

Now for the true understanding of this matter, it will be necessary to be a little more particular, because Arguments have been deduced from thence to prove that Taxes may be raised upon the People without their Consent in Parliament.

*William* called the Conqueror, divided several Lands in *England* amongst his great Followers, to find so many Horses and Arms, and to do particular Services; and their Descendants afterwards held these Lands upon the same Tenure, which was called *Knights Service*, and the Tenants were called Tenants *in capite*, because they held immediately of the King, as of his Crown.

He likewise gave other Lands to Persons to perform meaner Services, as to be his *Woodwards*, *Foresters*, *Huntsmen*, *Falconers*, &c. which was properly called a Tenure in *petit Serjeanty*; not but that the presenting him with a Bow and Arrow, or a Pair of Spurs every Year, might be called so to.

Some of our Historians have found out an ancient Record to prove, that these Tenants *in capite* did tax themselves out of Parliament, (*viz.*) *Anno* 19 *H.* 3. there is a Writ directed by that King, to the Sheriff of *Sussex*, reciting, that the Lords Spiritual and Temporal, and all others who held of him *in capite* had voluntarily, & *sine consuetudine*, granted to him an Aid of two Marks for every Knights Fee, and therefore he was commanded to distrain for it, &c.

But this Writ only proves, that the King's Tenants *in capite* gave him an Aid in an unprecedented manner; for the Writ tells us, it was *sine consuetudine*; neither was this a general Tax, for almost half the Lands in *England* were then in the Possession of Bishops, Abbots, Priors, &c. and near two Thirds of those Lands were held in *Libera Electione*, and not of the King *in capite*; and all the Lands