

*OFFENCES COMMITTED IN PARLIAMENT.*

The recent occurrences in the British House of Commons when the members came to blows and engaged in a general affray, have suggested the question whether offences committed by members in Parliament are punishable in any other place, and the *London Law Times* has devoted considerable time and space to the subject. The results of its research are not without interest to students of parliamentary law and history. It is declared by the Bill of Rights "that the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any place out of Parliament." It is however submitted, in accordance with the well-known rule of construction, that the word "proceedings" must be governed in its meaning by the preceding words "freedom of speech and debates," and would not apply to an affray—the category under which the recent fracas, had it taken place in public outside the walls of Parliament, must be placed. The legal definition of an "affray" tallies with this scene in the House of Commons. An affray is an unpremeditated fighting between two or more persons in some public place to the terror of Her Majesty's subjects. Harris Crim. Law, 105. The declaration in the Bill of Rights is clearly inserted in repudiation of the conduct of King James II, complained of in that measure, namely, his "prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament." The fact, too, that breaches of the peace have from time immemorial been regarded as disentitling members of Parliament to freedom from arrest, would in itself go far to strengthen the surmise that offences against the person, even when committed by members within the walls of Parliament, would not be regarded as "cognizable only in Parliament." By a resolution of the Commons, of the 20th of May, 1675, it was declared "that by the laws and usages of Parliament privilege of Parliament belongs to every member of the House of Commons in all cases except treason, felony and breach of the peace." It was again stated by the Commons, at a conference on the 17th of August, 1641, "that no privilege is allowable in case of breaches of the peace betwixt private men, much more in the case of the peace of the kingdom;" and on the 14th of April, 1697, it was resolved that "no member of this House has any privilege in case of breach of the peace." May Parl. Prac. 145-146. These resolutions however refer solely to the question of