

U. H. J.      The Power you claim of nominating Commissioners which you  
 Liber No. 35      would support by the Land Tax Acts, we have disputed, and will  
 May 4              not suffer you to exercise.

In the Poll Bills which passed in England before 1.<sup>st</sup> W: & M: the Comm.<sup>rs</sup> in Respect of the Estates of Peers were appointed by their Lordships particularly in the 29.<sup>th</sup> of Car: 2.<sup>d</sup> the last Bill of that Kind which happened before 1.<sup>st</sup> W: & M: Tis true that in the 1.<sup>st</sup> W: & M: no such Power was given to, or reserved by the Peers which as it appears from the parliamentary Proceedings of that Time happened thro' their Inadvertency occasioned by the hasty Passage they gave the Bill which the King was extremely solicitous about, and urged them to dispatch, but the Commissioners named in this Act of Parliament were appointed by the Crown after the Royal Assent had been given to this Statute and in the same Session an additional Poll Bill was sent from the Commons to the Lords which they returned with an Amendment to enable them to appoint Commissioners to rate themselves under the original Bill; but this Amendment not being agreed to by the Commons became the Subject of some Conferences between the two Houses, the Peers asserted that their Right was founded upon constant Usage which does not appear to have been denied by the Commons whose principal Reasons for not admitting the Amendment were that the additional Poll Bill taxed none but Commoners, and that if no Commissioners had been named they would have agreed to their Lordship's present Demand, rather than their Lordships should not be taxed but that any Alteration then would go a great Way to repeal the Act when the Commissioners might be probably entered upon their Office, and were already taxing their Lordships or at least would soon do it if the Amendment was not admitted. As the Commons would not admit the Lords to retrieve their Right in the Manner they proposed the Lords in Resentment rejected the additional Poll Bill

p. 308      The Commissioners we have said named in this Statute were appointed by the King and the same Commissioners were by Reference appointed in subsequent Acts, but if the Commons have been allowed to name Commissioners in the Manner you seem to imagine, can it therefore be inferred with any Degree of Propriety that you ought in Point of Right to demand the sole and exclusive Authority to nominate Commissioners, when these Commissioners are to be vested with so great Power over the Estates of the Proprietary and the Members of the Upper House as well as of every other Subject, and not one Instance from the first Settlement of this Province that we know, or have heard of can be adduced to countenance your Claim? or can it be said that when a free Grant of Money is made to the King by his Subjects from a Principle of Affection to his Person and Government, it would be of that Consequence to the Crown /supposing the Commons have always nominated Comm.<sup>rs</sup>