doth forbear to make any question at all thereupon, except he be much pressed thereto, for that it were fit better to consider of it before it be put to such a hazard.

If the question for the rejection be made, and the greater voice be to have it rejected, the Clark ought to note it rejected in his journal, and so to indorse it upon the back of the Bill, and it shall be no more read; if the voice be to have the Bill retained, it shall have his second reading in course.

It is against the ordinary course, that the same Bill should be read more than once in one day, yet for special reasons it hath been suffered, that private Bills have been in one day read twice; *As in the aforesaid case of Sir Thomas Perrot, though it were a private Bill; so was it likewise done in the Bill for the assurance of Lands given by Master Sutton for charitable uses, because he was taken then extreme sick, and that it was doubtful, whether he might live while the Bill might have his passage in ordinary course.*

And it is likewise done sometimes, when

when the House lacketh other businesses wherein to imploy themselves, especially if the Bill be of no great importance, howsoever it is never but upon motion and special order.

When special Committees appointed for the drawing of some one special Bill, present the same ready drawn unto the House: it hath been often seen, that the same Bill hath been not only twice read, but ordered also to be ingrossed the same day, *as it was in the Bill against counterfeit Seals, 23 Eliz. 16 Feb. And in the Bill against disobedience to the Queen, 4 Martii of the same Parliament.*

Neither is it without president, that a Bill hath been thrice read and passed in the same day; *as was the Bill of recognition of his Majesties title which came from the Lords, 1 Jac. Reg. Sess. 1.* but this is a president that standeth alone, and in that case it was resolved that the Bill might not be returned to the Lords without a copy first taken thereof by the Clark to be reserved in the Commons House.

S E C T. IV.

Touching the second reading and committing of Bills.

A Bill may be preferred to be secondly read the next day after the first reading, but the usuall course is to forbear for two or three dayes, that men might have more time to consider upon it, except the nature of the business be such that it requireth haste.

After the Bill is secondly read, the Clark as before in humble manner delivereth the same to the Speaker, who again readeth the Title and his Breviat as he did upon the first reading; which done, he declareth that it was now the second reading of the Bill, and then he ought to pause a while, expecting whether any of the House will speak to it; for before the Speaker hath so declared the state of the Bill, no man should offer to speak to it; and then and not before is the time when to speak.

If after a pretty distance of time, no man speak against the Bill for matter

or form he may make the question for the engrossing thereof, if it be a Bill originally exhibited into the Commons House.

So likewise if divers speak for the Bill without taking exception to the form thereof, he may make the same question for the ingrossing. The like question for the ingrossing ought to be made, if the greater voice be, that the Bill shall not be committed, for it were to no end further to delay the proceeding of the Bill, if there be no exception taken to the matter or form thereof, but upon the second reading and after the Speaker hath delivered the state thereof, the House doth usually call for the committing of the Bill, and then if any man will speak against it, either for matter or form, he ought to be heard.

After the first man hath spoken, the Speaker ought to rest a while, expecting whether any other man will speak thereto, so ought he likewise to do after every Speech ended, when he perceiveth that the debate is at an end, he ought then to make the question for the committing thereof in this sort:

As many as are of opinion that this Bill shall be committed say (yea.)

And after the Affirmative voice given, *as many as are of the contrary opinion say (no.)*

And he ought by his ear to judge which of the voices is greatest ; if that be doubtful, the House ought to be divided touching the manner, whereof there shall be more said in another place.

If upon division of the House it appears that the numbers are equal, the Speaker hath the casting voice upon all questions.

If it appear that the affirmative voice be the greater, then ought he to put the House in mind touching the naming of Committees; which is done in this sort :

Every one of the House that list may call upon the name of any one of the House to be a Committee, and the Clark ought in his journal to write under the title of the Bill the name of every one so call'd upon, at leastwise of such whose names (in that confusion) he can distinctly hear ; and this he ought to doe without partiality

H

either

either to those that name, or to the party named. But touching the naming of Committees, and their duties, more shall be said in another Chapter.

But he that speaketh directly against the body of the Bill, may not be named a Committee, for he that would totally destroy will not amend.

When a convenient number of Committees are named, then ought the Speaker to put the House in mind to name time and place, when and where the Committees may meet, which the Clerk ought likewise to enter into his journal-book; and when the House is in silence, he ought with a loud voice to read (out of his book) the Committees names, and the time and place of the commitment, that the Committees may take notice thereof.

After a Bill which is sent from the Lords hath been twice read, the question ought to be for the commitment; if it be denied to be committed, it ought then to be read the third time, the next question ought to be for the passage, & not for the ingrossing, as it is where the bill originally begins in the

Lower House; for Bills which come from the Lords, come alwayes ingrossed.

This question for the passage, should in ordinary course be then made when the Bill is denied to be committed, but not till the Bill have been read the third time.

If that question for passage be deferred till another day, it hath been much doubted whether it may then be offered to the passage; but upon debate of this point after many Arguments too and fro, Anno 27. Eliz. 18. Februa. by the opinion of Sir Francis Walsingham, then one of the House, and by order of the whole House it was agreed it might be done.

The Bill then in question was, *The Bill against fraudulent conveyances.* Fol. 85, & 86. in the Clerks book for that year, so it was done 1. Sess. 1. Parliament. Jac. Regis, for the Bill of hunting. But this Precedent is not so safe, for the House considering that oftentimes the Bill is denied to be committed upon utter dislike thereof, after it hath been long debated; and yet if that rule should hold, there may be a time picked out of great disadvantage to the House to

put it to question for the passage.

In the debating of Bills in the House no man may speak twice in one day except the Bill be offer read then once and then a man may speak as often as the Bill is read; otherwise it is at Committees, or when in the House the debate ariseth upon some motion concerning the order of the House; be touching the manner of speaking, or what orders shall be observed there more shall be said elsewhere.

When the Committees have full resolved touching the Bill, and the amendments thereof, one of them, with the consent of all the rest, ought to make report thereof to the House, opening the substance of the things amended, & the reasons thereof; when done, he ought to bring the Bill amended to the Clark, and to stand by the Clark all the while that the Clark is reading of the amendment and ought to help the Clark in reading of the same, in case it be difficult to read; which falleth out very often, for reason of interlining or ill writing.

The Clark ought to read every amendment and interlining twice, the

so it may have as many readings as the rest of the Bill hath had ; and very many times it will fall out that the interlining and amendments so read by the Clark, will of it self (without reading of the clause going before or following) be no sense, yet notwithstanding, the Clark ought only to read the new amendments without meddling with any of the rest of the Bill ; for it is intended that the reporter hath declared to the House the reason of the amendment, and the connexion thereof to the rest of the Bill to make it sense.

And it hath sometimes been permitted (when the amendments have been many and ill written) that the whole Bill hath been first read, and then the alterations by themselves.

The Bill of hostile Laws, 3 Sess. 5. Parliamen. Jac. Reg. 4. Junii, 1607.

After the amendments thus read, the Clark ought to deliver the Bill unto the Speaker, who (*holding the same in his hand*) ought again to read the Title thereof, and to put the question, whether or no it be the pleasure of the House that the Bill thus amended shall be put to the question for ingrossing, &

then ought to pause a while, expecting whether any man will speak to it or no; for it is as free for any man to speak against the Bill at this time, though it hath passed the approbation of the Committees, as it was at the second reading before the same was committed.

And after the debate is ended, the Speaker ought to put the question for ingrossing.

If the greater number of voices be that the Bill ought not to be ingrossed, the Clerk ought to make an entry in his journal, that the same was dashed; and so ought he likewise to note upon the back of the Bill, and the day when. If the voice be to have it ingrossed, it is the office of the Clerk to do it.

It is alwayes to be observed, that when the Bill is ingrossed, the Clerk ought to indorse the title thereof upon the back of the Bill, and not within the Bill in any case.

So ought likewise such Bills as come from the Lords to have titles ingrossed upon the back of the Bill, and not within: In defect whereof, divers Bills coming from them, have been

return:

returned to be amended, as may appear by the Journals, 27 *Eliz.* 19 *Decemb.* 13 *E.* 27 *May*, 29 *E.* 24. *Octob.* 4. *Sess.* 1. *Parliament.* *Jac. Reg.* 5. *May.*

The Bill as it is amended by the Committees ought to remain with the Clerk for his Warrant, and it is not an ordinary course to cause the Bill so amended to be fairly written for the better ingrossing thereof; yet hath it been seen that a Bill ill written in the amendments hath been returned to the Committees to be fairly written, and by them presented to the House; and upon the reading thereof ingrossed, 27 *Eliz.* fol. 91. in the *Journal*. At some times it hath been ordered that a Bill so written should be proceeded in as a new Bill, 23 *Eliz.* 28. *Feb.* 27. *Eliz.* fol. 91. in the *Clerks book or journal*.

After a Bill hath been committed & is reported, it ought not in an ordinary course to be committed, but either to be dashed or ingrossed; and yet when the matter is of importance, it is sometimes for special reasons suffered: But then usually the recommitment is to

the same Committees. *The Bill against the Marshallsea, 3. Sess. 1. Parliament. Jac. Reg. 30. April, 1607. was committed and reported, and Counsell heard at the bar. Whereupon it was recommitted, and other Committees added who altered the former proceedings; and it was agreed that the former proceedings were waved, and the latter good.*

S E C T. V.

Touching the third reading of Bills.

SOME two or three dayes after the Bill is thus ordered to be ingrossed, and is accordingly ingrossed, it is offered by the Speaker to be read the third time for the passage thereof.

For the most part the Speaker putteth not any one Bill to the passage by itself alone, but stayeth till there be divers Bills ready ingrossed for the third reading; and when he hath a convenient number (which may be five or six, rather less than more) then

then he giveth notice to the House that he purposeth the next day to offer up some Bills to the passage, and desireth the House to give special attendance for that purpose; and then the day following he doth accordingly put them to the third reading. First, private Bills until the House be grown to some fulness, and then he offereth to be read the publick Bills which are ingrossed.

It hath at some times been ordered, for the preventing of carrying of Bills with few voices, that no Bills should be put to the passage until nine of the clock, at which time the House is commonly full, or shortly after.

When the Bill is read the third time, the Clark delivereth it to the Speaker, who reads the title thereof, & openeth the effect of the Bill, and telleth them that the Bill hath now been thrice read, and that (with their favours) he will put it to the question for the passing; but pauseth a while, that men may have liberty to speak thereto; for upon the third reading the matter is debated afresh, and for the most part it is more spoken unto this time.

then upon any of the former readings.

When the argument is ended, the Speaker (*still holding the Bill in his hand*) maketh a question for the passage in this sort; *As many as are of opinion that this Bill should pass, say ye, &c.*

If the voice be for the passage of the Bills, the Clerk ought to make a remembrance thereof in his Journal; If otherwise, then his remembrance must be made accordingly. Upon the Bill thus passed (if it be the Bill originally exhibited in the House of Commons) the Clerk ought to write within the Bill on the top towards the right hand these words, *Scit baille aux Seigneurs.*

If the Bill passed be a Bill originally begun in the Lords House, then ought the Clerk to write underneath the subscription of the Lords, which alwayes is at the foot of the Bill, these words,

A cest Bille les Communs sont assentus.

There are divers other forms of signing of Bills, sometimes when new Additions are made, sometimes when Provisoes are added; of which

more

more ample mention shall be made in the Chapter which treateth of *the duty of the Clerk.*

If the House see cause to amend any thing in a Bill originally begun in the Commons House upon the third reading thereof, and that the amendment thereof will not much deface the Bill, nor spend much time, the use is to cause the Serjeant to call in the Clerk that did engross it (being usually a servant to the Clerk of the House) and to cause him standing at the Table by his Master, in the presence of the whole House, to amend the same according to their direction. Sometimes if the amendments be but of a few words, it is done by the Clerk himself writing of a fair hand.

It hath sometimes been seen (which is rarely yielded unto, and only in Cases where the Bill to be passed is of good importance) that if a question grow for the amendment of some Clause, or for the making of some addition thereunto, that it hath been re-committed for the amendment thereof, but then usually the Committees are appointed forthwith to withdraw them.

themselves into the Committee-chamber, and presently dispatch the same.

The Bill concerning Rites and Ceremonies at the third reading was referred to be further considered of, 14 El. 20. Maii, and in 43. El. 2. Decemb. The Bill to avoid double payment of debts, 13. Sess. 1. Parliament. Jac. Reg. Mr. Bathwests Bill being ready for the question to pass, was deferred for eight dayes, that the other part might have notice, and then passed without further opening. Quod nota.

No Bill upon the third reading, for the matter or body thereof, may be recommitted, as hath been said; but for some particular Clause or Proviso it hath been sometimes suffered; and that difference was taken for a rule in *The Bill for Sea-sands, 4. Sess. 4. Maii 1610.* In the third Sessions of the first Parliament of King James, 12. die Maii, the Bill of clothing being ingrossed, and read the third time, exception was taken to the last Proviso thereof, whereupon after much debate it was recommitted; which is to be observed as a thing unusual after the third reading.

The next day it was returned
again

again by the Committees, with their opinions that they held it fit that a Proviso therein should be struck out; whereupon the question grew, whether the Proviso being put to the question alone, and rejected, the whole *Bill* should not be dashed thereby; at last resolved no; whereupon the Proviso being put to the question and rejected, it was order'd it should be raz'd out of the *Bill*, which was presently done at the board by the Clerk, and the *Bill* was put to the question, and so passed. The like in the *Bill concerning Werry-men, the same Session, 18 Maii 1607.*

It hath been much doubted, whether when a *Bill* is in debate for the passage, it ought not to receive the resolution of the House the same day wherein it is first offered to the passage; but there have of late been some Precedents, where the case being of some importance, & the debate growing long, the argument hath been put over till the next day, in which case he that hath already spoken to the *Bill* the first day may not again speak the second, no more then he may speak twice in one day where the argument

is not deferred to another day.

If a Bill be rejected, the same Bill may not be offered to the House again the same Session; but if it be altered in any point material both in the body and in the Title, it may be received the second time.

In the time of the reading of a Bill, the House should not be interrupted with any other business; and yet in 1 *Eliz.* 24. *Mat.* the House adjourned it self till the next day after the Bill for sealing Clothes was half read, onely to be present at the conference about Religion in *Westminster-Abbey*.

Sometimes the House conceiving much offence against some Bills, doth not onely order them to be rejected, but to be torn in the House; as it was done in the Bill to avoid *Aliens not being here for Religion*, 1 *Eliz.* 23. Jan.

It hath been seen that two Bills being apt to be joined together, have by order of the House, after they have been twice read, been ordered to be ingrossed as one Bill, and so passed; which is somewhat strange, for that both being made into one Bill, it is there-

thereby become a new Bill ; nevertheless it was so done in two Bills *concerning Treason*, 13 *Eliz.* 26. *Apr.*

When a Bill is thrice read and passed in the House, there ought to be no further alteration thereof in any point. Nevertheless if it do appear that there be some apparent mistakings therein, either by false writing, or otherwise, the House upon notice thereof hath caused the same to be amended the day following, and reading the amendments three times, have again passed the Bill upon the Question ; which is a rare precedent, yet was it so done 25 *Eliz.* 20. *Januarii*, *Popham* being Speaker, which is a memorable Case.

Anno 23. *Eliz.* 14. *Martii*, the Lords sent down a Bill *Touching the maintenance of the borders of Scotland*, the House proceedeth with another Bill to the same effect; the Lords complain that it is against order so to do, without praying a conference with them; which was spoken by the Lords at a conference, and answered by the Committees of the Commons House they might lawfully so do.

Sect.

S E C T. VI.

Touching Provisoes, Schedules, Amendments, and amendments of Amendments.

TOuching the offering and passing of Provisoes, the course is thus; If any man will offer a Proviso to a Bill originally begun in the Commons House, it ought to be offered in Paper, as long as the Bill it self is not ingrossed; but when the Bill is once ingrossed, it ought to be offered in Parchment, and not in Paper.

If a Proviso, or Schedule of addition, be offered to any Bill coming from the Lords at first or second reading, it must be offered in Paper, and not in Parchment, though the Bill be a Bill ingrossed, for that it may receive much amendment at the Committee; and when 'tis together with the Bill returned to the Committees, there ought to be a special question made by the Speaker, whether the Proviso shall be ingrossed; if it be denied, he may put the Bill to the passage at the third reading without

out the Proviso; if otherwise, then he ought to deliver the Proviso to be ingrossed, and some other day when the Proviso is ingrossed must put the question upon the passage.

If it be offered at the first reading to a Bill begun in the Commons House, which is seldom, it ought to be but once read at that time, and so filed to the Bill; If at the second reading, it ought to be read twice, as the *Bill* it self hath been, and ought to be committed together with the *Bill*; if it be offered at the third reading, the *Bill* being ingrossed, it ought to be read three times before the question be put for the passage of the *Bill*: but after every several reading thereof the Clerk ought to pause a while, to give men time to speak thereto; many times upon the second reading it is spoken unto, and sometimes committed or amended at the board, sometimes rejected without more reading: upon the third reading thereof the question ought to be made whether or no the House doth think fit to annex that Proviso to the *Bill* read; which
question

question ought to be made singly upon the Proviso, and afterwards the question ought to be made for passage of the Bill, together with the Proviso annexed. If the Bill with the Proviso annexed do pass upon the third reading, the Clerk ought to sign the same in this sort upon the Bill towards the right hand :

Soit baille aux Seigneurs avecque un provision annex.

And ought to sign the proviso it self,

Soit baille aux Seigneurs.

The like rules here given for Provisoes are to be observed, when any Addition (which alwayes containeth in it another Clause) or Branch of the Bill is desired to be enacted, and offered by any of the House, with this difference; that whereas the Clerk in Case of a Proviso maketh mention of the Proviso annexed, he ought in this Case to write, *avecque un Schedule annex.* for that which containeth an Addition is called a Schedule. After a question

question propounded in the affirmative upon the passage of a Bill, & before the question for the negative part, a Proviso was offer'd, and judged to be received, 1 *Jacobi* 13. *Jan.* 1604. Such Bills as come from the Lords have their passage in the Commons House by three readings, as well as those that originally begun there; when they are committed, and the Committee see cause to make some amendment in them, they ought not to interline or raze, or make any other alteration in the Bill it self, as they do in their own Bills, but in a paper thereto annexed they ought to express in what line, and between what words they desire the amendments to be made, which they ought to return up to the House. If upon the report thereof the House shall approve the doings of the Committees, then ought the Bill with the Paper affixed to be sent to the Lords House, to be accordingly amended by the Lords, if they shall so think good. So likewise ought the Lords to do where they desire alterations in any Bill passed from the Commons House unto them. And in this Case after
the

the amendments read three times, the question ought first to be put, whether the amendments shall accordingly be assented unto. Secondly, for the passage of the *Bill*, with the amendments (if it pass) the Clerk ought to sign it in these words underneath the signing of the Lords at the foot of the *Bill*,

A cest Bille avecque les amendments les Communs ont assentus.

When the Lords send down amendments they ought to be read two times, and then if excepted unto, put to the question for the committing. If they be approved by the Committees, and so reported, then ought the question to be put for the amendment of the *Bill* accordingly.

Anno 29 Eliz. 25. Decemb. the *Bill touching Labourers*, passing first from the Commons House, was sent from the Lords with amendments in Parchments, and the Parchments formally indorsed, *Soit baille aux Communs*; to which, exception being taken, there was much contention about it between the Houses, and Precedents sought up; and at last

resolved, it ought to be in Paper, without any indorsement at all: otherwise it is where there is a Schedule of additions, or a Proviso annexed, for they ought alwayes to be sent in Parchment; the Journal-book in this place handleth this point at large.

If there be cause to make alteration in some Proviso or Schedule sent from the Lords, the amendment ought to be tendered in Paper, and so passed to the Lords, 3 *Ses. Jac. Reg. 30. Janii.*

If besides the amendments a Proviso be added thereunto, or a Schedule of additions, there ought to be mention thereof made by the Clerk in the signing of the *Bill*.

If the Commons House pass a *Bill* sent from the Lords with some additions by way of Schedule (which ever containeth some new Clause, or entire branch added to the *Bill*) or with some Proviso to be added thereto, the same ought to be sign'd as a new Bill, *Soit baille aux Seigneurs.*

For the omission of which the Lords conceiving that they have not had

had warrant to proceed, thereupon have returned the same to the Commons House to be amended, and the same hath been reformed accordingly, *In the Bill against scandalous rumours, 23 Eliz. 8. Maii.*

If the Lords do absolutely disallow of any thing required by the Commons House to be put out, or of any addition or alteration to be made by way of amendment, the Bill can then have no further proceeding; for if the Commons say, *put out*, and the Lords say, *let it stand as it was*, the same being before determined by question in the Commons House, cannot be brought to the question again, *23 Eliz. 9. Mart. The Bill of Scandalous Rumours, &c.* But if the Lords, for explanation of such a sentence as is in question, do add words to the additions of the Commons, without putting out of any part of that which is required to be added or altered by the Commons, the same being set down in writing by the Lords, and sent to the Commons together with the Bill, if the Commons do allow thereof, they are to add the words required by
the

the Lords Paper, and to insert the same into their own Paper, and so return the same to the Lords; who thereupon ought to enter it into their Bill ingrossed, and so the Bill hath his passage. The like in all points *mutatis mutandis*, in Bills originally begun in the Commons House, and sent to the Lords; but if to the Bill coming from the Lords, any Proviso or entire new matter be added by the Commons (because it is adjudged as a new Bill) and hath not been at the question in both Houses, the Lords may by their Paper require to have part thereof put out, or may offer additions thereunto; which being returned to the Commons, and they giving allowance thereof, they are accordingly to amend the same in their own house, without sending it back to be amended by the Lords; for *amendments ought alwayes to be in that House from whence the thing to be amended originally proceedeth*, though the directions for the amendments came from the other House; and so *mutatis mutandis*, in Provisoes or other entire Additions required by the Lords to be added to
any

any Bill proceeding from the Commons : And it is held for a general rule, that neither House may of themselves put out any thing which they have before passed, otherwise then requested by the House which hath not passed the same : In the Parliament 31 Eliz. when Mr. Snagge was Speaker, it was usual, when either House desired the clear passage of any Bill sent unto them from the other House, in which they thought fit to make alterations, to acquaint the House from whom it came with the alterations which they intended to make, and to desire to know their willingness thereto, thereby to prevent the hazard of the Bill, if perhaps they should make alterations not approved of. In like sort they sometimes used conferences onely, to prevent the casting away of Bills for some small difference about the amendments. See for this the Clerks Book of the Parliament 21 Martii, and 27 Elizab. 10 Martii, the Bill against Jesuits : To like 23. Eliz. 17. Martii, the Bill against Seditious Rumours. Anno 23. Eliz. 24. Martii, In the Bill for the better government of Westminster, the

Commons at the request of the Lords do alter their own amendments. The like was done by the Lords at the request of the Commons upon a conference for that purpose, *In the Bill of Hostile laws* 3. Sess. 1. Part. Fac. Reg. 29. Junii 27. Eliz. 22. Feb. The Lords by a Message without any paper sent unto them, have been prayed by the Commons House to amend the sense of some of their amendments, that so the House might further proceed therewithall, which hath accordingly been performed, and then their amendments have been considered, allowed and returned, 23. Eliz. 17. Martii, *In the Bill touching Scottish orders.*

In the Bill against vagabonds, 13. Eli. It was resolved, that certain words required by the Lords to be put out, should not be put out of the Bill, but stayed still in the same, qualified with other words; with condition, that if the Lords should not agree to the said qualification, the House would not be bound by the said resolution; which was done of purpose to avoid the hazard of the Bill, in case the Lords should not agree thereto.

When amendments of any Bill coming from the Lords are returned by the Committees, or otherwise added by the House, they ought presently to be read three times before they be put to the passage with the Bill. *In the Parliament 13. Eliz. at the third reading of a Bill which came from the Lords, an addition in paper was by question affixed to it; the addition having been but once read, the Bill was put to the question, and the House divided upon the passage; the error being espied, after long argument thereupon, the additions were ordered to be read twice more, and the Bill was again put to the question, and passed: this was the Bill against taking up of provisions within five miles of Oxford, which passed 25. May in the Parliament, Anno 2. & seriall. & M. The Bill for exactions at musters had a Proviso annexed by the Commons House, and the Lords returned the Bill, desiring the Proviso annexed might be taken off, and a new proviso by themselves put in the place thereof.*

Anno 27. Eliz. 5. Feb. The Lords having made additions to a Bill passed from

from the Commons House, the Commons pray conference with them, and desire that they themselves may have leave to make a further addition to their own Bill, or that the Lords would be pleased to supply the same with an addition of theirs; which the Lords refused to do, because they found no such precedent, *Anno 27. Eliz. Fol. 81. in the Journal, The Bill against fraudulent conveyances* passed from the Lords, was upon the second reading refused by the House to be committed; whereupon the Lords craved a conference, and shewed it was a Bill which her Majesty called her Bill, drawn by her Council, with the advice of her Judges, and therefore wondred at the proceedings of the House; and concluded, that they expected and desired that the House would take it into their further consideration; afterwards the House by a special Committee praying their Lordships to joyn in Petition to the Queen about matters of Religion, causing the messengers to stay in the painted Chamber, after a while sent out unto them the chief Justice and others, to tell them, that when they

received an answer from the House touching the Bill of fraudulent conveyances, the House should have an answer touching the Petition.

An. 27. Eliz. 10. Mr. Fo. 130. in the Journall. to the Bill against Jesuits which passed from the Commons House, there were some amendments desired to be made by the Lords; the Commons by message desire the Lords to reform their desired amendments in some points, which the Committees for the Lords thought could not be done by order; but the Commons House resolved it might be well helped by a Proviso in the Commons House; and chose rather to take that course, then further to urge the Lordships therein.

Anno 27. Eliz. 13. Mr. The Bill touching the Sabbath, which upon divers conferences of the Houses received divers additions, alterations and amendments of amendments, and by that means was much defaced was sent down by the Lords, and prayed by them that it might be re-written, which was done; and so passed again in both the Houses.

Ann. 25. Eliz. 31. Mar. The Bill against Popish Recusants, First, passing from the Lords, was returned with amendments; which the Lords assented to, and sent down the same again amended by them accordingly, and so a Proviso annexed thereto to be passed, if the House should think good, which was yielded to; and the Proviso being thrice read, was with the Bill passed accordingly, 6. Apr.

This is a very remarkable Precedent, That a Proviso should be added by them who first passed the Bill, and not to have any Reference to any alteration or amendment inserted by direction from the other House.

When amendments are desired by the Lords to a Bill past from the lower House, and thrice read, the question ought to be, whether the House will be pleased to admit of those amendments; and that being yielded unto, the Bill it self ought not again to be put to the question.

If it be resolved to allow the amendments, the alterations are usually made by the Clerks servants sitting

without the Parliament-door, according to the direction in paper annexed to the Bill; and the Clark is trusted with the examination thereof.

In the fourth Session of the first Parliament of King James, it was conceived by some of the Commons House, that by reason that Bills which are passed in both Houses, and oftentimes razed in either House, and no mention made any where of such razures lawfully made, that it might give occasion to persons ill-disposed to make razures in Bills past, much to the prejudice of the Commonwealth: it was therefore moved, that the L. Chancellor for the upper House, who supplies the place of Speaker there, and the Speaker in the house of Commons, should subscribe their hands to every Bill so razed; and that mention should be made upon the Bill of all the razures therein; but this motion was not further prosecuted.

S E C T. VII.

Touching the sending of Bills from one House to the other.

WHEN the Speaker hath in his hands a convenient number of Bills ready passed, as five or six, or thereabouts, he then putteth the House in mind of sending them up to the Lords, and desireth the House to appoint Messengers, who accordingly do appoint some one principal member of the House for that purpose, to whom the Bills are delivered in such order as he ought to present them to the Lords; which is done by direction of the Speaker, except the House be pleased to give special direction therein.

The order which hath usually been observed in ranking of them, is, First, to place them that came originally from the Lords.

Secondly, those that being sent up unto the Lords from the Commons House, were sent back to be amended.

Thirdly, publique Bills originally comming from the Commons House and they to be marshalled according to their degrees in consequence.

Lastly, are to be placed private Bills in such order as the Speaker pleaseth.

Many times the House (with a purpose especially to grace some one Bill) sendeth it alone sometimes with a special recommendation thereof: The messenger for this purpose is usually attended by thirty or forty of the House as they please, and are affected to the business.

In the Parliament *Anno 31. Eliz. Mar.* A private Bill for the relief of one Thomas Haselridge being passed the Commons House, was sent up only with four or five messengers; to which the Lords taking exceptions, returned the Bill, saying, they had cause to doubt that it passed not with a generall consent of the House, because it passed not graced with a greater number, and left it to the consideration of the House to send it back in such sort as was fit. The principal messenger which delivered the Bills to the Lords comming in the first rank
of

of his company to the Bar of the Lords House, with three congies, telleth the Lords, that the Knights, Citizens and Burgeses of the Commons House have sent unto their Lordships certain Bills; and then reading the title of every Bill as it lieth in order, so delivereth the same in an humble manner unto the Lord Chancellor, who of purpose commeth to the Bar to receive them.

Bills sent from the Lords to the Commons House, if they be ordinary Bills, are sent down by Sergeants at Law, or by two Doctors of the civil Law, being Masters of the Chancery, and being attendants in the upper House, accompanied sometimes with the Clark of the Crown, an attendant there.

Bills of greater moment are usually sent down by some of the Judges assistants, there accompanied with some of the Masters of the Chancery, who being admitted entrance, do come up close to the Table where the Clark sitteth, making three congies; and there acquainting the Speaker, that the Lords have sent unto the House

certain Bills, doth read the Titles, and delivers the Bills to the Speaker, & so again departeth with three Congies: when they are out of the House, the Speaker holdeth the Bills in his hands, and acquainteth the House, that the Lords by their Messengers have sent to the House certain Bills; and then reading the Title of every Bill, delivereth them to the Clark to be safely kept, and to be read when they shall be called for.

Bills originally preferred to the Lords House, have such proceeding in that House in all points, as Bills preferred to the Commons House have there; onely when any question is made in the Lords House, the trial thereof is by saying, Content, or not content; and if that be doubtful, then by telling the Poles, without dividing the House.

SECT. VIII.

Touching the Royal Assent.

WHEN Bills are thus passed by both the Houses, upon three several readings in either House, they ought for their last approbation, that so like to silver, they may be seven times purified) to have the Royal Assent, which is usually deferred till the last day of the Session: But it may be given at any time during the Parliament; touching which it hath been much doubted, and oftentimes debated, whether the Royal Assent given to any one Bill, doth not *ipso facto* conclude that present Session; which question is of great consequence; for if thereby the Session be at an end, then ought every other Bill not having the Royal Assent (though it hath passed both the Houses) to be again there read three times in either House, and to have the same proceedings as at first, as if nothing had been former-

ly done therein; so must it be of all other Acts of the House. But in the last Session of the first Parliament of King James, the House being then desirous to have a Bill to be forthwith passed, declared that the Royal Assent to one Bill or more did not dissolve the Session, without some special Declaration of his Majesties pleasure to that purpose, 8. April 1604. in the Journall.

So likewise it appeareth by the Journall 1. & 2. Pri. & M. 21. November, that the King and Queen came of purpose into the Parliament House to give their Assent to Cardinal Pooles Bill. And upon question made, it was then resolved by the whole House, that the Session was not thereby concluded, but that they might proceed in their business, notwithstanding the Royal Assent given; but for more security it is usual to insert a Proviso to that purpose.

At the giving the Royal Assent, it is not requisite that the King be present in person; for by *express words* of the Statute of 33. of Hen. 8. Ca. 21. The Kings Royal assent by his Lec-

ers Patents under the Great Seal, signed by his hand, and delivered and notified in his absence to the Lords Spiritual and Temporal, and to the Commons assembled in the higher House, is and ever was of as good strength and force as though the King had been there personally present, and had assented openly and publicly to the same; according to which Statute the Royal Assent was given by Commission, Anno 38. H. 8. unto the Bill for the Attainder of the Duke of Norfolk, and very oftentimes since.

The Royal Assent is given in this sort; After some solemnities ended, of which mention shall be made in the Chapter which treateth of the conclusion of the Parliament, the Clerk of the Crown readeth the title of the Bills in such order as they are in consequence; after the title of every Bill is read, the Clerk of the Parliament pronounceth the Royal Assent; according to certain instructions given him from his Majesty in that behalf.

If it be a publick Bill to which the King assenteth, the answer is, *Le Roy le veut.* If

If a private *Bill* allowed by the King, the answer is, *Soit fait comme il est desire.*

If a publick *Bill* (which the King forbearcth to allow) *Le Roy se avise-
ra.*

To the Subsidie-*Bill*,

*Le Roy remercy ses loyaux Subjects,
accept leur benzeoence, & aussi le
veult.*

To the General Pardon,

*Les Prelates, Seigneurs & Communs
en cest Parliament assemblez au nom de
toutes vous autres subjects remercient
tres humblement vstre Majesty, & pri-
ent Dieu vous donner en sante, bone vie,
& longe.*

And thus much concerning passing of *Bills* according to the modern practice: in ancient times the practice was much differing, as elsewhere shall be declared; but that ancient order, as it was nothing so curious as this, so was it not so safe for the Subject, as by comparing both together will easily appear.

A Report of divers memorable passages between both Houses in the Parliament 18 Eliz. concerning the adding of a Proviso by the Commons unto a Bill sent to the Lords, ingrossed, and signed by the Queen, and passed by the Lords, for the restitution in blood of a certain Lord, and sent down by the Lords to the House of Commons.

A Noble Lord, whose father was attainted of murther, (and thereby his blood corrupted) made suit to the Queen to be restored in blood by Parliament; which she inclined unto, and in declaration of her good liking thereof, signed his *Bill* ingrossed, which passed the Lords House, and was sent down to the Commons.

The *Bill* upon the second reading by some was impugned, through mistake of the person, and by some others, for that there wanted a Proviso for Purchasers from his Father and other Ancestors.

To the first it was answered, that
see

seeing her Majesty had signed the *Bill*, no doubt she was satisfied touching the person; and he being a young Noble man, there was great hope of him.

To the second, that if the saving (which was already in the *Bill*) were not sufficient, there might be other provision.

The *Bill* was committed, and the Committees thought to add a Proviso to bar the Lord, that he should not take advantage of any errors in any Fine, or other conveyance by his Father or Ancestors, but should be in that case as though his blood were not restored, in which state he can bring no Writ of Error: the occasion of which Proviso grew chiefly, for that the Lords had within few days before in this Session dashed a *Bill* that passed in the Commons House for the helping of such errors; whereupon they thought it dangerous to give that scope to any man that should be restored in blood; and therefore they added such a Proviso both in this *Bill* and other *Bills* of like kind.

The said Lord endeavoured by his Counsel to satisfy the Committee, that the saving in the Bill was sufficient without a new Proviso; but they being not satisfied therewith, he procured a message from the Lords to the Commons, that the Bill might pass in such sort as was signed by the Queen without any addition, which they thought could not be made without the consent of her Majesty; which message was sent after the Committees had agreed upon the Proviso, and reported the same to the House. The Commons took this manner of dealing to be very strange, not having heretofore received any such message from the Lords, tending to prescribe them what they should do in the actions of that Council; and notwithstanding that message, intended to proceed as they had begun.

The next day the Lord procured another message from the Lords, desiring a meeting and conference with the Commons about it; which message, the Commons conceiving it strange to be in this manner pre-
sed,

sed, they gave the *Bill* a third reading and the new Proviso, as the course is, and so sent up the *Bill* to the Lords with the Proviso annexed, with one other *Bill*.

Herewith the Lords were greatly moved, and the same afternoon sent a message to the Commons House by Mr. Justice *Munson*, and Serjeant *Barham*, that some of them should come to speak with certain of the Lords in such matters as they had to say to them, and to the Commons House; according to which message certain of the Commons House were appointed, and did give attendance, on the morrow morning between eight and nine of the clock in the Painted Chamber, sending in word by the Usher of their being there.

The Lords, after a great pause, at last came forth into the Painted Chamber; the number of them were many, and the persons of the principal Noblemen of that House: after they had taken their places at a long table, and used some conference amongst themselves, they called for those of the Commons House, to whom

whom the Lord Treasurer, in the name of all the rest present and absent, said in effect ;

That the Lords of the Upper House could not but greatly dislike the dealing of the Commons House in their passage of that *Bill*, especially for that they had passed the *Bill* with a *Proviso* annexed, notwithstanding their sundry messages sent to them in his favour; and lastly, one message to have conference with them for resolution of such doubts as were moved; wherein they took themselves greatly touched in honour, and thought that the Commons House did not use that reverence towards them as they ought to do. The cause besides, (he said) was such as they saw no reason why the Commons House should proceed in that order; for the *Bill* being signed by her Majesty (he said) none might presume to alter or add any thing to it without the assent of her Majesty, which they for their parts durst not do; for proof whereof he shewed the Committees sundry *Provisoes* in the time of King *H. 8.* annexed to the like *Bill* signed
by

by the King, inferring thereby that none might pass otherwise; moreover he said that by the opinion of the Judges which were in the Upper House, the saving which was in the Bill was so sufficient as there needed no addition of such Proviso as the Commons House have annexed, and therefore required them to know what reasons did lead them to proceed in this order.

This and some other large speeches being uttered to this end, the Committees answered, *That their Commission was only to hear what their Lordships would say; they would return and make report to the House, and so attend upon them again with answer.*

When this was reported to the Commons House, it moved them a great deal, and gave occasion of many arguments and speeches, all generally mistaking that kind of dealing with them, and thinking their liberty much trespassed upon in three points; *One, that they might not alter or add to any Bill signed by the Queen; Another, that any conference should be looked for, the Bill remaining with them, except themselves*

same cause to desire it : And the third, to yield a reason why they passed the Bill in that sort.

After all these things were sufficiently debated, an answer was agreed upon to be returned to the Lords by the same Committees, and they gave their attendance upon the same Lords in the same place to whom was said in effect by one of the Committees, and by the consent of the rest,

That they had delivered to the Commons House the sense of that which their Lordships had said unto them, which as they had conceived, did stand upon two parts ; One on the manner of their proceeding in this case ; And the other on the matter wherein they had proceeded.

To both which they had commission from the House to make unto their Lordships this answer :

First, *That they were very sorry that their Lordships had conceived such an opinion of the House, as though they had forgotten their duty to them ; praying their Lordships to think that the Commons House did not want consideration of the Superiority of their*
ho

honourable estate, in respect of their honourable calling, which they did acknowledge with all humbleness; protesting that they would yield unto their Lordships all dutiful respects, so far as the same was not prejudicial to the Liberties of their House, which it behoves them to leave to their posterities in the same freedoms they have received them.

And touching the particular Case, the manner of their proceedings (as they think) hath not been any way undutiful or unseemly.

For the Bill being sent from their Lordships to the Commons House, received there (within little space) two readings; and because upon the second reading, some objections were made to lett the course of the Bill, the House thought fit to commit it; which doth shew that they had no disposition to overthrow the Bill, but to further it, but in respect of her Majesties signature, and that it came passed from their Lordships; and whether the Lord whom it concerned had cause or not to think himself favourably used in being heard by the Committee which he learneth

learned Counsel, they referred to their Lordships judgments. That after the Committees report of their doings, the House gave the Bill a third reading, and so passed the same in such sort as now their Lordships hear it, notwithstanding their sundry messages to the contrary; And lastly, notwithstanding their message of conference, they said they could not otherwise have done without breach of their liberties, for they took the order of Parliament to be, that when a Bill is passed in either House, "that House wherein the Bill remaineth may desire conference with the House that passed the Bill, if they think good, but not otherwise; and this Bill passing from the Lords to the Commons House, they might desire conference; but not their Lordships, the Bill passing from themselves.

And thus much for the manner of their proceedings; touching the matter wherein they have proceeded, in that they annexed a Proviso to this Bill, "the same being signed with her Majesties hand, they thought they might lawfully do it without her Majesty, taking her signature to be only a re-

" com-

" commendation of the cause to both the
 " Houses, without which they could not
 " treat of any Bill of that nature; the
 " House not being thereby concluded, but
 " that they might alter or add any
 " thing that should be thought meet
 " either for her Majesty or the Sub-
 " ject, which Proviso they have deli-
 " vered upon good consideration, not hastily
 " and inconsiderately, but upon great
 " and sufficient reasons moving them, praying
 " their Lordships so to conceive it: " Neverthe-
 " less to declare the rea-
 " sons in particular to their Lordships,
 " as they were required on that part, " the
 " House desired their Lordships to
 " bear with them, for that were to yield
 " an account of the doings of things
 " passed in their House, which they
 " could not in any wise agree unto, be-
 " ing so prejudicial to their liber-
 " ties.

This speech finished, the Committees were willed by the Lords to return unto the nether end of the Chamber; and after some pause and consultation amongst the Lords, they called again the Committees, and to them

them was said by the Lord Treasurer, that the Lords had considered the answer that the *Committees* had brought to them from the Commons House; and touching the first part thereof, he said, that although through such information as was given them, they might have cause to conceive amiss of the House in the manner of their proceedings, yet because themselves were the truest reporters of their own actions, and the best interpreters of their own meanings, the Lords did therefore accept thereof, and rested satisfied with the same.

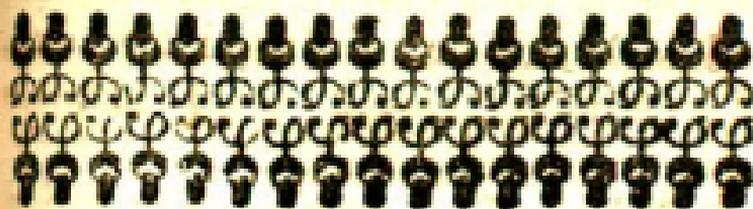
But touching the other part, he once again pressed the *Committees* to shew cause why the House added that Proviso which the Lords took to be suspicious; the Bill (as he said) containing in it a saving that was sufficient for all causes that might happen.

To that was said by one of the *Committees*, that they *humbly thanked their Lordships* that it pleased them to accept of their answers to the first part; but for the second, which concerned the matter it self, and the reasons that moved the House, he said, the *Committees*

had no further authority to deal in, having only commission to deliver to their Lordships the answers which they received from their House.

Whereupon the Assembly brake up, the Lords returning to the higher House, and the Committees to their House; where at their coming, one of them reported their whole proceedings with the Lords, wherewith the House was much satisfied, seeing that so great a storm was so well calmed, and the liberties of the House preserved; which otherwise in time to come might have been prejudiced in those three points before remembred, which are indeed, if they be well considered, of great weight and importance.

The Bill (as it appeared after) *passed no further*; the Lords not liking the Proviso, nor the Commons House yielding to the withdrawing of it, for the causes afore declared.



Concerning amendments of
Bills in the Journall of
31. Hen. 8.

Die Veneris 23. die Maii existens,
15. Parliamenti.

*A Bill passed both Houses
in one day.*

Hodie per Dominum Vicegerent,
quædam introducta est Billa
cõcedens Reg. Majestati authorita-
tem constituendi Episcopos in diversis
locis hujus Regni sui, quæ quidem
Billa pr. mo, secunda & tertia vice lecta
traditur Regis Attornato in Domum
Communem deferend. & immediate
per ipsos de Domo Comuni relata &
expedit.

Die Martis 24. die Junii 20. die
Parliamenti post prorog. & c.

*A Bill by Assent amended after it had
passed both Houses.*

Memorandum quod hodierno die
concordatum est inter Proce-
res & Communes, quod cum in Billa
concernente stabiliamentum opinio-
num, inactitatum sit ut hujusmodi sa-
cerdotes qui antehac uxores duxerint
easdem ante festum Sancti Johannis
Baptista (qui hodierno die est) re-
pudiarent, ut nunc alter dies illis ad
easdem repudiend. limitaretur, qui
est duodecimus dies instantis mensis
Junii, & ut *eadem Billa* *indicti* sen-
tentia *valeret* & *emendaretur*.
Quod nota.

Die Sabbati 28. die Junii 24. die
Parliamen. post prorog. & c.

*Concerning the adding of a Proviso by
the Commons to a Bill by them
sent up.*

Memorandum quod immediate
post decessum præfati *Willielmi
Kingston* & aliorum, *Richardus Riche
Miles* Cancellarius augmentationis re-
ventionum coronæ Domini Regis, &
alii de Domo inferiori proceribus de-
claraverunt, eos *Regiam Majestatem*
convenisse, illique supplicasse, quatenus
eis liceret, annexere billæ concernenti pu-
nitionem eorumdem qui accipitres, da-
mas, aut cuniculos sue *Majestati*
pertinentes furaciter capient, provi-
sionem quandam limitantem tempus ac-
cusationis pro transgressoribus ejus-
dem Billæ, *Regis*que *Majestatem*
eis *Petitionem* suam hac in parte
concessisse; verum priusquam in *Domum
Communem* reversi sint, dictam Bil-
lam per *Willielm. Kingstone* militem

& alios ad Proceres fuisse allatam. Itaque præfatus *Richardus* Proceres (nomine Communitatis) rogavit, ut vel prædictam Billam illis remitteren, ut illi hujusmodi provisionem eidem annecterent, aut ut illis placeret talem provisionem componere, & eam dictæ Billæ annex. in Dom. Commun. mittere, cui per Dominum Canc. ex assensu Procerum responsum est, quod si præfatus *Richardus* hujusmodi provision. componeret, eandemque Proceribus afferret, illi circa eandem procederent prout inde causam cererent.
