

The Question was then put, Whether the House doth approve of the said Address? And *Resolved* in the Affirmative.

For the AFFIRMATIVE,

*Messrs* Wilson, Harris, P. Hammond, Carroll, Worthington, H. Hall, Smith, Brome, Mackall, Joseph Hall, Courts, Smallwood, Harrison, Wilkinson, N. Goldborough, Lloyd, J. Goldborough, Hooper, Pearce, Hyland, Bayard, Sheredine, Buchanan, Paca, Wootton, Addison, Stoddert, Hopper, Tilghman.

For the NEGATIVE.

*Messrs* Barnes, Bond, Mills, Key, J. Gresham, R. Gresham, Stoughton, King, Dashiell, Dennis, Thomas, Ennalls, Lecompte, Gordon, Dulany, T. Hammond, Henry, Purnell, Robins, Scarborough.

The Address being approved of, was ordered to be ingrossed.

The ingrossed Address being brought in, and read, the Question was put, Whether the House doth assent thereto? *Resolved* in the Affirmative.

For the AFFIRMATIVE,

*Messrs* Wilson, Harris, P. Hammond, Carroll, Worthington, H. Hall, Smith, Brome, Mackall, Joseph Hall, Smallwood, Harrison, Wilkinson, N. Goldborough, Lloyd, J. Goldborough, Hooper, Pearce, Hyland, Bayard, Sheredine, Buchanan, Paca, Wootton, Addison, Stoddert, Hopper, Tilghman.

For the NEGATIVE,

*Messrs* Barnes, Bond, Key, J. Gresham, R. Gresham, Stoughton, King, Dashiell, Dennis, Thomas, Ennalls, Lecompte, T. Hammond, Henry, Purnell, Robins, Scarborough.

The Address was then ordered to be signed by the Honourable Speaker, on Behalf of the House; and it is as follows; *viz.*

To his Excellency THOMAS BLADEN, Esq; Governor of *Maryland*.

*May it please your Excellency,*

OUR Remonstrance, presented you in Support of the Privileges of our House, violated by your Excellency in the Person of *Mr. Smith*, is so far from affording us a Prospect of a Forbearance of such Practices for the future, that your very Answer is a fresh Breach of the Privileges of this House, by your Endeavours to render us contemptible, as you manifestly do in every Part of that extraordinary Message.

We have always thought, that civil Language was most becoming the Characters of Gentlemen, even in a private Conversation; and much more so, in all Kinds of Correspondence in a Parliamentary Way; and have accordingly been careful, even under strong Provocations to the contrary, to behave in all Intercourse with your Excellency agreeable to such Sentiments: And this, perhaps, may have been the Reason why we have been so frequently treated, as of late we have been, in so unbecoming a Manner by your Excellency.

A Confession and Excuse is often better made than a Justification; and particularly so, when a Fact charged is true, and that Fact is against some Rule of Conduct, or Matter of Right: And therefore we cannot help thinking, that a Confession and Excuse of the Subject Matter of our Remonstrance had appeared more open and candid, than your Endeavour to darken that Point, which you promise "to put in as clear a Light as you can, not only to our own Understandings, but also to that of our Constituents:" In order to which, you recite a Paragraph of the Bill of Rights, and clap your Finger on the Words *Impeached and Questioned*, in that Clause; and in order to make them serve your Purpose, you say they are to be taken in a legal Construction, which is the only proper Rule for the Exposition of an Act of Parliament: But does not your Excellency see, that the Term *legal* here is equivocal? Is not there a Law of Parliament, as well as a Law of ordinary Justice, distinct from each other? And are not the Rules of Construction under each, as different as the two Laws themselves; and yet both legal in the extensive Meaning of the Words? And tho' a *legal* Construction, according to the latter, may be proper in such Matters as come under the Determination of a Court of Law; yet, the present Case is not such, as is plain from the Clause itself, "That the Freedom of Speech, and Debates and Proceedings in Parliament, *ought not* to be impeached or questioned in any Court, or Place, out of Parliament:" Unless your Excellency, to proceed as you have begun, should say, that a Prohibition to act is giving a Power to act; and that the Courts of Law have a Right to construe what they have no Right to determine. The only *legal* Construction to be admitted in the present Case is the Parliamentary *legal* Construction; and this likewise appears from that very Clause, "in any Court, or Place, *out of Parliament*;" where it is plain, the Impeaching or Questioning is to be in Parliament, and is an Affirmative, as the former Part is a Negative. What Rule of Construction then is to be admitted in Parliament, but a Parliamentary one? And how is that Rule to be ascertained, but by the Practice of Parliament, in like Cases previous to the making that Act? And, no Doubt but your Excellency's great Knowledge in Privilege must inform you, upon Recollection, that before the making that Statute, not only the calling Members to appear before the Courts of Law, "and in other Places besides the Courts of Law;" but even "the calling them to an Account for, or the abusing and censuring them, in a private Way, for their Expressions in Parliament," has been often held a Breach of Privilege: And why this Statute, which is but declarative, and a Confirmation from the Crown of one of the ancient Privileges of Parliament (and which both together was the Foundation of our Remonstrance), should be deemed in this Instance an Abridgment of that ancient Right, and is to be construed according to the Rules of Construction in your Courts of Law, unless perhaps in Time to subject the Proceedings of this House to the Determination of those Courts, no doubt you will satisfy yourself.

This, Sir, is the true Sense of the express Words of that Act, according to the *legal* Construction of Parliament, and "which is sufficient to serve our Purpose" in the present Case; and therefore we have "dis-

"dained