

Government, and the increasing wealth of the nation. To guard, as far as possible, against the effect of this on the legislature, the constitution has prohibited members of Congress from holding, while members, any office under executive appointment; but it has not restrained them from resigning their seats to accept such appointments, nor from accepting them after their term of service had expired; nor has it prohibited the grant of such offices of their relations, connexions or dependants. There are hundreds of offices in the gift of the executive, which, as far as pecuniary emolument is concerned, are preferable to seats in Congress; indeed there are none, except of the very lowest class, which in that respect are not preferable.

Is it for the interest of the people, that their representatives should be placed in this condition? Is it expedient that better service should be commanded for any other Department than for the hall of legislation? Or, admitting that offices of high trust and responsibility in the state, such as will be commonly regarded less from motives of pecuniary emolument, than from the love of honorable distinction and devotion to the public service, should possess more attractions than the legislative office, is it still fit or expedient that subordinate places in government, such as have no recommendation but the salaries and perquisites belonging to them should have the same influence?

And yet, not only is it well known that persons, at every election, decline being candidates for the legislature, but the government has not been without instances, in which members of either house have relinquished their seats in the Congress of the United States to accept offices of a very low grade. Can the public interest require the establishment of a habit of filling such places by candidates taken from the legislative body? Or what is the value, to the people, of the right of representation, if they have nothing to give which their representatives will not relinquish for even the smaller appointments of the executive power? It cannot but tend more, one would think, to the permanent safety of the republic, that no such hopes or motives should exist; that there should be no inducements of this nature, either to an unfaithful and compliant discharge of official duty, or to a more indirect but not less pernicious exercise of the influence of a public character and a public station.

The geographical extent of the United States furnishes a case out of all analogy with any thing which has heretofore existed, either in any state government, or the government of any other country. There are members of congress who reside more than a thousand miles from the seat of government; a great proportion live at more than half that distance. If these members are accompanied by their families to a session of congress, even the present compensation, with the strictest economy, does not defray their expenses. To live within the means provided for them, they must come as exiles from their own home; they must abandon not only all private pursuits, but the enjoyment of all domestic relations, and live like strangers and temporary lodgers in the metropolis of their own country—How far it is wise in government to demand of those who enter its services this sacrifice of all social feelings, those who have the deepest knowledge of our nature are most competent to judge. It is a sacrifice, which will not, ordinarily, and for any length of time, be made, by such as have the dearest and strongest ties to their country, and the greatest possible stake in its prosperity.

One further observation is obvious. If an adequate provision be not made for members of Congress, the office will fall, exclusively, into the hands of one or the other of two descriptions of persons; either of the most affluent of the country only who can bear the charges of it without any compensation; or of those who would accept it, not for the compensation legally belonging to it, but for the hope of turning it to account by other means. A reasonable allowance, neither extravagant on the one hand, nor parsimonious on the other, would seem to be the best security against these various evils. Influenced by these considerations, Congress was, at the last session, of opinion that the compensation to members had become inadequate. The committee are still of the same opinion. In many cases it was not equal to the expense incurred by individuals in their attendance on the legislature; and in all cases, it must be presumed that the labor and intelligence bestowed on the discharge of his official duties, by an able and faithful member of Congress, could not but yield a much more profitable result if employed in private pursuits.

If the view which the committee have taken of this subject, be not altogether an erroneous one; if great changes, in relation to the value of money, and the price of living, have taken place in the country; if it has been found necessary to provide for this change, by an increase of the compensation of other officers throughout the general and state governments; and more than all, if it be desirable to maintain the constitutional importance of the legislative

office; to open to the people a wide field for the selection of representatives; to put at their command the best talents in their respective districts; & to enable them to retain the services of those, whose knowledge and experience have best fitted them to promote their interests and maintain their rights; then the object of the law in question was not only a useful, but a highly important and commendable object.

In regard to the mode of accomplishing that object, it has not been, and is not, easy to reconcile opinions. On the whole, the committee are of opinion, that under all the circumstances, it is advisable to provide, that the increase of pay should be made in the form of an addition to the former daily allowance. They, therefore, recommend, that in lieu of all other compensations, there be paid to members of Congress and delegates of territories—55 dollars per day for their actual attendance, and 55 dollars for every 10 miles travel to and from the seat of government. And they report a bill for that purpose.

A BILL
Allowing compensation to the members of the Senate, members of the House of Representatives of the U. States, and to delegates of Territories, and repealing all other laws on that subject, contrary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That during the remaining part of the present session of Congress, to be calculated from the time of passing this act, and at every future session of Congress, and at every meeting of the Senate in the recess of Congress, each Senator shall be entitled to receive, in lieu of all other compensation heretofore allowed by law, 55 dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, 55 dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance; and the President of the Senate pro tempore, when the office of the Vice President of the United States, is or shall be vacant, shall during the period of his services, be entitled to receive, in addition to his compensation as a member of the Senate, 55 dollars, for every day he shall attend the Senate. *Provided*, That no Senator shall be allowed a sum exceeding the rate of 55 dollars a day, from the end of one such session or meeting, to the time of his taking a seat in another.

Sec. 2. And be it further enacted, That during the remaining part of the present session of Congress, to be calculated from the time of passing this act, and at every future session of Congress, each representative, and each delegate from the respective territories, shall be entitled, in lieu of all other compensation heretofore allowed by law, 55 dollars, for every day they shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, 55 dollars, for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any representative or delegate shall be detained by sickness, on his journey to and from the session, or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a representative, 55 dollars, for every day he shall attend the House: *Provided*, always, That no representative or delegate, shall be allowed a sum exceeding the rate of 55 dollars a day, from the end of one session, to the time of his taking a seat in another. That the said compensation to members of the Senate shall be certified by the president, and that which shall be due to the members of the House of Representatives, and to the delegates, shall be certified by the speaker; and the same shall be passed as public accounts, and paid out of the public Treasury; and that all acts, or parts of acts, contrary to the provisions of this act, be, and the same are hereby repealed.

UNPARALLELED DISTRESS.

In the British House of Commons Mr. Brougham in a late speech stated that in one parish every individual, with one exception, was wholly ruined by the weight of taxes! And that he himself had to pay all the poor rates of that parish!

The Prince Regent, at the age of 54 is said to intend applying to parliament for a divorce from his second wife, in order that by a third marriage he might have a male heir for the crown. The opposition is, however, so strong, that success is doubtful.

The king of Wurtemberg died on the 30th of October, aged about 35.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Tuesday, December 31.

Mr. Williams of N. C. from the select committee appointed to investigate the decisions of Richard Bland Lee, commissioner of claims for lost property, &c. made a report, stating that, the great mass of documents, connected with the evidence in 800 decisions, render it impossible to investigate the whole of them, and presuming that such examination was not contemplated by the House, concluded with a resolution that the committee be discharged from the further consideration of said decisions.

On the question of concurring with the committee in their report, and consequently to discharge them from further consideration of the subject referred to them, a warm debate ensued, of a character nearly the same as that heretofore reported on this subject, which continued nearly an hour; a brief view of which will embrace all the points argued or urged in the debate.

Mr. Forsyth rose first in opposition to the report. As the committee had been raised to enquire generally into the decisions of the commissioner, he thought they ought to perform their duty and report some opinion to the House. Such an investigation was highly necessary, as he thought it had been clearly established that the commissioner had departed widely from correctness in his decisions: he wished not to do injustice to that officer, but he believed he had grossly erred—the report of the commissioner himself proved it, as it was apparent that he had substituted his own ideas of justice for the letter of the law, and he had no notion this enquiry should be smothered under a mass of papers; the labor would be less gigantic than the committee seemed to think it, and the subject ought to be thoroughly sifted for the benefit of the nation.

Mr. Fletcher of Ky. would vote for the report from a conviction that it was right. So far as he was acquainted with the decisions of the commissioner, he had acted properly, and had guarded the public treasure vigilantly. Mr. F. had himself brought on several claims, some of which the commissioner had rejected, which Mr. F. thought ought to have passed. The private character of Mr. Lee he had never heard impeached. Why urge the committee to wade through 800 decisions? It was competent for the House to regulate the 9th section of the act, but if the law be suspended it would amount to a denial of justice.

Mr. Mills was also in favor of agreeing to the report, which he defended at some length. For what purpose should the committee undertake the Herculean task urged upon them by the gentleman from Georgia? Many of the cases would singly require three days for a proper examination; and was this to be done, to ascertain whether this poor commissioner had transcended his powers and cases where no error was alleged? Before this committee was appointed, the subject had been referred to the committee of claims—that committee had examined the most important papers, and reported on certain cases, which had thrown light on the subject, and had anticipated the select committee, and this rendered further enquiry useless, &c. Mr. M. adverted to the reprobated decisions of the commissioner, and argued to show that rumor had done him injustice, and that his proceedings had not been so erroneous as was represented.

Mr. Williams followed in favor of the report, and of discharging the committee from the subject. It was not in the nature of things that the committee could, consistently with their other duties, take up one by one the mass of cases and decide on them; nor would any good result to the House or the nation from it, if they even possessed the strength to do it, as it would be reporting what had been already reported by the committee of claims. This business had been involved in much perplexity, on nearly the same subject—he would not say the other had gone out of its province, but it had relieved the select committee from much labor. Mr. W. repeated, he could not see any good in further considering what had already been brought before the House by another committee, and if they were to come to different conclusions, how would it appear to have two committees arrayed against each other?

Mr. Hubert thought it proper the committee should be discharged from the further consideration, because there was no necessity for their going through the 700 horse cases, and it would give the House no information to have another report on the three cases so specially brought before them already.—He had sufficient evidence that gross misconduct had taken place—it was the duty of the House to interfere, and he wished no further report to make up his mind.

Mr. Forsyth said, in reply, that this business had not been voluntarily thrown on the select committee. It had been solicited by gentlemen who now thought it unnecessary, but they ought not to shrink from a duty they had asked to be imposed on them. It was incorrect that the same subject was

referred to two committees—the committee of claims were instructed to enquire into the law, and the select committee appointed on the man—this committee say the commissioner has acted erroneously, but do not say whether intentionally or not; it was their duty to report on this point, and say whether there was evidence of corruption, &c.

Mr. Ross moved to lay the report on the table. The duty of the committee had been correctly stated, he said, by Mr. Forsyth—though he himself had no doubt of the integrity of the commissioner. Mr. R. argued at some length to shew that it was due to the character of the officer, which had already suffered much by the course of the discussions on this subject, as well as to the House and the nation, to shew whether his imputed errors were unintentional or corrupt; if the former that his fame should be freed from the insinuations made against him, and if the latter, that he should not be allowed to proceed in deciding on claims so important as were yet to be acted on.

Mr. Ross's motion to lay the report on the table, was lost.

Mr. Wilde spoke against agreeing to the report, because he was always in favor of the committees and the members of the House performing their duty strictly and faithfully. Mr. W. referred to the suspension of a part of the law by the President of the United States, and to the proposition now pending to repeal it—and thought it was proper to ascertain whether the fault was in the law, or in its administration. He did not wish the commissioner to be legislated out of office unless he was corrupt, and for that reason he wished his conduct to be thoroughly investigated by the committee appointed to perform that duty, &c.

After some addition remarks and rejoinders by Messrs. Forsyth, Mills and Williams, and some remarks by Mr. W. P. Maclay, which could not be heard by the Reporter,

The question, on concurring in the report of the select committee, was taken, and carried without a division.

The documents were then, on motion of Mr. Grosvenor, referred to a committee of the whole house.

The Speaker laid before the House a report from the acting Secretary of War, in pursuance of a resolution of the last session, on the letter of Major General Harrison, relative to the expenditures of public money by him, on the north western frontier during the late war; which on motion of Mr. Johnson of Ky. was referred to a select committee, and ordered to be printed.

Mr. Fletcher presented a petition of Robert Barns, praying to be paid for a horse impressed into the military service, and never returned to him.

Kentucky Legislature.

HOUSE OF REPRESENTATIVES.

Wednesday January 8.

The bill to amend the penal laws, was reported, with amendments, which in effect, again revived the Gaming Bill, somewhat changed from its original features. It makes every public officer convicted of gaming, liable, on conviction, to be removed from his office, and disqualifies him from being eligible to any office for one year thereafter. The games mentioned in the bill, viz cards, dice, billiards, or back-gammon, were added, bets on elections, cock-fighting and horse-racing, and the said bill passed to a third reading. During the progress of these amendments Mr. Davinfort offered an amendment which would abolish the punishment of Death in this Commonwealth, on which he made the following remarks:

Mr. DAVINFORT said, upon the subject of the proposed amendment, I must beg the indulgence of the house for a few moments. This indulgence will I hope be the more readily and cheerfully granted, as I am not in the habit of occupying much of its time. I, like other men, have my antipathies, and amongst them I have an aversion to that mania for speech making which I have some times witnessed in public bodies. There is rarely any subject however, abstruse, that two or three intelligent minds cannot in a short time exhaust, after which all subsequent discussion becomes the echo, & a very faint echo, of that which has already been strongly impressed upon the mind.

Notwithstanding the unparalleled progress we have made in civilization, religious and political liberty, yet we still inherit a few of those Gothic prejudices which the defacing hand of time, has not been able to eradicate—I know that there are a number of individuals prepossessed against the object of the proposed amendment; but if they will reflect for a moment they will find, that capital punishment has a tendency to increase, not to diminish offences against society and its laws. I have long been convinced that this description of coercion is incompatible with the mild spirit and genius of our government.

What, sir, is the great object of all human punishment? It is to prevent crimes, to prevent others from committing similar outrages against the community. Then, sir, that example or that mode of coercion which has the most lasting, the most permanent im-

pression on the mind is the best calculated to accomplish that object. We are the first impressions made on the mind of the spectator upon beholding the infliction of capital punishment. Horror, disgust, pity; but the victim is soon removed from his view, the scenes of life soon intervene, the mind becomes filled with other things and other things; the impressions made become gradually obliterated. My own experience convinces me, that this is the fact. Yet let the punishment of death be frequently inflicted, and what are the consequences of the repetition? The mind of the spectator becomes hardened; he now begins to view without a shudder the distorted features; to hear without a murmur the expiring groans of the victim struggling under the cruel and perverted arm of justice. Like the veteran soldier in the field of battle, who has long been accustomed to death in every shape, he soon begins to behold it with the same calmness that we would the ordinary occurrences of life which pass in successive review before us.

Thus it is, sir, with the human mind, and thus it operates. Things which at first excite our disgust, by custom create the least disagreeable sensation. Let me illustrate this position by an example similar to what we have all witnessed. A youth is reared by his parents in the strictest paths of morality and virtue, he emerges from their care; he launches into the world with a high sense of moral character. The common vices of our day, such as taking a friendly drink of grog, or playing a social game of cards, are to him like hideous monsters! He flies them as he would the allurements of a pros titute. But an ardent disposition inseparable from his years gradually draws him on to participate in those things, the wages of which his parents & his bible have taught him was death. At length vicious habit soon gets the better of all virtuous resolution; the tender buds of morality begin to wither and are finally destroyed; his sense of moral character is gone, and he cares not that the whole world should know that he has fallen from his primitive purity.

Thus it is, sir, with human frailty, and thus it operates. Things which at first excite our disgust and horror, by custom and habit become familiar and agreeable. Hence let the punishment of death be again and again inflicted and the mind of the spectator becomes hardened and careless to scenes of cruelty; and it is evident when the mind becomes hardened and careless to scenes of cruelty, the finer feelings of humanity and morality are absent from the heart; and when a man is destitute of those feelings which are the richest ornaments of the human character, is it absurd, is it preposterous to say, that such a man is ripe and ready to perpetrate any crime however dark in its nature, base in its conception, or malicious in its execution?

Thus, sir, cruel punishments instead of preventing crimes have a tendency to prepare and fit the mind for the perpetration of further outrages against society and its laws. Many historical examples could be produced to fix the validity of this position. In Japan death is the common punishment for almost every description of offence. The consequence is, that the people of that country set no value on existence; they sport with their own lives or the lives of their fellow subjects, as whim, caprice, or cruelty may dictate. In England a man may commit one hundred and sixty offences, the penalty of which would be capital punishment.—Historians have remarked that the result of this sanguinary policy has been to increase offences both in quantity & enormity. These facts, sir, bring us to this conclusion, that cruel coercion in any society hardens the heart, lessens the value of life, diminishes the fear of death, and increases the propensity to commit crimes.

Let us for a moment contrast capital punishment with that of confinement and hard labor, and we shall discover, that the latter has infinitely the advantage over the former in deterring individuals from the commission of offences. The object upon whom capital punishment is inflicted, is soon removed from the view of the spectator; and the impression made becomes measurably eradicated from the mind. But, sir, is it so with confinement? Here you have a living and a miserable object continually presented to your sight, who daily reminds you of the wages awaiting upon the commission of offences. Sir, let us take another view of this subject—death is but momentary and there scarcely exists a man however timid in his nature, that cannot work his mind up to such a pitch of enthusiasm or resolution, as to bear the greatest pain with firmness, provided that pain is but the affair of a moment. But, sir, show me the man however bold and daring may be this resolution, however well surrounded by philosophic fortitude, however armed with patience, however gifted with religious resignation, that can bear with firmness, or reflect with composure upon continual accumulated misery. He may meet death with contempt; but it is beyond the power of human stability to endure, with firmness a long series of unvaried distress. Contemplate for instance the miserable situation of