(Concluded from the first page.)

as dangerous. They tended to extend, indeed the same of privilege, the powers of an assembly, placed in circumstances peculiar to itself; and this extension could only be made at the expense of the magistracy of the country. The truth was that the civil authorities had powers, in many cases concurrent with those of the house; and it became not the house in such cases to countenance an exclusive exercise of them.

Mr. Nicholas had no doubt of the Speaker's making a true statement, according to his own impressions. But he did doubt the actual correctness of his statement. His own opinion was that no authority had been given to the Serjeant to take the man into confinement.

[Mr. Nicholas here stated, in corroboration of his opinion of the incorrectness of the facts reported by the committee, the declaration made to him by several gentlemen as to the conduct of the Serjeant. His statement was substantially the same with that of Mr. Alliston, which will be found below.]

The SPEAKER rose to explain what he had recently stated. He had said, that he considered himself as possessed of the power to arrest and confine a person for disorderly behaviour during the present sitting, subject to the inflictions of the house. He had not said that he had any power to confine an individual beyond that time.

The words in which he had conveyed his orders to the Serjeant, were, he believed, "*Take care of him.*" *He would take this occasion to say that there was in the public prints of that day a* GROSS MISREPRESENTATION *of what occurred in the house.*

[The Editor of the *National Intelligencer*, would deem it an act of puillanimity to shrink from noticing this charge against him.]

SPEAKER. It is possible, that it may not refer to his statement of the proceedings of the house; but the probability is that it does refer to that statement. Confident he is the most particular which has been published, and the only one which states in detail the order of business of that day.

The day referred to is December 23d, 1803; and the debate that arose, took place on certain resolutions relative to the official conduct of Winthrop Sargent; (for which the reader is referred to the National Intelligencer of December 24th, 1803.)

By a reference to that Debate it will appear that during the day there were sixty-nine successive risings of members; (including the Speaker) that numerous points of order were started and decided upon by the Speaker; that embarrassment followed embarrassment; and that in several instances the Speaker, on the motion of members, reversed his own decisions.

As a faithful reporter a statement of these circumstances was published; as well as the words which fell from the Speaker on the disturbance in the gallery, which were, "*See to that man*".

Deeming it peculiarly important to be correct as to the words uttered by the Speaker, before they were published, the Editor asked a gentleman, whose correctness cannot be questioned, and who stood nearest to the chair enabled him distinctly to hear, whether these were the words; he replied that they were.

This statement is extorted by the charge of *gross misrepresentation*. These are words which convey any thing but every thing. Without much latitude of confliction they may be applied not only to the act, but the intention.

They tend, therefore, to impair that character for a sacred, and unbeliving adherence to truth, which the Editor claims as of right. While he stands on the ground of truth, (and he knows of no other on any other ground) he knows that his statements will continue to be received as fair and correct representations of facts.

He will not deny that he may be said to understand the meaning of the Speaker, even when he hears all his words. His confolation, however is, that the misfortune is not peculiar to himself. The chief of this day's debate will these at least three members of the House labour under the same inconvenience.]

Mr. HUNTSMAN had been informed by the Serjeant that there had not been a fracond arrest. The account given to him at the time of the outrage, and that given him to-day, precisely corresponded. The account was this, that when the Serjeant went into the gallery, the man who had committed the disorderly behaviour braved the vengeance of the house; in consequence of which he was taken down stairs by the Serjeant; he then broke from the custody of the Serjeant, and was finally conducted into the committee room, where he remained till the house rose, when the Speaker relieved him.

Nothing fo grofs as this had occurred under the government, except once in Philadelphia, when the Speaker had actually confined all the citizens in the gallery by locking them in for a time. So that this power of confinement, which gentlemen declared to be novel, had been exercised, and that too in a much more extensive degree.

Mr. ALLSTON observed, that had it not been for the observations which fell from the gentleman from South-Carolina, who just fat down, he should not have troubled the house with any remarks upon the prefent occasion; but that the statement of facts given by that gentleman to the house, so far as they related to the information which he had received from the serjeant at arms, was so entirely different from that which he himself had received from that officer, that he conceived himself bound to state to the house what he had himself heard that officer say. That upon the evening after the transaction took place, fitting by the fire side in the presence of ten or fifteen gentlemen, who Mr. Alliston said, he was very confident would bear him out in what he was about to relate, the serjeant at arms said, that upon receiving the orders of the Speaker respecting the noise in the gallery, he had turned the disorderly person out of the gallery, and intended to have let him go from his custody, but upon returning into the house, he had been advised by some of the members not to let him go; that it was extremely improper. Upon this he returned, and found the man from distance from the capitol, upon his horse; that he again arrested him, and conducted him into the clerk's office, or one of the committee rooms, and there detained him until the house adjourned.

Mr. Alliston then observed, that if the serjeant at arms had been capable of relating in language so entirely opposite, the transaction which had taken place, it had been just given by the gentleman from South-Carolina and himself, that, instead of being praise-worthy, as was stated by the report of the committee, in his opinion it merited reprehension, and that he should therefore give his vote against concurring with the report of the committee.

Mr. STANFORD observed, that what he knew of the subject, did not come from the serjeant; but he had good authority for saying that the man who had committed disorder in the gallery, had been left at large after he was taken, and arrested under the advice and influence of certain members of the house; one, at least, if not more; that he himself could establish these facts—of course, that the report of the select committee was incorrect, and he hoped the house would not committed to a committee of the whole.

Mr. NOTT spoke in approbation of the report, and listed in detail the facts which he had attended to. But not having, as he heard with distinctness more than half the words he uttered, and these in a broken way, we cannot state even the substance of his observations.

Mr. STANFORD begged leave more particularly to state, that on the day of the disorder, after the house had adjourned, he flipped into the clerk's office. He there found the young man, the subject of this business, held in custody. He then expressed his surprise to the young gentlemen of the office, that the serjeant had imprisoned him, and expoled him to such humiliating mortification so long; that as it was a thoughtless act on the part of the young man, to have turned him out of the gallery, sufficient punishment for the offence, and indeed the usful course. The answer was, that the serjeant had done no more at first, but that in the instance, it seemed, of one or more of the members, and not by the authority of the speaker, he had afterwards gone, re-arrefted, and thus confined him.

Mr. Stanford hoped that the matter might go to the committee of the whole; the facts, he alledged, could then be substantiated, and the report of the select committee, fo evidently erroneous, might be corrected.

Mr. EDMONDS thought the conduct of the Speaker and Serjeant had been just what it ought to be. Nor did the difficulty, in the treatment of the lead, affect the propriety of the steps taken. In consequence of the order of the speaker the serjeant had arrefted the individual, who was guilty of the misbehaviour in question. After this arrest the serjeant had no power to liberate him without the permition of the speaker or the house. Whether, therefore, he had remained perfonally in the custody of the serjeant, or whether he had been dispaged from him, still he was substantially and legally under arrest and in confinement; and if he had withdrawn from the custody of the serjeant, the latter had only done his duty in re-taking him.

The question was then taken on referring the report to the committee of the whole, and passed, Ayes 34, Noes 48.

Mr. DAVIS, after making a statement of facts in correspondence with those by Mr. Alliston, moved a reference of the report to a select committee.

Lost, Ayes 36, Noes 47.

The question on agreeing to the resolution, with which the report concludes, recurring, the YEAS and NAYS were agreed to be taken.

Mr. VARNUM, Is it in order to move to strike out the preamble?

Mr. SPEAKER. It is not in order. The preamble is a bill or to a resolution (*some words followed, which we heard, but could not understand*,) may be struck out. But he believed no preamble, thiz barely affirmed the opinion of a committee, had ever been struck out.

Mr. VARNUM was of opinion there had been such instances; and referred to a resolution of the committee of elections in 1795.

The SPEAKER declared that the Preamble was not before the houfe; the only question was on agreeing to the concluding resolution.

On which the yeas and nays were taken.

When the clerk called the name of Mr. SPAIGHT, he role, asked the Speaker whether the reasons of his votes would be inferted on the journals, declaring that if it were not, he would vote for the resolution.

The SPEAKER replied, in words that we have not been fortunate enough to a declaration that it would not be inferted. So imprefted, Mr. SPAIGHT faid, "*aye*."

On enumerating the *Yeas*, they were 58, and the *Nays* 30.

The SPEAKER then made fome remarks on placing the preamble on the journals. *We could not understand his meaning.*

Mr. SPAIGHT faid he had voted for the resolution from the declaration of the Speaker that the preamble was not to be inferted on the journals. If it were to be inferted, he would change his votes.

The SPEAKER declared he had not faid fo.

Mr. SPAIGHT had been fimilarly imprefted with Mr. Kitchell. He too moll requeft permiffion to change his vote.

Mr. GURGE declared he had voted under the fame impreffion.

If the members were not permitted to change their votes, he would.

Mr. KITCHELL faid that in order to have an opportunity of fully expreffing his opinion, he moved a reconsideration of the resolution of yeterday.

On which queftion the YEAS and NAYS were taken as follow: yeas 45, nays 42.

On agreeing to the resolution the yeas and nays were taken, which were, a declaration of the Speaker that he would direct the preamble to be placed on the journals, as follow: Yeas 50, Nays 38.

Mr. Nott, Ayes 34.

Meffrs. Baer, Bartlett, Bayard, Bird, J. Brown, Champlin, Cooper, Craik, Dana, J. Davenport, F. Davenport, Dennis, Edmonds, Emmons, Evans, Foster, Freeman, Glenn, C. Goodrich, E. Goodrich, Grifwold, Grove, Harper, Henderfon, Hill, Huger, Imlay, Kitteru, H. Lee, Leyburn, Lyman, Morris, Nott, Otis, Pickering, Platt, Powel, J. Reed, N. Read, Rutledge, Shepard, J. C. Smith, Sheafe, Tenny, Thatcher, J. C. Thomas, R. Thomas, Tracy, Wadfworth, L. Williams, Woods,—50.

NAYS.

Meffrs. Alliston, Bailey, Bishop, R. Brown, Chrillie, Clay, Claiborne, Condit, Davis, Dawkin, Dent, Eggleston, Elmendorf, Goode, Gray, Gregg, Hanna, Holmes, Jackfon, Kitchell, Leib, Matson, Muhlenberg, New, Nicholas, Rapaljo, Smilie, J. Smith, Spaight, Stanford, Sumter, Taliaferro, Thompfon, A. Trigg, J. Trigg, Van Cortlandt, Varnum, R. Williams,—38.

So the yeas and nays were taken, Claiborne, Googe, Gregg, Hanna, Kitchell, Spaight, Thompfon, and R. Williams voted in the negative, having on the first queftion put on agreeing to the refolution, voted in the affirmative.

A Bill making appropriations for the military eftablishment for the year 1801 was read twice, and referred to a committee of the whole on Monday next.

CONRAD & McMUNN,

HAVE opened houfes of entertainment in the range of buildings formerly occupied by Mr. LAW, about two hundred paces from the Capitol, in New Jerfey avenue, leading from thence to the Eaftern ranch. They are fpacious and convenient, one of which is defigned for ftage paffengers and travellers, the other for the accommodation of boarders. There is fufficiency of ftabling for 60 horfes.——They hope to merit public patronage.

Cit of Wafhington, Nov. 24, 1800.

Kid, Eliot & Co.

At the Brick Store opposite ELODGET'S *Hotel.*

HAVE received by the Brig UNION, Capt. A. Leonard, from Liverpool, a large fupply of Crockery Ware. Some of which is well afforted in fmall cafes for the country.

Also, by the same Vessel.

White Lead, ground in oil.
Spanish Brown do.
Red Lead, Patent yellow, &c. &c.

They expect by the Rolla and Betfey arrived at Norfolk, an additional invoice of crockery and a large affortment of Glafs ware. All which will be fold at the Philadelphia prices.

December 28.

JOHN MINCHIN,
BOOT MAKER
FROM PHILADELPHIA,

RESPECTFULLY requests his FRIENDS, CUSTOMERS, and the PUBLIC, that he has removed his BOOT AND SHOE MANUFACTORY from the Eaftern Branch, to New Jerfey Avenue, on the hill, near the Capitol, where he makes Gentlemen's Boots, Knotees, Reds and ankles; Shoes on the Buttered mode, in the neateft manner, and of the beft materials.

December 3d. 3tw.

TO YOUNGEYMEN SHOEMAKERS.

WANTED, a number of Journeymen Shoemakers, to whom conftant employment and good wages will be given.

CABINET AND CHAIR MANUFACTORY

WILSON AND HANDY,

HAVE commenced the above bufnefs at their fhop on New Jerfey Avenue near the Eaftern Branch and Sugar Houfe. As they are confident from the experience they have had in the principal fhops in Europe and America, that they fhall be able to give general fatisfaction to thofe who will pleafe to favour them with their cuftom. They have on hand, viz.

Secretary Defks,
Portable Writing Defks,
Dreffing Chairs,
Card Tables, &c

N B Orders from country or city thankfully received and faithfully executed.

December 30. 3tw

JUST IMPORTED,

IN the fhip Miffouri, via Philadelphia, and now opening for sale at the Subfcriber's store on New Jerfey Avenue Capitol Hill, Square 600.

A fhort affortment of Ironmongery, Cutlery, Saddlery, Brafs Warea and Building Materials.

Among which are the folloaing Articles.

Iron pots, frying pans, chaffing difhes, Brafs, iron and Japanned Candlefticks, patent metal tea kettles and fmoog pans; Japanned tea trays, waiters and bread baffets, fad irons, wind up Jacks, Sweepings, Scrubbing, hearth and fhoe brufhes; Gentlemens inftruments, mahogany knife cases, filled with very handfel knives and forks, Cruet ftands, ladies dreffing cafes; mill, pitt and crofs saws, 26, 28 and 14b. Iron weights; Alfo fcale beams to weigh from 5 to 10 cwt. at an end.

HENRY L. GLE.

November 24th, 1800.

JOHN BARNES,
FROM PHILADELPHIA,

Has just opened for fale the following articles at his ftore opposite Mr Semmes's tavern, in Georgetown, a general affortment of

Green Teas of the first quality, viz.
Imperial, Large Hyfon,
Young Hyfon, Hyfonskin,
Souchong and Bohea.

SPICES.

Nutmegs, Mace,
Cinnamon, Cloves,
Four bags freth Almonds.

LIQUORS.

Madeira, fix years old, Dry Sherry & Port,
Brandy, 4th proof Jamaica Spirits,
and Holland Gin.

COFFEE,

Pennington's beft refined fugars.

With a handfome affortment of gentlemen's fafhionable Hats, Shoes and Boots.

He has likewife for fale, ten cafes well affortedWATERBURY, confifting of writing paper of different quality, Quills, Wafers, and Ink powder, in packages from 80 to 180 dollars on the moll reafonable terms for cafh or approved notes.

Engliih and American playing cards,
Bifcuit per grofs,
Wrapping paper per ream,
A cafe of 7-8 and yard wide Irifh Linen per piece.

Nov. 14th, 1800.

Kid, Eliot & co.

HAVE received by late arrivals, a general affortment of Hard ware and Ironmongery, which they offer for Sale at their Store opposite the Great Tavern.

They have also on hand

Madeira, Sherry & Lisbon Wines.
Lisbon
Cognac Brandy.
Jamaica Spirits,
Holland Gin.
Loaf and Brown Sugar,
Tea, Coffee, &c.

Washington, Dec 18. tf.