

which is most direct ; some necessity perhaps constraining him to it. 2. STRA. 986, 987.

This privilege from arrest, privileges of course against all process the disobedience to, which is punishable by an attachment of the person ; as a subpoena ad respondendum, or testificandum, or a summons on a jury : and with reason ; because a member has superior duties to perform in another place.

Privilege from arrest takes place by force of the election ; and before a return be made, a member elected may be named of a committee, and is to every intent a member except that he cannot vote until he is sworn. Memor. 107, 108. Dewes 642. col. 2, 643. col. 1. Pet. miscel. parl. 119. Lex. Parl. c. 23. 2. Hats. 22, 62.

Every man must, at his peril, take notice who are members of either house returned of record. Lex. Parl. 23, 4. inst 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the serjeant, 1, Grey, 88, 95.

The privilege of a member is the privilege of the house. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the house. 3, Grey 140, 222.

For any speech or debate in either house, they shall not be questioned in any other place. Protest of the Commons to James I. 1621. 2. Rapin, No. 54. pa. 211, 212. But this is restrained to things done in the house in a parliamentary course. 1. Rush. 663. For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty. Com. p.