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ENGLISH HOUSE OF COMMONS.
June 5.

INDEMNITY BILL.

Upon the order of the day being moved for the house to resolve itself into a committee on the Habeas Corpus Indemnity Bill,

Sir Francis Burdett presented petitions from Jasper Moore, John Roberts, John Belcher, Thomas Evans, and John Perrott, severally apprehended by warrant of the duke of Portland, complaining of cruelty and oppression on the part of Aris, the governor of the Coldbath-fields prison, and praying that their rights of action might not be defeated by the present bill.

Mr. Jekyll presented a similar petition from Thomas Goodluck.

The petitions were severally ordered to lie on the table.

Upon the question being put, that the speaker should leave the chair, several members called upon the attorney-general, who declined addressing the house.

Mr. Jekyll said, he had waited some moments in expectation that, however unusual a measure of this kind was, it would not have been attempted to be carried into effect in so unusual a way. He had expected that, upon a measure levelled at the dearest interests of the people, the attorney-general would have entered at least into some details. That learned and honorable gentleman had contented himself with merely moving for the speaker's leaving the chair, at the same time pointing to the report of the secret committee, which lay upon the table. Upon that report alone he seemed to have rested the propriety of going into a committee upon such a bill as this. He regretted that his hon. and learned friend (the attorney-general,) with whom he had so many years been on terms of intimacy, should have been the mover of such a measure as this, the effect of which was to stop the regular administration and course of justice. With respect to any idea of responsibility within the walls of the House of Commons, ministers had nothing to dread; they were only actuated by their terror of that responsibility to which they knew they would be subject by the operation of that pure administration of the justice of the country, which nothing but a bill of this nature could divert. Responsibility was a word which ought to be blotted out of the parliamentary dictionary. There had been a period when an hon. person, now no more, had induced the house to come to a vote, that the influence of the crown had increased, was increasing, and ought to be diminished. Since that time the influence of the executive government had increased far beyond what it ever had been. As to the report of the committee, which was supposed to be a sufficient foundation for this bill of indemnity, he would desire any candid man to put his hand upon his heart and say whether it contained any thing to justify such a measure? The report was a mere farrago of old materials, consisting of quotations from the Prophet Ezekiel, the Prophet Brothers, the writings of Spence, a fanatic, and the new Jerusalemites. He begged the attorney-general to refer to what had recently appeared upon the trial of Spence, in the court of King's Bench, and he put it to him whether he did not seriously think that man had evinced all the appearances of a man completely deranged? He appealed whether every individual of the numerous audience upon that occasion did not feel a sort of indignation at a man's being put upon his trial who was a fitter object of confinement in Bedlam as a lunatic? When the attorney-general had on a former day introduced this measure to the house, he had stated, that it was justified by precedents; those precedents were in the years 1746 and 1780, but he contended that neither of them bore any analogy whatever to the present instance. That in 1746 was not general in its operation, as this was; it pointed only to particular acts done for the suppression of the rebellion, and not to all acts committed in the course of a long admininistration; its object was definite, but that of the present bill was indefinite. Of the same kind was the bill of indemnity in 1780, which was to secure ministers and public magistrates for acts done in suppressing a flagrant insurrection and rebellion in the metropolis. It was true, the bill now before the house proceeded upon the ground of insurrection, but he would ask, did any such ground really exist? On the contrary, he believed the mass of the people to be sound and loyal; that there were discontents and disaffections, he also believed, but he denied they were connected with Jacobinical principles. Ample reason there was for discontents and disaffections. Could it be expected, at a period when the nation was drained by a long war, and oppressed by an accumulation of taxes and a scarcity of provisions, that the people could remain satisfied! Was it not natural there should be those legitimate complaints against the government which had produced the evils they experience, and the more so, as those complaints were prevented reaching parliament through the medium of the voice of the people, the natural organ for uttering them. Parliament was incapable of knowing the sentiments of the people, who were deprived, for the very measures for which ministers were now to be screened, of the privilege of meeting at least with safety to state their grievances. When he considered what ministers they were who desired to have the shield of protection thrown over them, he really thought the application ought to be treated with contempt and ridicule. They stated, that their conduct had been meritorious in the use of the power granted them by the suspension of the habeas corpus act; that they had detained none without a reasonable and well founded suspicion, the result of information upon oath or authentic documents. What! When ministers came to the house supplicating for a bill of indemnity, was it to be endured they should exculpate themselves by saying they had not detained any without evidence upon oath against them! That they had exercised their power in depriving men of their liberty upon what they called authentic documents! Words of pretty extensive import, especially when ministers themselves had the construction of them. The constitution had been particularly careful in spreading guards around the liberty of the subject with reference to high treason; it had required that the accused should have lists of his jurors and the witnesses against him, and that there should be two witnesses upon oath to convict him of an overt act—but all these protections would be rendered nugatory and useless, if ministers were to be allowed to evade them by confining upon charges of treason whom they please, and for what length of time they pleased, with no other evidence to justify them but what they were pleased to term authentic documents. He had heard, and he belived the fact was not denied, that upon the trials for high treason at Maidstone, none of the informations had been returned to the judges of assize. Mr. Justice Buller had called for them, and, upon the lawyers for the crown informing him they were not in court, he had expressed his disapprobation at the original examinations upon oath, if such were taken, not having been laid before him. What would any judge of assize say, if, when he came to try a man for felony, the magistrate should say to him, it is true, I had no evidence upon oath against him, but I committed him for felony, upon what appeared to me to be authentic documents. With respect to the bill itself, he could not have thought the attorney-general would have placed such a one upon the table. Gracious God! Was it to a British House of Commons he was addressing himself? Would they consent to vote for a bill, which opened a system of government by secret information of spies and informers, and reduced it to something more like a divan, or Spanish inquisition? What man was safe under such a system of government? and what ministers, who had had recourse to it, and had put it in execution, deserved to be protected? He contended, that the bill, although the contrary, he understood, had been intimated by the attorney-general, would not only throw its protecting shield over ministers, but would cover such enormities as those detailed in the petitions presented this day with regard to Mr. Aris. It was a matter of surprise and astonishment to him, that ministers should refuse any inquiry into the conduct of such a man as Aris, of whom complaints of injustice, oppression, and cruelty, had been so repeatedly urged.—There seemed, on the contrary, to be an anxiety to support and defend him. Something had been said of a sympathy and feeling between the old and the present administration; he could not avoid being of opinion that such sympathy did exist, when he found such a similarity in their measures; habeas corpus suspension bills, seditious meetings bills, pension bills. Upon the latter subject the ex-minister had wholly forgot himself; he had retired with the assurance of two pensions to the amount of 7,000l. a year; one he already had, and the other, no doubt, he very soon would have. He implored, in God's name, however the house might be disposed to give indemnity to his majesty's ministers for certain parts of their conduct, that it would pause before it touched upon the regular administration of justice, and prevented its operation with regard to his majesty's ministers the same as with respect to other men. He would put it to the attorney-general to say whether, in the case of general warrants, he would have recommended a bill of indemnity for the protection of ministers who had had recourse to such a measure?—Whatever disposition the house might feel to shelter the servants of the executive government, it was a paramount duty not to suffer the people to be made the victims of tyrannical ministers, and then to be deprived of their legal means of redress. For these reasons he objected to the speaker's leaving the chair.

Mr. J. H. Browne denied the assertion, that the people by the operation of any bills were prevented meeting, in order to state their complaints to parliament. He entered into a justification of the conduct of the secret committee, and the reasons upon which it had proceeded, in framing its report; he observed, that it was by no means new in the history of the country to have a change of administration without a change of principles, and stated a particular instance in the year 1717, in the reign of George the First, with reference to the political principles o fthe Earl of Sunderland and Mr. Townsend, both equally attached to the house of Hanover. With regard to what the hon. gentleman had said concerning spies and informers, he would ask him, whether he had read the report? If he had, he would see it depended upon much stronger and more melancholy grounds than perhaps the report of any former committee. The times in which we lived were peculiar, and required extraordinary and unusual measures. Never before had conspiracies been supported by the attempts of a ferocious and implacable enemy like the one with which we had to contend. When it was seen that what had been suspected in England had actually taken place in Ireland, produced by means precisely the same as those which the well-timed measures had suppressed, and for which they now required to be indemnified. We had seen that, in every country where French principles had prevailed, French arms had prevailed, and consequently the subversion of the government of those countries. As to the manner in which the hon. gentleman had spoken of spies and informers, he would only observe that it was the duty of every subject who had taken the oath of allegiance to give information of any thing that might come to his knowledge, affecting either the king or his government; but it was necessary to have particular persons whose sole business it was to obtain information. The tranquility of the country could not be preserved without having such a system of precaution; he thought such persons not only entitled to protection, but to gratitude. He was unwilling that any person should be unnecessarily confined, but he considered the lenity exercised by the late ministers, as a principal reason for protecting them. He had, as a member of the secret committee, not assented to the report without the fullest conviction of the truth of what it contained, and the necessity for the measures it recommended. The present was a period of danger, and, therefore, whatever temporary diminution of the liberty of the subject was necessary, must be submitted to. He hoped the measures which had been taken would enable government to protect the property and safety of every peaceful subject, and finally convince the disloyal of the wickedness and impossibility of their designs. He hoped, when peace with every foreign and domestic enemy was restored, we should resume all the blessings of our constitution: but at the present moment he owned he was a zealous friend to every thing that could afford protection to the executive power.

Mr. Grey, in a speech of great extent and ability, opposed the bill. A measure at once so unjust and so totally unprecedented, he could not conceive how the right hon. gentleman opposite to him would venture to bring forward, unless it was upon the persuasion which seemed to be confidently entertained by his majesty's ministers, that the house of Commons, after having so long been in the habit of confiding in them implicitly every measure of power they desired, was now so thoroughly converted to their purposes, as even, upon a measure of this most extraordinary and unprecedented nature, to require neither argument nor proof to justify its professed necessity. But as far as he could understand the principles of the bill, the manner of its introduction, and the arguments upon which it was supported, the whole had his most decided reprobation. What was the fact? Under the former powers granted to the house by the suspension of the habeas corpus, a number of individuals are seized and thrown into prison, on the pretence of ministers that a conspiracy existed in the country, and the existence of which, even to this house, is not proved by a single conviction. Most unwarrantable cruelties and oppressive severities are practised on those individuals while in confinement. For those severities, the only plea of justification is the secret information of spies and informers. But although those unfortunate men call repeatedly for trial by the laws of their country, in vindication of their characters, to many of them more dear than life; because refused such trial, they wish to appeal for some reparation to the laws of their country; this bill is brought forward for the indemnification of their oppressors, without offering a single title of proof to justify or in any degree warrant the cruelties practised towards them, and this bill is called a measure of justice and magnanimity; but he would call it a bill to encourage secret information. Recognising for the first time a principle abhorrent to every sentiment of British jurisprudence, whose admired and envied superiority over every code in the world for ages, was the publicity of trial, and the confronting of the accused with the accuser. Therefore in English constitution or English law the measure had no precedent, and it was only supported upon the flimsy pretence of its being a bill necessary to give effect to other bills which had passed, as merely a supplement to former measures adopted by parliament. But if a precedent was to be sought for the adoption of spies and informers, as supporters of government, it was not to the best times of the British constitution, but to the worst of times, and the practices of the worst of tyrants, we must resort. Such were the instruments of government in the reign of Tiberius, and in the vilest tyrannies that debased and ultimately ruined the Roman Empire. But in his mind the least punishment a just government should inflict upon an accuser, who dared not openly avow his charge, was not to credit his assertions. One of the principal blessings of English law was, that by the publicity of trial the innocence of the falsely accused became more manifest, and the punishment of the guilty more severe. Yet those were the principles this bill called on the house to abandon as obsolete, and to adopt those of the worst of times. It had been argued on a former occasion, and must be acknow-