

On a thousand other considerations—whether a member shall drink water, or whiskey, or brandy, or Madeira, or Champagne, or whether a member shall occupy a room alone, or whether he can find some kindred spirit to occupy a room together. But this part of the subject cannot be reduced to any thing like mathematical precision, as to the amount of compensation. But this I have said, and this I now repeat, that for married or single, with servants or without servants, with horses or without horses, 1500 dollars as a money making man, or a poor business man, whether a farmer, the mechanic, the doctor, or any other class of community; such is the necessity and sacrifice in being a member of the money-making business. It is my receipt my compensation from a people whom I represent, and from any other quarter. I despise illegality, extravagance and luxury, and I despise guilting avarice. In this, as in all other cases of money-making, would be governed by the principles of economy—fix no unnecessary expenses on the people, but let them have their choice, by a moderate and rational system of necessary supply. But, leaving this positive view of the subject, comparatively speaking, the compensation to members of Congress is inadequate, and, to equalize, you must either level or reduce the salaries of the officers of government, or you must add to the per diem which has been received by members heretofore; and I believe the people have not yet instructed the members of Congress to lessen the salaries of officers which have been fixed by the patriots of the country, for twenty years and upwards; and the people must love liberty less, and money more, than at present to take such a step; and when I introduce the salaries of some of the officers of the government, from memory, by way of comparison, it is not to alarm, or to imply that there should be a diminution or reduction, but to undeceive the people as to this monstrous law which gives \$1500 to members of Congress.

The President of the United States receives a salary of \$25,000 per annum, which amounts to \$68 49 per day.

Vice President, \$5,000 per annum, which, allowing the sessions to average four months, is \$41 10 per day.

Secretary of the Treasury, \$5,000, which is \$13 70 per day.

Secretary of War, \$4,500, which is \$12 32 per day.

Secretary of the Navy, \$4,500, which is \$12 32 per day.

Foreign Ministers, \$9,000, which is \$24 65 per day, besides an outfit of nine thousand dollars.

Chief Justice, \$4,000, which, allowing the time occupied in travelling and attendance, to be four months, or 120 days in each year, is \$33 33 per day.

Associate Judges, \$3,500, which is, for 120 days, \$29 16 per day.

Post Master General, \$2,000 per annum.

Comptroller of the Treasury, \$3,500 per annum.

Treasurer, \$3,000 per annum.

Auditor of the Treasury, \$3,000 per annum.

Register of the Treasury, \$3,000 per annum.

Commissioner of the General Land Office, \$3,000 per annum.

Commissioner of Internal Revenue, \$3,000 per annum.

Superintendent General of Military Supplies, \$3,000 per annum.

Attorney General, \$3,000 per annum.

Pay Master General, \$2,500 per annum.

Accountants of the War and Navy Departments, each \$2,000 per annum.

And about thirty clerks in the different offices, from \$1500 to \$3,500 per annum.

In Virginia.—Judges of the Court of Appeals, \$2,500 per annum, which, allowing four months, or 120 days, for the whole time occupied in a year, is \$20 33 per day.

Judges of the District Courts, \$1500 per annum, which, for three months, or 90 days, the extent of time occupied, is \$16 66 per day.

In Pennsylvania.—The Judges of the Supreme Court receive \$2,000 per annum, which, for 120 days, the extent of the time occupied in a year, is \$16 66 per day, besides travelling expenses.

The Presidents of the Courts of Common Pleas, \$1600 per annum, which, allowing five months for the time occupied, is \$10 66 per day, besides travelling expenses; and all the officers in Pennsylvania, from the constable upwards, have received an increase of compensation, within ten years, of at least 50 per cent.

But it is said the judges are commissioned, and of course it is implied that they are in service the whole year. But, by the same implication or legal intendment, a member of Congress is in service also the whole year. If, in fact, a member of Congress is in session as many days as a judge in the year, his service is as great. In vacation, he is supposed to be employed, as it is his duty, reading and study. The same remark will apply to a member of Congress, and if he is presumed

to be as faithful as a judge, he will read as much and study as much, and I would ask if it should be less necessary for the legislature to be enlightened, that controls every branch of the government, than the judiciary or the executive departments? But the duties of a judge disqualify him from being a lawyer, and he has no time to superintend his farm, or practice medicine, &c. In this respect the member of Congress must give up his practice at the bar, and in the case of the farmer or the doctor, the judge has greatly no advantage, because the service he performs, only separates him from these avocations for short intervals. These disqualifications will not apply to state legislatures, for there the term of service is at a period when the neighbors are healthy, the farmer only attending to his stock, the courts of justice closed, and the term of service so short, and the distance so inconsiderable that the sacrifice cannot be compared to a six month's siege. I cannot speak as to other members, but, as to myself, I am as much engaged in the public service during the recess, as I am at the city of Washington; the only difference, that I am a good part of my time, upon my own farm, and not at the expense incurred from it.—This measure, which has excited so much discontent, involves feeling, and not principle; and, with the advantage taken of it by the designing, the nature of the measure was well calculated to arouse the jealousy of the people, by our increasing our own compensation; but they should recollect that they have given us that power, and no other branch of the government can take hold of it. The constitution vests us with that power, and perhaps there is not a man in the United States of America who can suppose, for a moment, that the present compensation I allude to, the six dollars per day, can remain permanent as the laws of the Medes and Persians, while there is a gradual depreciation of money, and a proportionable increase of the cost of diet, of clothing, and all the necessaries of life; and to give a memorable example of the forbearance of Congress to touch this subject until driven to it by necessity, the compensation has been at six dollars per diem, from the origin of the government, upwards of 26 years ago, and in 96 the sergeant at arms and the door keeper received \$3 per day, and their compensation was converted into a gross sum of \$1500 previous to the last session; and I presume we could not be charged with corruption or prodigality in this respect; at least we gave it to others, and received no more ourselves than we gave to the servants of the House; and when we did regulate our own pay, we only placed ourselves on an equality with the servants of servants—no disrespect meant to our faithful sergeant at arms and door keeper. But I have always said, that my great object was reform in the proceedings of the House; the sum was not important in an individual point of view, although I have never thought I was underserving of the 1500 dollars, nor do my constituents believe it. But the mode makes us salary officers. Indeed I and what magic is there in the name of salary officers?—The only difference between the salary and a per diem is simply in the mode of payment, and not in the amount. It is immaterial whether you give the President his sixty-eight dollars per day, or whether he draws his 25,000 dollars quarter yearly. The same may be said of the military, and the executive, and the judicial departments.

The per diem allowance originated from the necessity and convenience of members, who had daily calls upon them and the salary officers was made such from a convenience in the payment quarter-yearly, or semi annually. It is impossible to make any other distinction. I believe a gross sum will reform the proceedings of the House; and although the people may change their representatives every Congress, the case will not be altered, they will not, in the aggregate, find men more enlightened, more patriotic, more industrious, or less avaricious; and it is always best to blend self-interest and patriotism together, if it can be done; and the most beneficial results, in my humble opinion, were discovered from its operation at the last session. But I deny that members of Congress are made salary officers—at least they do not partake of the advantages of a salary officer. In the executive, or judicial, or military, or naval departments, in case of sickness or absence from furlough, no deduction is made from the pay of the officer. If they languish on a bed of sickness, under their own roof, and surrounded by their own friends, the act of God does not lessen their claims upon their country for their support. But if a member of Congress should be placed in the same situation, he receives no additional compensation. He must perform the service to entitle him to the money. The Roman gladiators was put up to the highest bidder, and history gives us the consequence; and if making money or saving money be the object of the people, there is no district in the United States so poor but could furnish some character to serve for nothing, and, if required, would give to the public treasury the 1500 dollars for a seat in Congress; but then we should

have a very different Congress from that which is now so much identified with the honor and rights of the nation. The rich aristocracy of the country, who could roll in their carriages, or the privileged, who would wish to put themselves in the market, would generally compose a Congress under such an organization. We have a memorable, a very memorable example before us of legislators serving their constituents for nothing—I mean the members of the British Parliament. And what is the effect? The King and Ministry have a fund to purchase a majority; some cannot be purchased—such as Chatham and Fox; others were not worth purchasing. But for fifty or one hundred years it has been so contrived, that the King and his Ministry have had a majority of Parliament to support them in all their systems of war and taxes, with the exception of a very few years indeed, when the voice of the people for a moment gained the ascendancy. And although the members of Parliament serve for nothing, the votes in many places were bought by any other article in the market; for was intimate with an Englishman, who I added in my neighborhood, who informed me, that he generally received sixteen pounds sterling for his vote at each election. The motion which I make, therefore, does not arise from any change of sentiment as to mode and amount of compensation. With other considerations, already mentioned, *Vox Populi vox Dei* has its controlling influence. Not that this principle implies perfection in the people; I hold it as a political maxim that the people are the fountain of power and authority; and if they should be ever carried away by a momentary impulse it does not arise from corruption, and the presumption is, that the people are always right, as they are, as a people always virtuous in their views; and a representative who acknowledges this principle, and is willing to carry into effect the will of the people, is entitled to some liberality, to some consideration. But I do not admit that the great body of the people are so deeply affected by this measure; but I believe there is sufficient floating inflammable matter to turn the scale in most instances. In this respect I am for taking away all pretext, and bow to the will of the people, thus partially expressed, under all those unnatural means of excitement to which I have alluded.

Vigilance is a virtue in a free people; it was this virtue that preserved us from Parliamentary encroachments in 1776, and conducted us to independence. Like Argos, the people should be watchful, they should not slumber upon their posts. But at the same time we should guard against precipitancy and unfounded suspicion; for these are the opposites of vigilance.—It was these that threatened our cause in times that tried men's souls; when the father of his country, the immortal Washington, was distrusted of wanting the capacity of a general or commander in chief, in pursuing his Fabian policy, particularly his memorable retreat through the Jerseys, that saved his shattered army, and has crowned him with so much glory.—Unlimited confidence is a weakness, but unfounded suspicion and distrust of a faithful public servant, is a political, if not a moral, evil. In the United States, a public servant has some rational ground to make some calculation upon a long series of uniform and undeviating conduct, sentiment and principle; without such a hope, honor, and virtue, and faithful services, would fail to meet their reward, and it would revive the ostracism of Athens. There some apology may be urged, as the very organization of the government often subjected the people to the tyranny of usurpers, & put many men above the laws. It is otherwise in this land of liberty, where the laws and the constitution are supreme, and where a wise, virtuous, and experienced statesman may be of infinite service, so long as he pursues a correct course, and has the confidence of the nation; but where no man can act the tyrant without becoming impotent and contemptible, and where the finger of scorn and infamy point him out as harmless in the private walks of life. In this case, no man has been charged with having changed his politics; the federal members are federal still, and the republican members are republican still. It is to be regretted that it did not produce a change in that respect, and it had been for the better. I do not make use of party names to excite party feelings, nor do I intend to drop an expression that can wound the feelings of any, whether voting for the bill or against it. Odious as this measure was supposed to be, some were not satisfied in magnifying every feature into a Gorgon's head; but what was the kindest cut of all, it was represented that while we were providing for ourselves, we had neglected to provide for the widow, the orphan, the wounded soldier, the discharge of the national debt, the volunteer who had lost his arms or his horse in the public service, and other claimants; that we had been loading the people with heavy taxes, when the session was taken up in reducing and repealing the taxes. What ever may be the opinion of others, I will hazard the assertion that no Con-

gress, since the peace of '33, has greater claims upon the confidence and affections of the people; and by their acts they shall be judged. Has the volunteer lost his only horse, this Congress has made provision to pay him. Has the faithful soldier arrears of pay due him, the last session made ample appropriations. Does the wounded, bleeding invalid present himself as indigent and unable to procure his living by labor, he is placed upon the pension list. Has the widow lost her husband at the plains of Raisin or elsewhere, while in the service, of the United States, the best of consolation is administered to the bleeding heart in the five years half pay, and if particular cases should be omitted, we are bound to pursue the example we have set ourselves; and if in any case we have made inadequate provision, the power is in our own hands.

[After these observations, Mr. J. submitted his motion, which was agreed to, and a committee appointed.]

Kentucky Legislature.

HOUSE OF REPRESENTATIVES.

FRIDAY, DEC. 13.

The bill concerning Sheriffs, Magistrates and Constables, was read the second time and passed to a third reading.

The following is the substance of the debate on this bill.

Duties of Sheriffs, Magistrates and Constables.

The question in debate was, whether it is good policy to give to constables the exclusive right of serving all process from the magistrates' courts?

The substance of the argument was as follows: Mr. Blackburn did not think it prudent, because attachments are issued by magistrates to the amount of thousands of dollars; it is not prudent to trust so much to the constables, though mostly good men; they too have not the power to sell lands, and if sheriffs are not permitted to levy executions under \$30, many debts will be lost, when the debtor is rich in land; the trial by jury is guaranteed for sums over \$20, and constables cannot summon jurors so well as sheriffs; it would take away much of the profit of the office, which is a reward for long services in the magistracy.

Mr. Mills would except attachments; sheriffs cannot sell land or process from magistrates' court—it must come from court of record; the proposed mode would leave that as it is; sheriffs if permitted to serve between \$20 & \$50 could not know whether the sum was \$20 or not—it is not mentioned in the warrant; it might be reduced on trial, and then he would lose his fees; so also if the defendant should defeat the action, their jurisdiction ought to be co-extensive or distinct.

Mr. Helm thought we were taking nothing from the sheriffs to which they are legally entitled; he knew no law which authorized them to serve process coming from magistrates; they give no security for this case; there was an instance in Christian county—a sheriff had collected money, on magistrates' executions and failed—his securities were sued, and the court determined they were not bound; the magistrates could not give judgment against them for he had not given bond as constable—nine cases in ten, the warrant does not shew the amount—constables might serve attachments, return them to the sheriff, and the sheriff to court—we ought not to give constables power to sell lands—it is a thing of too much importance to trust to the loose records of magistrates.

Mr. Blackburn said either sheriffs or constables might serve process from magistrates—lands may be sold on execution from magistrates for the law makes theirs a court of record—they may punish for contempt—in the case mentioned the court decided wrong—the securities were unquestionably bound if the sheriff acted as such, and not as an individual—the amount is always mentioned in the warrant or ought to be.

This plan would be oppressive to tavern keepers, merchants and those having debts to collect in distant parts of the county—instead of giving them to the sheriff, he must ride many miles to hunt up the constable in that district—the sheriffs ride over the whole county and could make the collection without such trouble and cost.

Mr. Underwood read a section of a statute passed in 1792 authorizing sheriffs to serve process issuing from magistrates, which he said had never been repealed.

Mr. Mills subjoined, that he wished the gentleman from Woodford would inform how title could be made to lands sold under execution from magistrates—he had seen no such law.

The bill to prevent the circulation of private notes, was read a second time.

Bills reported; by Mr. Harrison—1st, a bill for encouraging the importation of goods by the port of New Orleans. By Mr. Dollerhide—2d, to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico. By Mr. Clarke—3d, authorizing the trustees of the town of Falmouth, to sell part of the public ground in said town. By Mr. Ewing—4th, to amend the law of last session, changing the circuit court system.—

And by Mr. Barret—5th, to amend the act entitled, an act to regulate the town of Greensburg, in Green county, which bills were severally received and read the first, and ordered to be read a second time.

The house went into committee of the whole, Mr. Messall in the chair—the bill to regulate the general court under discussion.

The object of this bill is to reform the court by appointing one sole judge, with a salary of \$1500, to sit the whole year with jurisdiction of all suits over \$500 between resident and non-resident, the collectors of the revenue, &c. the debts of the Penitentiary, as heretofore possessed by the same court.

Mr. South offered a resolution that it was inexpedient to pass the bill.

Messrs. Rowan and Mills opposed the resolution. Their reasons were, that the General Court had become perfectly inactive and almost useless; that on account of the immense expense attending suits in the federal court, it had become necessary to have some cheaper tribunal to decide between residents and non-residents; that in the federal court itself there is an accumulation of business and delay of justice—that some of the principles decided by that court are repugnant to the laws and policy of Kentucky—that the general court is at present a mere mockery, a lure to draw citizens to trouble and expense—that it either sits not at all or very seldom; its business has been accumulating for years, and a multitude of suits have been dismissed and gone into the federal court that it is necessary to have some energetic court to compel punctuality in the collection of the revenue—that there have been immense defalcations as are shown by the Auditor's report, which will keep increasing unless a remedy be applied—that this court might save to the commonwealth more than enough to pay the salary of its judge—that it was necessary to collect the debts of the Penitentiary, to which many thousands are now due, for want of some tribunal to compel payments.

Mr. Mills stated, that Gov. Madison said to him on his death bed, when he was so weak that he was advised not to talk, (and with peculiar emphasis enjoined it upon him as one of the representatives of the people) "that if he lived to make a communication to the legislature, one thing which he should particularly recommend, would be a reform in the collection of taxes, that unless something was done the revenue would fail, and the Auditor become unpopular."—The committee rose, WEDNESDAY, DEC. 18.

BILL TO ENCOURAGE THE IMPORTATION OF MERCHANDIZE THROUGH THE PORT OF NEW-ORLEANS.

This encouragement proposed to be afforded by this bill, is an exemption of all merchandize brought up the Mississippi from taxation in this state, for a limited time.

Mr. South moved to commit it to a committee of the whole; because he doubted the expediency of the measure for several reasons, but particularly for the influence it might have on the revenue, and wished it fully investigated.

Mr. Blackburn said the only question was whether it be good policy to change our course of trade to New-Orleans. There can be no doubt on the subject. Instead of sending all our money to the eastward for goods, and having our produce rot on our hands, we should procure our goods in return for our wheat, hemp, tobacco, pork and whisky, and keep the money in the country. Its influence on the revenue would be trifling, and by no means equal to the benefit to be derived from it.

Mr. South said he was by no means opposed to the principle of the bill; but he doubted the expediency of the plan proposed. It might materially affect the revenue, and he thought it doubtful whether we ought to enter into such a contract with the merchants for 10 years. He wanted time to investigate.

Mr. Rowan did not see the necessity of delay—there was only one principle in question—the attainment of this object would remove the present misfortune of the country in having all its money licked up and carried off to the east. It would save us from an enormous expense. We pay a tax of 10 per cent, on all goods which come over the mountains. They would come from New Orleans for \$4, some say for \$2 50. Here would be a saving of \$7 50 in every hundred to our citizens which would much more than make up any defalcation in revenue. It is not important, whether the people of the merchant personally pays the tax; it all comes out of the people at last. If you tax goods, the merchant sells them high enough to make it up, and make his customers pay it. All the difference is, that the goods are taxed the people pay it indirectly. It cannot then affect the source of revenue; for though a citizen may have to pay a few cents greater tax, he will save dollars in purchasing his goods. It is not interfering with the United States. The goods pay duties when landed at Orleans, after which they go to any other country, which may tax them, if it pleases. He hoped in ten years the measure would bring all our