

of Parliament been applied to any matter provided for by an Act of Parliament and it would be the greatest Absurdity to suppose it since an Act of Parliament binds each House and the whole Nation and therefore whatever It was before yet it becomes by making the Act the Law of the Kingdom which binds every Individual and not the Law of Parliament, besides you have not shewed one Instance where even the Law of A Parliament in your Sense of the Words have construed the words in the manner you insist upon. In the next place you admit that a Legal Construction may be proper in such matters as come under the Determination of a Court of Law, yet you say the present is not such and the reason you seem to give (for really I cannot Comprehend the meaning of applying the words Prohibition to Act and power to Act) is, That the Courts of Law have no Right To Construe this Act of Parliament because it relates to a Matter of Privilege of which the House of Commons are the soul Iudges: If this by your meaning (and I Cannot find out any other) I must you are not less mistaken in this then your other Positions; for Lord Clarendon lays it down, "That there can no Privilege of which the Law doth not take notice and which is not pleadable by and at Law, and he puts these Instances, As upon an Arrest of a Member of Parliament, He may plead that he was a Member of Parliament and that his person ought to be free from Arrests. "Also" on an Information or Action on the Case for Words spoken by a member He may plead that it was for Words spoken by him in Parliament and that he ought not to be Impleaded in any other Place for words spoke there": And in Consequence of such pleas if the Iudges are satisfied what is insisted on are Privileges the Court allows the Plea and dismisses the Defendants, Agreeable to these Rules several Proceedings have been in Westminster Hall; and that the Courts of Law have a Right to take notice and adjudge in matters which the House of Commons have claimed the peculiar Jurisdiction of to themselves in Point of Privilege even where there was no Statute Provision the brave Resolution of Lord Chief Justice Holt and the noble stand of the House of Lords in the great Case of the Ailesbury men against the Attempted Encroachments of the then House of Commons on the Rights and Liberties of the Subject have hitherto been and always will remain a lasting monument of Glory to their memories and an incontestable Proof of Your Misapprehension of this Point, as the rest of your Paragraph runs on a Reasoning intirely built on Your mistaken notions of the words Legal and Law of Parliament That must fall with the Foundation which I hope you now see is not capable of supporting it

L. H. J.  
Liber No. 46

[Insist is  
omitted  
after must]  
p. 651

The next Meterial Thing I meet with in your Paper is an Attempt to give some Account why you Added particular Words to those in the Statute and here I may retort that a Confession and Excuse are often better made then a Justification especially when that Justifica-