

dy and desirous to have agreed to any question that might tend to the thoroughest discussion of every part of this vexatious case, for their own information as well as for the benefit of the public ; and it is this persuasion which induces me to throw out my private and impartial thoughts upon the subject. It is under such mild, intelligent and inquisitive administrations, that these great constitutional points can alone be fairly discussed. Many of my difficulties have been very satisfactorily entered into, but that of the close imprisonment has not, I think, been yet examined.

As to the truth, candor, and legality of the return to the first *Habeas Corpus*, by those who had seized and carried off the Libeller and his Papers, namely, *that they had him not in their custody*, having just before (and after being told that a *Habeas Corpus* was coming for him) hurried him away into other custody, in short, to the Tower, I do not mean to put any question ; although, perhaps, a Court of Law might not hold this to be a satisfactory reply to a peremptory order for bringing the body of the Person seized, together with the cause of his seizure ; because, if it were, every *Habeas Corpus* might be easily eluded, by only changing the custody of the Prisoner from time to time, *toties quoties*. A Court might expect, therefore, to know how he was disposed of, and not to be dodged at this rate, in a matter where the liberty of a Free Man was at stake ; but deem such an answer or return evasive, fraudulent, and a deliberate mockery of Justice. Whether the *close* prisoner of state was treated well or ill by his gaolers, is of little or no moment ; and “ the asking him, the next morn-

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(1) Mr. Wilkes