

be the inexecution of the laws; from which an imbecility in the government would arise, the more fatal as it affected the vital principles of the administration of justice; that it was not doubted but that Virginia would be well satisfied with one court in preference to two, or with no court whatever in preference to one; that it would be wise in Congress to conform as nearly as they could, in confidence with economy, to the ideas adopted by the several States, as well as the established principles of common law, which brought justice home to the door of every man; that it would therefore be advisable, if the expense were not too great, to divide Virginia, not merely into two, but into four or eight districts, with a court in each; that it was a lame argument, that because we could not do all that was required, we should do nothing; that as to the idea thrown out, that the convenience of the citizens of Virginia did not require an additional court, it was entitled to no weight; as the additional court would not be instituted merely for the convenience of Virginia, but for rendering justice to foreigners, and the citizens of other States; and to insure the dignity and independence of the government.

It was further observed that if the division of Virginia, contemplated by the bill, was inconvenient, it might be altered; though it was believed that the objection arose from a want of geographical knowledge in the gentlemen who made it.

In reply to these remarks, it was said by a member, who represented the western district of Virginia, that there had been but one suit carried before the federal court from his part of the State for ten years, and that at present there was not a single one depending.

Other gentlemen observed that it is believed those who avowed that this additional court was not intended to answer the convenience of the citizens of Virginia, to say whose convenience it was intended to answer; that, notwithstanding the contrary declarations of some gentlemen, who on this occasion, had betrayed the same ignorance of the physical state of the country, that on previous occasions they had manifested of its moral and political state, the new arrangement would increase, instead of diminish, the existing inconveniences, inasmuch as the citizens of the counties of Essex, Caroline, Louisa, and Orange would be removed to a greater distance from Fredericksburgh, the contemplated seat of their courts, than they now were from Richmond.

It was further contended that the State courts were fully competent to discharge all the duties assigned them; and that in Virginia the federal laws had been either invariably obeyed or enforced; but no spirit of hostility to the federal government had appeared, and that it would be time enough to guard against it when it should appear; that from the remarks of some gentlemen, it really appeared, as if they wanted an additional judge, and knew not where to locate him.

The question was then taken on Mr. Eggleston's motion to strike out, and lost—Ayes 39—Noes 44.

A motion was then made that the committee rise—lost—Ayes 36—Noes 39.

M. H. Lee moved to amend the resolution, as to produce a division of Virginia, laterally instead of longitudinally to make Staunton in stead of Fredericksburgh, the seat of Justice. Carried, Ayes 45.

Tuesday, Jan 6, 1801.

The committee of privileges made a report on the letter of the Serjeant at Arms, the preamble which approves the conduct of the Serjeant, states the individual who made the disturbance in the gallery to have been intoxicated, and to have absconded; and the magistrate who issued the warrant on which the Serjeant was arrested, to have made to the committee satisfactory explanation in extenuation of his conduct: after the preamble the report concludes with a resolve, that it is not expedient for the house to take any order in the affair.

On agreeing to the report a long and warm debate ensued, in which Messrs. Bayard, John C. Smith, Dana, Harper, Kittera, Otis, Rutledge, Nott, and Edmunds, supported the report, and Messrs. Nicholas, Davis, Smilie, Macon, Allison, Standford, Varman, Eggleston, and Kitchell, opposed it.

The report was finally agreed to by ayes and noes.

The following are the YEAS and NAYS, as taken in the House of Representatives, on the passage of the bill to erect a Mausoleum for George Washington:

YEAS.  
Messrs. Bartlett, J. Brown, Champlin, Cooper, Craik, J. Davenport, F. Davenport, Dennis, Dent, Dickson, Evans, Foster, Freeman, Otis, Goodrich, E. Goodrich, Gr. Swold, Grove, Harper, Henderson, Hill, Huger, Imlay, Kittera, H. Lee, S. Lee, Morris, Nott, Otis, Pinkney, Platt, Powell, J. Read, N. Read, Rutledge, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Wadsworth, L. Williams, Woods.—45.

NAYS.  
Messrs. Allison, Bailey, Bishop, R. Brown, Christie, Clay, Claiborne, Condit, Davis, Dawson, Eggleston, Elmendorf, Gray, Gregg,

Hanna, Holmer, Jackson, Kitchell, Leib, Linn, Macon, Muhlenberg, N. W. Nicholas, Randolph, Smilie, J. Smith, Spaight, Standford, Sumter, Talfierro, Thompson, A. Trigg, J. Trigg, Van Cortlandt, Varnum, R. Williams.—37

The following are the YEAS and NAYS, on referring to a Committee of the whole House the report of the Committee on revival and unfinished business, recommending for two years the continuance of the act commonly called the Sedition Law:

YEAS.  
Messrs. Allison, Baer, Bartlett, Bayard, Bird, J. Brown, Champlin, Craik, Dana, J. Davenport, F. Davenport, Dennis, Dent, Dickson, Edmund, Evans, Foster, Freeman, Glenn, C. Goodrich, E. Goodrich, Gr. Swold, Grove, Henderson, Hill, Imlay, Kittera, S. Lee, Morris, Nott, Otis, Pinkney, Platt, Powell, J. Read, N. Read, Rutledge, J. C. Smith, Sheafe, Tenney, Thatcher, J. C. Thomas, R. Thomas, Wadsworth, R. Williams, L. Williams, Woods.—47.

NAYS.  
Messrs. Bailey, R. Brown, Christie, Clay, Claiborne, Condit, Davis, Eggleston, Elmendorf, Goodrich, Gray, Gregg, Hanna, Jackson, Kitchell, Leib, Linn, Macon, Muhlenberg, N. W. Nicholas, Randolph, Smilie, J. Smith, Spaight, Standford, Sumter, Talfierro, Thompson, A. Trigg, J. Trigg, Van Cortlandt, Varnum.—35.

The house took up the report of the committee of privileges on the letter of Joseph Wheaton, Serjeant at arms, which is as follows:

The committee of privileges to whom was referred the letter from Joseph Wheaton, Serjeant at arms, report,

That the representation made by the Serjeant at arms contains a correct statement of facts; and that he, in the opinion of the committee, is to be commended for the promptitude and fidelity with which he executed the order of the Speaker to apprehend the person guilty of indecent and disorderly conduct in the gallery.

The committee have reason to believe from the best information they can obtain, that the person who committed the disorder, (and who has since absconded) was at the time intoxicated with liquor.

The magistrate, by whose warrant the serjeant at arms was arrested, and held in custody, for discharging his duty in the premises, has explained his conduct in a letter accompanying this report.—The suggestion made to him, that any one member of this house was consulted relative to the prosecution of the serjeant at arms, is by the committee presumed to be false; as it would imply in such a member not only a disregard of all sense of personal propriety; but also an inexcusable contempt for the honor and dignity of the house.

That although the arrest and confinement of an officer of the house of representatives for an act by him performed in his service, and in obedience to its orders, must be deemed a high breach of its privileges; yet as the magistrate in the present case seems rather to have been deceived by false representations, than influenced by improper views, the committee cannot consider his conduct as a subject of animadversion.

They are therefore of opinion that it is not expedient for the house to take any further order on the letter from Joseph Wheaton.

The following is the letter of the Magistrate alluded to;

City of Washington, Jan. 3, 1801.

SIR,  
In compliance with your request, I will endeavour to state what took place between James Lane and myself respecting the warrant I granted at the instance of the said Lane against Joseph Wheaton, which is in substance as follows:

On Monday the 22d ultimo, late in the afternoon, I was called on by a young man of genteel appearance, whose name he said was Lane, and informed (for the first time) that he had been arrested in the gallery of Congress by the Serjeant at arms, and by him confined in one of the committee rooms upwards of an hour, on suspicion of clapping a member of the house of Representatives while addressing the Speaker, which charge he at that time denied being guilty of. He also stated that Mr. Wheaton, after keeping him confined during the time above mentioned, discharged him, and that he was arrested a second time by the said Wheaton on the public square some distance from the Capitol, who wrestled from him his horse without producing a written authority from the Speaker of Congress, or any other evidence to justify his conduct. I thought under such circumstances it behoved me as a justice of peace for Prince George County, to take cognizance of the last charge, although I embarked in the business with great diffidence and reluctance. I issued a warrant to have Mr. Wheaton apprehended, which was served by Mr. Spalding (the Constable) on the Wednesday following, by whom Mr. Wheaton was brought before me. On hearing his defence, which was corroborated by others who were present, I made no hesitation in discharging him, as I was well satisfied that his conduct had been

that of a vigilant officer, and I make no hesitation in declaring that so far as his conduct has fallen under my own observation, it has been marked with the strictest probity. Mr. Lane informed me that he had consulted with one or two members respecting his case, who thought he had been treated with improper severity, but he did not name any particular member. I have endeavored to state every circumstance that took place on this disagreeable subject, and hope my conduct may not be unfavorably construed, so as to lead to the smallest suspicion that I meant to offer an indignity to the representatives of this my native country, or any of its officers. I remain, with sentiments of due respect, Your obedient servant,

RICHARD FORREST.  
The following is the letter from the Serjeant at Arms.

To the Hon. Theodore Sedgwick, Esquire Speaker of the House of Representatives of the United States.

SIR,  
I conceive it to be my duty to report to you for the information of the House of Representatives, the circumstances which attended and the proceedings which have followed my obedience to your orders for arresting the person who had been guilty of contemptuous and disorderly behaviour in the gallery on Monday the 22d inst. Upon proceeding to the gallery I found that the disorderly person was one James Lane, whom I accordingly arrested, conducted to the clerk's office, and treated with all possible civility, until the adjournment of the house, when he was released and suffered to go where he pleased.

On the Wednesday morning, I was apprehended upon a warrant issued by Richard Forrest, Esq. in the name of the State of Maryland, commanding Thomas Barton Morris or Richard Spalding to arrest the body of Joseph Wheaton, &c. I was accordingly conducted before the said Justice Forrest, and was detained a prisoner from 10 o'clock in the morning until one o'clock in the afternoon, and was at length discharged because the aforesaid Lane did not appear to prosecute his complaint.

I have the honor to be, faithfully your obedient humble servant,  
JOSEPH WHEATON.  
Chamber of the House of Representatives, Dec. 30, 1800.

Mr. Nicholas thought the report contained opinions that it would be improper in the house to sanction. It impliedly censured the conduct of a magistrate, who did not appear to have violated his official duties, as he had waived the prosecution as soon as he was informed by the serjeant of the real nature of the circumstances. More could not be required. To expect the magistrate to forbear calling to account the officers of a legislative body in all cases whatever, would involve a violation of every legal principle.

As Mr. Nicholas understood the affair before the house, the serjeant had been directed by the speaker to see to the man who made the disturbance in the gallery. He knew not that this order gave any authority to confine the man. He had not himself been present at the time; but from the circumstances he had heard stated, he did not believe that the idea of arrest and confinement had entered into the head of any man. But the conduct of the serjeant, after he believed truly, that the serjeant, after removing the man from the gallery, had dismissed him, and had returned to the house; when on the suggestion of some members, he again pursued the man, who was in the street, and arrested him a second time when there was no disturbance, and held him in confinement, without any authority whatever.

The opinion expressed by the committee would be of little importance, if they did not go to establish the incompetency of the magistracy of this country to enquire into the conduct of men, who might be guilty of misconduct; of that magistracy on whom we must rely, in a great measure, for our protection.

Mr. Davis moved to refer the report to a committee of the whole house.

Mr. Smilie hoped that the house, before it committed itself by any judgment, would enquire by what authority the serjeant had acted in this most extraordinary transaction, that the citizen might in future be protected from outrages similar to that now under discussion.

(To be continued.)

The following RULE passed in SENATE, January 6, 1801.

RESOLVED, as a standing rule, that whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify or modify the whole or any part shall be received.

That its second reading shall be for consideration, and on a subsequent day, where shall be taken up as in a committee of the whole, and every one shall be free to move a question on any particular article in this form, "Will the Senate advise and consent to the ratification of this article?" or to propose amendments therein, either by inserting or leaving out words, in which last case the question shall be, "Shall the words stand part of the article?" And in every of the said cases, the concurrence of two thirds of the Senators present shall be requisite to decide affirmatively. And when through the whole

the proceedings shall be stated to the house, and questions be again severally put thereon for confirmation, or new ones proposed, requiring in like manner a concurrence of two-thirds for whatever is retained or inserted.

That the votes so confirmed shall, by the house, or a committee thereof, be reduced to the form of a ratification with or without modifications, as may have been decided, and shall be proclaimed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case the question shall be, "Shall the words stand part of the resolution?" And in both cases the concurrence of two-thirds shall be requisite to carry the affirmative; as well as on the final question to advise and consent to the ratification in the form agreed to.

Another RULE, passed Dec. 22d, 1800.

RESOLVED, That all confidential communications, made by the President of the United States to the Senate, shall be, by the members thereof, kept inviolably secret; and that all treaties, which may hereafter be laid before the Senate, shall also be kept secret, until the Senate shall by their resolution, take off the junction of secrecy.

NEW-YORK, January 10.

On Saturday afternoon a black man, carried a bundle of osakum to the store of Mr. John P. Schermerhorn at Beek man slip, and offered it for sale. The man who attended the store, imagining the bundle to be heavier than a similar bulk of that article generally is, insisted upon opening it open to examine it. The black man refused, which occasioned a dispute; and on opening it, it was found filled with combustible matter, which burst immediately into a flame. In the form which this circumstance occasioned in the fire, the incendiary effected his escape.

A letter from Washington, received at Philadelphia on Friday, states, on the authority of the Secretary of the Navy, that the frigates Insurgente and P. King have been lost. Particulars not mentioned. They were ordered, we believe, off Cayenne.

PHILADELPHIA, January 20.

A CAUCUS.

CONSPIRACY.  
IT has been our fate, either to be the first to arrive at a knowledge of the secret movements of FARRINGTON, or to be the first to notice them. The public will remember that it was for developing the movements of a Caucus in this city, that the Senate undertook such Extraordinary and Unconstitutional Reps at their last Session in Philadelphia. It will be remembered however, that this conduct of theirs was not induced in the first instance by the discovery of that Caucus, but by the timely alarm raised, and consequent defeat of Koss's tributary Bill, a bill which passed the Senate, but was thrown out in the House of Representatives, and which a Federal member of the Senate and a high Federal law officer declared to be so daring an attempt on the federal constitution, as that which Buonaparte had accomplished on the French Constitution.

We have now to advise the public of a similar Conspiracy, and a similar design on the Constitution—by the same faction.

We have had experience enough under the administration of General Washington and Mr. Adams, of the possibility of carrying on intrigues in such a manner as to deceive a President and endanger a government, without the suspicion or concurrence of the executive. We know from Hamilton's example, enough to satisfy the most incredulous of the fact. We know in the memorable queries, the proclamation of neutrality, the ratification of the British treaty in the councils of General Washington, and in the escape of Blount, the fictitious infraction and the recent shipments of immense quantities of military stores to St. Domingo, that the most daring and most treasonable deeds may be performed without the privity and without the suspicion being excited of the chief magistrate. And we know by what arts this fiction, guided by Hamilton and his profligate adherents, has secretly operated to such disgrace and injury to America, and contrived to pull its most valuable talents into places of high trust.

It is fit to premise that much, in order to call the attention of the public to the project which has been secretly maturing and carrying forward.

It will be recollected that Congress had a week's recess, in the recent holidays, contrary to former usage.

During that recess, some of the characters conspicuous in all former mischief, all united—not in Washington city—not in Georgetown—but at Judge Chase's, at Baltimore.

Here it was determined that at all risks, an attempt should be made to retain possession of the government in the hands of this faction.

Here the plan was laid and minute detail arranged, by which this usurpation was proposed to be accomplished.

It was determined in the first instance that after some previous movement a bill should be brought in, upon the plan of Koss's BILL, which should put into the hands of the Senate the power of choosing a President under certain circumstances.

It was determined, in order that the Senate might have a pretext for sitting longer than the ordinary time, it should be moved to postpone, or put off from time to time, the decision upon the French Convention, so that the Senate might be a permanent body on and after the 4th of March.

In order to possess the principal offices of power, the Treasury and the chief justiceship were distributed as we have seen.

In order to secure the usurper who should be ultimately placed in the chair, contrary to the public voice, it was determined that the Sedition Law should be renewed; and it was stated that it should and might be renewed in support of this law, so odious in the eyes of the people, that the supporters of its renewal were sitting confidently; and that they wished to have the future President secure from censure as the present.

It was determined to alter the plan of legislation for the federal city, and to call if required as considerable a portion of the Marines to head quarters as conveniently could be done.

It was resolved to carry forward with as much celerity as possible, the judiciary bill, which was the last session, in order to provide in time for such purposes as should be found active in promoting this vast project of usurpation.

We must observe, however, that this is but an outline, and that the Caucus to which we allude, consists but of a few desperate characters well known. The declarations made at the federal city since the re-assembly of Congress, justify us in believing that many persons have entered into it who were not present; and that there are Federal characters in the city apprized of the design.

That the public should not be at a loss to comprehend the ground of hope upon which this conspiracy is founded, we shall briefly state in