ledged, that no human inſtitution was perfect; but that it was the preponderance of good which ſhould direct the choice of meaſures. He was ready to allow that arbitrary governments have their conveniences, but were they therefore to be preferred? It was very poſſible ſecret information might ſometimes prove the ſalvation of a ſtate, but it was equally true that it might be employed for the worſt purpoſes of the moſt wicked miniſter; and ſo utterly abhorrent to every principle of puniſhing men upon ſuch accuſations, was the ſpirit of Britiſh laws; ſo tenacious was the ſpirit of the Britiſh conſtitution towards the life and the privileges of the ſubject, that even in caſes of high treaſon the accuſed muſt be furniſhed many days before his trial with a written copy of the indictment againſt him, and two witneſſes at leaſt are abſolutely neceſſary to prove an overt act againſt him. The right hon. gentleman who brought in this bill was early inſtructed in the laws of his country, and he well knew there were no inſtances exiſting within the country to warrant thoſe circumſtances which ſought indemnity by this bill. The public tranquility was undiſturbed, neither actual invaſion nor open rebellion exiſted; yet, arbitrary power was voted to the government for the ſafety of the ſtate; but did it therefore follow that Britiſh ſubjects were to be for ever deprived of the ſacred privilege of ſeeking redreſs from the laws of their country, for wanton injuries ſuſtained under the abuſe of that power, or for ever to be precluded from vindicating their character from the moſt foul charges of treaſon againſt the ſtate. The arguments upon which the houſe conſented to ſuſpend the habeas corpus, were the ſame as had guided our anceſtors in ſimilar caſes—a purpoſe of ſuſpending only, and not totally deſtroying the conſtitution. An hon. baronet (Sir W. Elford) had ſpoken of this bill as a meaſure of common juſtice to his majeſty's late miniſters, and appealed to the magnanimity and the generoſity of the houſe. But he could wiſh the honorable member had exerciſed a little of his magnanimity on another ground, and extend it towards thoſe who held the moſt generous claim to it; namely, thoſe who have been injured, oppreſſed, and abandoned of protection; who had ſuffered already worſe than death in his mind; for, ſaid Mr. Grey, "I declare to God, if I were called on this moment to chooſe between immediate death, and ſuffering three years of impriſonment in the peſtilent vapours of a damp and loathſome dungeon, condemned to famine, to diſeaſe, to inſult, and perſonal violence; deprived of pen, ink, and paper, and precluded all intercourſe with friends, or the more tender and endearing connections of my family, except in the view of ruffian turnkeys, and unfeeling guards, I ſhould prefer to be this moment led to execution." And yet all this have many individuals ſuffered without proof of their guilt to this hour. And now even the conſoling hope under all thoſe ſufferings, that a day of reckoning and reparation would come, was to be blaſted, and their oppreſſors indemniſied from all reſponſibility, leſt legal meaſures of reparation ſhould be vexatious to them. He aſked before was this juſtice? He would aſk now was it policy? Or whether ſuch treatment was not likely to pervert men into conſpirators? For his own part, he ſhould prefer that reſponſibility which the laws of the country gave to the ſubject under the trial by Jury, to that which miniſters profeſſed, under the courteſy of parliament, ſo uniformly in the habit of protecting them. Mr. Grey continued to argue with much ability; and on the ſubject of ſecret information, concluded by ſaying, if that were to be the ſyſtem better at once adopt the Divan—or the inquiſition—better adopt the policy of Venice, and open at once the lion's mouths to receive ſent information, than attempt to ſupport ſuch a ſyſtem, under the idea of the Britiſh conſtitution. Mr. Grey next adverted to the ſecret committee, the deſcription of whoſe members, and the mode of whoſe ſelection he ſtrongly condemned, and concluded by declaring to the bill, not only his oppoſition, but his moſt decided reprobation.

Mr. Windham replied at ſome length to Mr. Grey. The hon. member, he ſaid, had ſpoken of the principle of our conſtitution, which had rather let twenty delinquents eſcape with impunity, than one innocent perſon ſhould ſuffer. Upon this principle, he was ready to join iſſue with him on the merits of the propoſed indemnity; for though it were poſſible that his majeſty's miniſters, in exerciſing to the beſt of their judgment the extraordinary powers committed to them for the good of the ſtate, had committed ſome two or three errors, the hon. gentleman, upon his own principle, ſurely would not think it right to expoſe them to vexatious ſuits when they acted right in every other inſtance. With reſpect to the exiſtence of a conſpiracy in the country, he believed no man, who looked around him in England, and at the ſame time witneſſed what was going on in France and the reſt of Europe, could have any doubts on that ſubject. As well might it be argued that no conſpiracy had exiſted in Ireland. The exiſtence of a conſpiracy in that country was doubted in that Houſe, and even by one part of the members of the Iriſh Parliament, until the bloody proofs burſt upon them with all their horrors, and plunged that country into open rebellion. The hon. gentleman objected to proceedings on ſecret evidence, and talked of the preſent bill as without precedent. To this he would anſwer, the circumſtances of the times were alſo without precedent, and called for meaſures entirely new. The hon. member had talked of precedents in the beſt times of our conſtitution, and quoted the authority of Tacitus in ſupport of his argument; but did the hon. member mean to argue that no change of circumſtance, however new or extraordinary, were to warrant departure in a hair's breadth from the precedents of times and circumſtances wholly inapplicable? Would he have laws as unchangeable as thoſe of the Medes and Perſians, while new circumſtances every day called for new meaſures? Would he have fixed laws and a moveable conſtitution!—Was this country never to create any change in her policy to meet the circumſtances of the times, but to be forever led by precedents in a conteſt with an enemy, abandoning all ancient ties, precedents and principles? No man hated more than he did the neceſſity of reſiſting unconſtitutional meaſures or ſecret evidence; but having to deal with a wily enemy we muſt uſe every expedient to countermine him. The hon. gentleman wiſhed miniſters to be put upon their juſtification, by adducing the ſecret evidence on which they acted; but this would be to deſtroy forever the ſource of that intelligence which enabled them to ſave the ſtate. Mr. Windham next proceeded to anſwer that part of Mr. Grey's argument relative to the ſecret committee, the mode and the principle of chooſing whom he vindicated, and concluded by voting for the queſtion.

Mr. J. H. Tooke ſaid he did not believe the leaders of the preſent adminiſtration would follow the example of the laſt, becauſe he thought there was a great difference between the ſituation of the perſons taken up ſince they came into power, and that of thoſe in cuſtody under their predeceſſors in office. More attention was now paid to the ſtate of the priſons, and no torture was permitted; but under the late Miniſters, the moſt ſcandalous and atrocious cruelties were exerciſed—he did not ſay at their deſire, but certainly in conſequence of their culpable neglect. He conſidered the preſent bill as the *brief* of the hon. gentleman who brought it in (the Attorney-general,) and a future *Peerage* as his *fee*. (*a cry of order!—order!*) Mr. Tooke, in continuation, ſaid, he wiſhed to give the hon. member his excuſe—he would give him his juſtification if he could. It was a fact, that within the laſt forty years no fewer than twenty peerages had been ſhowered down upon the bar. Within the ſame time, ten millions of money had alſo been ſhowered upon them. This was an excuſe for complaiſance from that quarter. Fleſh and blood it was ſaid could not withſtand ſuch temptations. A panic fear had been lately entertained of corruption from the admiſſion of the clergy into that Houſe; but he hoped thoſe obſervations would incline part of the Houſe, at leaſt, to view with ſuſpicion any legal meaſures brought forward by the miniſter. He had always found lawyers ready to defend ſtrenuouſly, meaſures afterwards declared illegal. He recollected the caſe of a celebrated man propoſing a meaſure in that Houſe, and of his pupil riſing in his place and refuting it on the authority of his own lectures, yet that meaſure (vote relative to the Middleſex election) was carried, and afterwards ſcandalouſly expunged from the journals. This experience had made him ſo much deſpair of making any impreſſions that he had nearly reſolved to walk out of the Houſe. With reſpect to the obſervation, that the gentleman on his ſide would have "fixed laws and a moveable conſtitution," it was not inſinuated that any laws, except thoſe founded on eternal and immutable principles, might be changed and made to accommodate themſelves to circumſtances; but it was not to laws, but the maxims of laws that the ſpeech of his hon. friend (Mr. Grey) was meant to apply.—Mr. Tooke dwelt ſome time on this latter part of the argument, and concluded with obſerving, that if he had three lives, he would with pleaſure lay them down, would it prevent the paſſing of the bill.

The Attorney General obſerved that the hon. gentleman who ſpoke laſt had uſed him no worſe than the whole profeſſion, and therefore he ſhould ſubmit to his cenſure without anſwering any thing that had fallen from him. He had offered himſelf early, and he was ſtill willing to ſtate the grounds of the meaſure. It was a bill of juſtice, and not a favor, but on the contrary ſhould be forced upon miniſters, for the benefit of the country, ſhould they decline it. The hon. gentleman who ſpoke laſt but two, (Mr. Grey) had oppoſed the manner in which it was brought forward, and alſo its principle. The anſwer given by his right hon. friend (Mr. Windham) was ſo ſatisfactory that he rejoiced he had not proved the means of preventing the conviction, which it muſt have produced. The committee, he contended, was formed in the moſt conſtitutional manner. Had there not been a general and concordant opinion of the fitneſs of its ſelection, it would have been rejected; but the approbation of the houſe was a ſufficient proof that the ſelection was fitly made. The concealment of a ſecret could not be obligatory upon thoſe gentlemen who thought it all a fable. It was impoſſible that any three of thoſe who conſidered the foundation of the report as a ludicrous matter could agree with him, or bind themſelves to ſecrecy upon what they regarded as a mere joke. Would gentlemen who conſidered the maſſacres of Ireland a pleaſantry, would they be fit members of ſuch a committee? He was ſo ſatisfied they would not, that he had no heſitation to ſay they ought to be excluded. With reſpect to the charge that the committee had exceeded its powers and inſtructions; it was its duty, the practice of the houſe, and of common ſenſe, to ſubmit the practical reſult of its examinations. But then its members were carving on their own ſafety and indemnity. This he denied, as there was not more than one member of adminiſtration on the committee whom it could affect. The principle of the bill was, that it indemnified thoſe whom it deprived of the means of juſtification. This indemnity was the ſame in *genus* as the precedents on which it was founded, and only differed in particular caſes. At the time the indemnity bills of 1716 and 1776 were paſſed, there was no danger from diſcloſure, becauſe the rebellion out of which they grew were ſeverally over; but now, while the poiſon was circulating through the veins of the country, while miſchief was at work in full activity, it would be political inſanity to permit diſcloſure. The ſtatute of 1746 was copied from that of 1716, and that from the 1ſt and 5th of William and Mary. It could not be ſaid that theſe times were inauſpicious to liberty, and yet all theſe ſtatutes contained the proviſions of the preſent bill, and went even further. That of 1716 applied, but before, and was made to attach proſpectively upon ſuſpicion of treaſon and rebellion. Such a bill would not have paſſed in that day, had it not been conſidered a meaſure of ſtrict juſtice. Bills for the ſuſpenſion of the Habeas Corpus alſo went hand in hand with theſe ſtatutes, and indemnity was carved out for the miniſters of the day juſt in the ſame manner as it was now propoſed to be done. In fact, ſtrict juſtice requires it; the duty was imperative upon them—indemnity ſhould therefore follow of courſe; but, in the preſent caſe, the right to it was ſtill ſtronger. Here the miniſter was precluded from juſtification; but, in 1716 and 1746 it was otherwiſe, for the rebellions were then over. It was a groſs miſtake to ſuppoſe that the perſons in cuſtody, if innocent, muſt recover damages, if allowed to bring their actions. This conſequence did not follow, for if miniſters had fair and probable ground for confining them, that would be a ſufficient defence. He little thought that Maidſtone would have been mentioned. It was ſuch a ſhipwreck of credit that he thought the very name would have been anathematiſed by the very perſons who uſed it. Arthur O'Conner, whom their credulity had extolled to the ſkies, was a traitor ſo baſe, that if Reynolds were placed in the ſcale with him, he would hug that ſpy to his heart, in preference to a man to whom he could not, conſiſtent with decency, give a proper name. It was the faſhion with ſome to load a ſpy with the moſt opprobrious terms; but it was by means of one that the rebelion in Ireland was anticipated, and the country was enabled to work its ſafety. This country poſſeſſed the ſame means of ſafety, and he truſted a proper uſe would be made of it. Much had been ſaid of the ſufferings of innocent men from that deſcription of perſons, and the ſpirit and honour of the country were ſought to be goaded to madneſs by imputed cruelties on falſe accuſations; but there was not a trial of the kind that did not end in the ſtill further debaſement and degradation of the party complaining. (*Hear, hear*). What elſe did the petitions preſented that day contain, but ſuch unfounded charges, and why were they diſgracefully poſted on the Journals, but to propagate ſuch clamours? (*Hear, hear, hear!*) As to the bill, it went only to indemnify for the impriſonment, and not for any collateral circumſtances. A jailor would ſtill remain as liable to an indictment or action of treſpaſs, for any unneceſſary harſhneſs or ſeverity exerciſed on his priſoner, as before. For all caſes of that kind, the Courts were open to the party aggrieved, but indemnity for the impriſonment was juſt, becauſe ſecrecy was neceſſary. On theſe grounds he ſubmitted his bill, which differed in nothing from the precedents, except ſo far as it provided a ſummary mode of ſtopping proceedings. He ſubmitted it with all its imperfections on its head, and yet, he hoped, with an unblemiſhed reputation.

The queſtion being loudly called for, the Houſe divided; for the Speaker's leaving the Chair 172—Againſt it 38—Majority 134.

The Houſe now reſolved itſelf into a Committee upon the Bill; the clauſes were gone through, and the Report was ordered to be received on Monday.

TO BE RENTED,

THE ſtore lately in the tenure of Doctor Gait [illegible]aſſpy and Co. Its ſituation for buſineſs is preferable to any other in the City, being on the Pennſylvania Avenue, between the Preſident's Houſe and the Capitol, and within a few yards of the ſpot on which is to be immediately erected the market houſe.

JOSIAS W. KING.
At the Capitol.

May 29, 1801. ept

VARDEN & CARPENTER,
TAYLORS,

Gratefully acknowledge the favors of the public, whilſt carrying on buſineſs oppoſite Mr. Stille's Tavern, and inform, that they have removed to the next houſe eaſt of Mr. Tunicliff's Hotel, where gentlemen and ladies will be ſerved in a ſtile of faſhion and elegance which it has ever been, and ever will be, their ſtudy to execute, and they preſume, equal to the moſt populous cities in the Union.

Regimental and Ladies Habits made in the neateſt manner.

May 15, 1801. wtf

CONVEYANCERS OFFICE,
AND
OFFICE FOR SALE OF CITY LOTS,

On the Pennſylvania Avenue fronting the Preſident's Square, near Rhodes's tavern, City of Waſhington,

THOMAS HERTY has connected with the buſineſs of drawing Conveyances of Land, Wills, Mortgages, Leaſes, Bonds, Aſſignments powers of Attorney, petitions, and every other ſpecies of deed or contract in the profeſſion; that of buying, ſelling and leaſing lots and houſes in the City, negociating loans, &c.

His long experience as a draftaman, and knowledge of the laws relative thereto—the knowledge which he has acquired by reſidence of the ſituation of City Lots, and how their titles have been acquired, or are liable to be affected; together with his impartial and ſtrict regard to the intereſt of thoſe who may be pleaſed to employ him, will, he hopes, ſecure to him a continuance of public patronage.

Titles to real property inveſtigated, and opinions given thereon when required.

☞ For ſale a great variety of Lots, in deſirable ſituations in the City.

N. B. At the above office may be had, his Abridgement of the Laws of Maryland, price 6 dollars. Alſo his Digeſt of the Laws of the United States, price 3 dollars. As the Laws of Maryland are in full force on this ſide the Potomack, it behoves ſettlers to avail themſelves of that information which affects their lives, liberties and property. He who is without a knowledge of his "rule of conduct" is like a ſtranger in his native land.

May 4. 2aw4w. 1awa

FOR SALE,
A good and convenient Lot and House,

BEAUTIFULLY ſituated on the South Eaſt corner of Square No 973, in the vicinity of the Navy-Yard, commanding an extenſive view of ſome miles down the Potowmack. The houſe is two ſtory high, fronting 42 feet on 11th ſtreet eaſt, and 42 feet on South G ſtreet, adjoining the ſouth front is a commodious kitchen, with oven and other conveniencies. A large frame ſtable, carriage-houſe, with a hay loft 50 feet by 25, and a pump of fine water near the back of the kitchen. The lot will extend ninety one feet on 11th Street Eaſt, and 139 on South G ſtreet. The purchaſer may have a preference of the ſouth half of the Square.

Alſo, a number of LOTS, eligibly ſituated in various parts of the City. The titles to the whole are indiſputably free of every incumbrance, the terms moderate and convenient, which may be known by application to the ſubſcriber, occupying the premiſes firſt mentioned, poſſeſſion of which may be given within 30 days after purchaſe.

THOMAS TINGEY,

Who will alſo ſell one whole and four half pipes, London particular Madeira wine, of excellent quality.

Waſhington, 10, April 1801. eF.tf