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CONGRESS OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES.
FRIDAY, JANUARY 9, 1861.

The house went into committee of the whole on the

JUDICIARY BILL.

Section 48th, under consideration; which is as follows:
SEC. 48. And be it further enacted, That each of the circuit judges of the United States to be appointed by virtue of this act, shall be allowed as a compensation for his services, an annual salary of two thousand dollars, to be paid quarterly yearly at the Treasury of the United States; and that the salaries of the district judges of Maine, New-Hampshire, Rhode-Island, Connecticut, Vermont, New-Jersey, Delaware, Georgia, Kentucky and Tennessee, shall be, and hereby are, augmented to the like sum of two thousand dollars annually, to be paid like manner."

Mr. GARCE moved to strike out 2,000 dollars and to insert 1,600 dollars.

Mr. CLAYBORN declared himself in favour of the motion. He considered 2,000 dollars as too high a compensation. In the State which he represented (Tennessee) it would be immoderate. The bill established three circuit courts for Kentucky and Tennessee, the judges of which would receive 2,000 dollars, which was a larger sum than the total amount of the expenses of the government of Tennessee. The Judges of the supreme court of Tennessee receive but 500 dollars each, and the resident federal judges received only 800 dollars. The duties which the federal judges would have to discharge, would not equal those of the State judges. Such an exorbitant salary would be subtracting to the benefit of the States. It would either lessen the respect of the citizens for their own judges, or route their pride to afford them salaries, equal to those of the federal judges, even to their own opposition.

As therefore such an expenditure would exhibit an instance of shameful profusion of public money, and would deeply wound the interests of his State, he would give his decided vote against it.

Mr. ORIN, declared that if the judiciary were not filled with men of the first talents and integrity, the system we now deriving would be injurious instead of being beneficial, was opposed to the motion. Talents of this order were not to be obtained for a small compensation. The sum proposed in the bill, as far as his knowledge extended, was not greater than that now allowed to the federal State courts. In his part of the country, a lesser compensation to men qualified to decide those great and intricate questions, which often came before them, would be deemed a shameful insult.

As to the idea of discriminating the compensation of different judges, he thought the benefits to be derived from it were trivial compared with the evils it would create.

Grant that the effect of this bill will be the affording a higher compensation to the federal judges than is at present made to those of the States. The effect he thought would be a good one. It would operate as a powerful stimulus to the State judges, and faithfully to discharge their duty; that they might be qualified for, and likely to receive, Federal appointments.

So convinced was Mr. O. of the importance of this part of the bill, that he would rather not see it pass at all, than pass without it. It might in that case be rationally expected that the community, realizing the inconveniences to which they would be inevitably exposed, would be awakened to the obligations of a more liberal policy.

Mr. DAVIS said, if he firmly believed that additional salaries would give men with brighter talents, he would not

object to the increase contemplated by it. But as he knew full well that in making appointments to office, the only enquiry made would be what were the candidate's politics, he thought object to the increase.

Hitherto the entire compensation given to the judges in the Western country, has not exceeded 2,000 dollars; and now we add three judges, whose duties individually will be greatly diminished, and at the same time increase their compensation!

Mr. HARPER. The gentleman from Kentucky in making his remarks on the exclusive enquiry that will be made in respect to the qualifications of a candidate for office, has forgotten to state one circumstance. He has forgotten to state, that in his appointments to office, the choice of the people was confined to men of one description of politics. Though this be the notorious fact, though men of one description of politics possess the great mass of talents, yet it is certain that men of all descriptions of talents, and of different and various degrees of talent.

The tendency of this motion is to fill Federal judicial offices with trifling characters; with men whose want of talents would be a disgrace to the government; and render it an object of contempt, instead of an object of admiration and respect.

If the scale of Tennessee and other States be also at the high rates of the Federal judges, and to place themselves on an equality, increased the salary of their own judges to their standard, he will find himself in the most embarrassing position in favour of the bill, and it would be an evidence that their pride entitled itself on the tide of their understanding.

In the administration of justice, in the application of our laws, to the interests of the people, that the benefits of the government are felt and brought home to them. Protecting by its salutary energies the lives and property of the citizens, they feel a respect for the government from which they derive their support. Shall we then, seduced by a deceitful spirit of partyism, after erecting a scaffolding of our judicial system, built by the expenditure of a large and additional sum to render the system itself respectable? Weighed with such an object, a few thousand dollars was a paltry consideration.

It was not denied that the expenses of living in some States were greater than in others. But on this ground to graduate a scale of compensations would be to do what no State had done and what would inevitably produce discontent and jealousy.

Mr. S. SMITH was for a liberal, but not profuse compensation; he was also for accumulating the compensation made to the States to the Federal, and the expenses of living in the Federal, to the States. Hereafter, when the salaries were lower than those proposed by the bill, there had been no want of talents. He said that the State of Maryland, the office of district judge had been twice successfully filled by men of the first rate talents.

Mr. DENNIS opposed the amendment as it applied to all the judges. If it were applied to the Federal judges, it would be reducing the salaries of the judges of Kentucky and Tennessee.

Mr. SMALZE was in favor of the amendment. In Pennsylvania the judges of the supreme court received only 2,000 dollars. In the Union, and had to go into every county of the State every year. It was well understood that 2,000 dollars presented an opportunity to a lawyer at the bar of Philadelphia, who was in full practice. But did gentlemen suppose patriotism to be so low that all our officers were actuated by mere necessary views?

Mr. CLAYBORN again rose and went over the ground of argument, declaring that his wish was to be frugal but not parsimonious; liberal but not profuse. He was persuaded that in Tennessee five suits would not appear on the Federal docket in a year. For myself, said Mr. C. I pay little regard to that wisdom that sits up in a day,

so that wisdom which has sprung up since the third day of December. Our old principles I consider as good ones, and I am full for them.

He then moved to strike out the whole section, with a view of introducing an amendment for apportioning the salaries of the judges to their duties and expenses.

Mr. HARPER said gentlemen had committed one egregious mistake; they had confounded the salary of circuit courts, with the salary of the district courts, and the least of which the expenses of the judge were to be determined by the distance he had travelled, and not by the number of suits he had tried.

Gentlemen were mistaken in their notions about the degree of business in the Federal courts. The very gentleman from Kentucky (Mr. Davis) had on a former day lively pointed out the fact, that more than how many hundred suits in the district court of that State. There was not a doubt of three being in the western country great litigation about titles to lands, and lively business in the State courts. And yet his travelling expenses were trifling compared with those of the circuit judges, who have to perform five times as much travelling as the State judges. When you do this, all travelling expenses, you will reduce the salaries below 1,500 dollars.

The present district judge of Maryland, notwithstanding the possession of a handsome private fortune, had been obliged to travel from Baltimore, and live on his farm, and yet his travelling expenses were trifling compared with those of the circuit judges, who have to perform five times as much travelling as the State judges. When you do this, all travelling expenses, you will reduce the salaries below 1,500 dollars.

Mr. S. SMITH. The gentleman from South Carolina in a correct in his statement of facts. With respect to the district judge of Maryland he believed (as he had the information from the judge himself) that he had retired of choice to an elegant country seat, which he purchased two years ago, before he was appointed judge, with a view to his retirement.

Mr. H. LEE was in favor of adequate and liberal compensation to the members of the judiciary, such compensation attracted to those offices talents, integrity and exertion, who were the glory and strength of the union. He did not understand those sentiments of jealousy that were so often expressed. We are too apt to view our Federal government as a foreign one. Place ourselves in the country of Americans. As a citizen of Virginia, who was a member of the union, he beheld the Federal government with sentiments of filial affection as the protectors of all the States.

He did not suppose that a part of the whole could be expected or ought to render compensations as liberal as the whole itself.

Mr. DAVIS in reply to the gentleman from South Carolina (Mr. Harper) acknowledged that he had on a former occasion declared the existence of a good deal of business in the district court of Kentucky. This there was but now when the business has diminished, we are to have two judges, whose salaries are to be doubled. He placed no confidence in the hope that the gentlemen had offered of cementing the union by giving high salaries to such officers. Sir, said Mr. Davis, it is not the passage of this bill that will produce this great effect. Relieve the people from oppressive taxes, and that will produce the effect.

(To be continued.)

Published by request from the IMPARTIAL OBSERVERS.

May 28th, 1860.
The following authenticated copies of letters from N. HAYES, an accredited editor of *Cato's* Weekly, George Broadwater, Hugh Davis, Ebenezer Smith, Samuel H. Gibson, John Foster, William Erving, Joseph Callah, John Bell, Thomas Callah, John Callah, Thomas M. Green, Ebenzer Clayton, Francis Smith, and David Greenleaf—flying themselves a committee regularly chosen by the inhabitants of the Mississippi territory, for the purpose of exciting for a redress of grievances, were received by the editor of the *Observer* and judges. They offer them to the

"Impartial Observer" for publication—believing the subject matter thereof (incurring in a high degree, not only the constituted authorities within the government, but to the citizens at large) has not as yet been generally communicated.

They owe it to themselves, at the same time to express (as they verily believed) that investigation would prominently mark those extraordinary communications as great misapprehensions, and unfounded.

(No. 1.)
Philadelphia, Feb. 4, 1860.

DEAR SIR,
In your communication of the 26th of January, you enquire,
1. "By what authority were Cato, Well and others, chosen a committee—If by the people, at what period, in what manner and with what purpose."

A meeting was held by a number of the principal inhabitants, on the 6th day of July last, in order to confer upon the unhappy situation of the country, and if possible devise a remedy. It was the result of this meeting was a circular letter drawn up by the conference, recommending to the several districts the scheme of a committee of the United States, and if possible, to inform the governor of the true situation of the country, and petition for a redress of grievance. I have a copy of the circular letter, and the letters of instructions from the several districts.

2. You enquire "what is the aggregate number of the free inhabitants of the Mississippi territory, what proportion are natives of the United States, and what the number of our militia."

Our governor has never taken a census of the people nor has he been able to organize the militia, so that we are much unable to furnish you with the numbers. I think however that we cannot have less than six thousand free inhabitants, and about two thousand capable of bearing arms; our people are mostly natives of the Spanish dominions, and if any, what perhaps one tenth of any other description.

3. You enquire "whether the emigration to the territory is great, and whether any of the citizens have lately removed to the Spanish dominions, and if any, what terms to have been the inducements."

The emigration to our country is at this time extremely limited, the impossibility of procuring lands by any other way than by purchase from the Indians, and the facility with which lands are required in the Spanish dominions, forms an insuperable bar to the increase of our population; though men of property who have lately descended the river, seem rather inclined to sacrifice part of their property in the purchase of lands whereon to settle, than to avail themselves of the easy terms offered by the Spanish government, but the poorer classes are impelled to go below.

An alarming depopulation took place last winter under the patronage of Dr. White; we could never learn the exact number of persons who died, they were sufficiently numerous to form a considerable settlement below the line of which Dr. White is commandant. A number of the inhabitants have been falling out this winter, and are preparing to remove below at the end of the year. Various circumstances may have combined in producing this direliction, but we do not hesitate to say that the morose, arbitrary contumacy which defended the river, from rather inclined to sacrifice part of their property in the purchase of lands whereon to settle, than to avail themselves of the easy terms offered by the Spanish government, but the poorer classes are impelled to go below.

4th. You would know "the particular culture which occupies the attention of the planter of the Mississippi territory, what are our articles of exportation, and what the supposed quantity and value."

Cotton is at present the staple of the territory, and is cultivated with singular advantage to the planter. We give a garner of a dollar per lb. for clean cotton, and an active planter will make from five to eight hundred lbs. weight to a hand; and as I conceive we have as many pounds of white inhabitants, as we have of black, we have less than three millions of blocks of merchantable cotton, worth 750,000 dollars.