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## Congressional Debates.

### COMPENSATION LAW.

[I have copied the following speech of Col. Pickering, in favor of the compensation, on account chiefly of the many interesting facts which it details.]

January 17. Mr. Pickering said he was opposed to the amendment offered by the honorable gentleman from Virginia. (Mr. Randolph.) I cannot consent said Mr. P. to refund the compensation granted by the law of the last session. It was a compensation for services rendered. It was conformable to the constitution, which declares that the Senators and Representatives shall receive a compensation. For what? To defray their expenses, as some have contended? No—but for their "services." And how these should be compensated, was best understood by the eminent men who framed the constitution, and who, in the several state conventions, accepted and ratified it. Many of these distinguished men were members of the first Congress, in 1789; what the original compensation was fixed, and what they proposed, was approved at Washington, than whom no man entertained a more correct sense of personal dignity, nor more justly estimated what was due to character and station; at the same time, no man observed a more exact economy in the expenditure of money, whether his country's or his own.

No one can be ignorant of the comparative value of money in 1789 and in 1816; that the prices of the articles necessary for decent living, were in the latter period, at least double what they were in the former. Take, for example, wheat the price of which did not then exceed one dollar a bushel. The gentleman from Virginia, before me, (Mr. Randolph) beacons, and says it was only three shillings and six pence (fifty-eight cents) a bushel. But suppose it to have been a dollar; six bushels of wheat, worth six dollars, were then only equal to the daily pay of a member of Congress. The same six bushels of wheat, in 1816, would bring from twelve to fifteen dollars.—Hence it follows, that the compensation to Members of Congress in 1789, was double in value to the compensation as it stood prior to the law of March, 1816—Nay, more than double; for the six dollars for every twenty miles travel in 1789, was equal to twelve dollars in 1816; and by the law of the last session, the allowance for travel remained unchanged—six dollars only for every twenty miles. Imagine that the compensation in 1789, had been set at six bushels of wheat per day and continued to this time, would any one now think of receiving only three bushels a day, and distribute the other three among his constituents? If some gentleman are willing to serve for a bare reimbursement of their expenses, receiving the residue in honor, I am too poor to join that class. I must have stayed at home to cultivate my little farm. I must be paid for "services." If indeed, the present compensation, so much below what it was in 1789, greatly surpasses the services I am capable of rendering, this should have been looked to by those who sent me here. I did not send myself, nor offered myself as a candidate. I know not by whom my name was proposed originally for the Senate, latterly for this House. All I know of the matter, is, that formerly I was there and now am here, in consequence of the elections; and the compensation I received, I shall retain, nor unless it be forced from me, will I let it go.

January 18. Mr. Pickering observed that yesterday he had hastily made a few remarks on the subject under consideration, but the moment when the question was to be put on an amendment proposed by the honorable gentleman from Virginia before him (Mr. Randolph.) He would now add a few more. The comparative value of the compensation to members of Congress, as fixed in 1789, and that by the law of the last session, deserved a more explicit statement.

Taking the average length of the sessions of Congress at five months, or 150 days: and the real value of the compensation of 1789 to be double (and it was certainly more than double) the value of the same nominal sum in 1816: the result of the comparison would be this: 158 days at \$12 \$1800  
The average travel of members to the seat of government, 400 miles, at 30 miles for a day, and the same in return, together 40 days, at 12 doll. 480  
Making the average compensation to a member of Congress in 1789, equal, in the money of 1816, to 2320  
In 1816, the law allowed a salary of 1500  
But left the allowance for travel at the original nominal sum of six dollars, for every 20 miles; consequently the 40 days travel gives only 240  
Total value of the compensation in 1816 \$1740  
Or less in value than members received in 1789, by \$40 dollars, in the money of 1816.

Yet the clamour has been excited by an alleged increase as well as a change in the mode of compensation.

But the time when this supposed increase was enacted, has been pronounced improper and unpropitious; just when the country had emerged from an expensive war, and the people were burthened with taxes. But what was the case in 1789? Six years indeed had elapsed from the close of a seven years war; but its distressing consequences remained. We had no national government of force to relieve the country from those distresses.—Hence commerce and all other branches of industry languished. A debt (the sacred debt of the revolution, the price of our independence) of more than seventy millions unpaid. The public revenue was then incipient; and the whole receipts from commerce in 1789 and the two following years, united, amounted to but about six millions and a half of dollars, whereas the revenue from the same source, in the single year of 1816, amounted to about twenty millions of dollars; and the entire revenue from the customs and other sources in that one year, amounted to about thirty millions, at the same time the public debt was stated at about one hundred and twenty millions. Since the year 1789, the population of the U. States has more than doubled; the wealth of the people is trebled; and the style of decent living (in addition to the increase of prices) become vastly more expensive.

Mr. P. said, we have heard something about patriotism on this occasion; but there was no room for it on this subject. He trusted no gentleman would take offence, if he said that patriotism had not brought a single member into that House; that there was in truth no more reason that men should labor for the public than for individuals, without being paid for it; and the compensation should comport with the high and important nature of the services to be performed. As to the power to fix the compensation of the members, it had been repeatedly stated, that it is expressly granted to Congress by the constitution; and it was right that Congress should always possess the power, in order (as in all other things,) to adopt the laws to the state and circumstances of the times. Let then the compensation law be left as it now stands—an inheritance to our successors. If they commit waste upon it, or throw it away let them be responsible for the consequences.

A few words on instructions to members of Congress. Mr. P. said he had received instructions from the legislature of Massachusetts in which the compensation law is censured as changing the mode, and greatly increasing the compensation to members of Congress—as an innovation upon the custom, and not congenial with the republican principles of our government; and requesting the Senators and Representatives from that state to use their influence to effect its repeal. He had shown that the compensation had not been increased; that it is really of less value than it was in 1789. And as to its being an innovation, the venerable gentleman from Pennsylvania (Mr. Findley) had informed us that the idea of a salary compensation was not a novel one; for that in 1796, when an increase of the compensation was under consideration in Congress, it was proposed to change it from a daily to an annual compensation; tho' neither one nor the other was then accomplished. As to instructions, whether from the legislature, or the people of a district, Mr. Pickering did not admit their validity. If they contain reasons for or against any measure, these will merit a respectful consideration—but instructions unaccompanied by reasons were not entitled to the observance of representatives. He felt humbled that the legislature of Massachusetts should have descended to this small business; especially as it was one exclusively entrusted to Congress by the constitution. If on any important public measure a state legislature think proper to express their sentiments with their reasons; and especially if a national measure operate unequally, the state aggrieved will rightfully remonstrate and instruct its representatives accordingly. If the case be clear, they will of course obey; if it be doubtful, the opinion of their constituents will turn the scale. But they should go no farther; because they are bound not to contravene the general welfare, for any partial or local interests.

Mr. Pickering would say one word more on patriotism. The only patriotism belonging to this subject, is that which, by providing liberal compensations for the service, shall induce those who best understand, and are most able to promote, the great interests of our country, to accept of seats in Congress. To bring forth such men, he wished the law to remain as it is.

But the public voice has been raised against the law of the last session! Yes, a lying spirit had gone forth (as one gentleman had said) and deceived the people. From every part of the House, gentlemen had ascribed the public clamour to artifice and intrigue. Some federalists (and they probably began the outcry) remembering the charge of extravagance formerly made, as one means to undermine the federal administration; and the "odious" compensation law having a democratic origin; those federalists seized the occasion to attack their political adversaries with their own weapon.—Others denounced the law in order to render unpopular those who voted for it, or who availed themselves of its provisions and thus to supplant them in the public favour, and step into their places. Others joined in the clamour to be in fashion, or to acquire some stock of popularity for future use. Others, again, and those alone whose opinions deserve attention, honestly disapproved of the law, because uninformed,

or misinformed, as to the merits of the question. Since the publication of the able and clear report of the committee on the subject, such men had become dissatisfied that the measure was correct. One instance was presented in answer to a member of this House written on another subject, and in which this matter of the compensation was mentioned incidentally. It is a letter from an honest and intelligent sailor, who now lives in the country, in Pennsylvania, probably as a farmer. He says, "I consider, from the committee's report on the compensation law, that it should not be repealed, but I thought otherwise until I seriously perused the solid, distinct and clear report thereon." Had that report gone forth with the law, no such clamour as we have witnessed would have been raised; and we should not now be debating the question.

## State Papers.

Massachusetts Claims.—By a report made to the Senate by the Acting Secretary of War, it appears that the following answer has been returned by the government to the letter of James Lloyd and Wm. H. Sumner, the agents of the state of Massachusetts in behalf of her claims for militia services during the late war. The letter of these gentlemen, embracing the points previously personally urged by them, is too long for present publication.—Nat. Int. Copy of a letter from the Acting Secretary of War, to Messrs James Lloyd and William H. Sumner, Department of WAR, FEBRUARY 6, 1817.

Gentlemen: Your communication of the 3d inst. in relation to the claim of the State of Massachusetts for the reimbursement of expenses incurred, and for supplies furnished for the service of its militia during the late war, has received the consideration due to it.

As it appears that, with one exception, the militia on whose account the expenses were incurred were called out and kept in service by the state authorities, independently of the authority of the United States; and were withheld from the command of the officers of the United States, placed by the President within the military district of which Massachusetts formed a part, with authority to call for and take militia into the service of the United States; the claim with which you have been charged is excluded from the recognition of the executive authority of the United States, by the principles explained in the answer of the Secretary of War to the communication of the governing of Massachusetts, of the 7th Sept. 1814, copies of which are herewith enclosed. Those principles have been kept in view by the Executive of the United States, in all cases, where expenses incurred by a state on account of militia services have been assumed.

It flows from these observations, that no part of the claim presented by you in behalf of the state of Massachusetts, can be assumed by the Executive, except for such expenses as were incurred "for the payment and supplies of the militia, who were detached and ordered into the service of the United States, from the point they were mustered in their several companies, until they arrived at their places of rendezvous, and for the rations and supplies furnished them after they were received into the service of the United States, none having been provided for them at the time."

I have the honor to be, &c.

GEO. GRAHAM.

## RELATIONS WITH SPAIN.

[On the 23d ultimo the President transmitted to the Senate a report of the secretary of state, embracing the information called for by the resolution of Mr. Williams of Tennessee. The documents exhibited consist of twenty letters, or extracts of letters from the Secretary of State to our minister in Spain, and to the Spanish minister resident in the United States, from these two gentlemen to him, from Mr. Ervin to the Spanish Secretary of State, and his replies; and one from the Attorney of the United States, for the district of Louisiana, to Mr. Monroe, respecting the alleged preparations at the port of New-Orleans, for assisting the Spanish patriots. Some of these are very dull and uninteresting, and as I presume the reader will be satisfied with a knowledge of their contents, without the trouble of a tedious perusal, I have taken the liberty of presenting them in a condensed though I trust satisfactory form.]

Copy of a letter from the Secretary of State to the Chevalier de Onis, dated

Department of State, Jan. 14, 1817.

Sir—Having understood, in our late conference, that you would not agree to an arrangement, by which Spain should cede her claims to territory eastward of the Mississippi, unless the United States ceded their claims to all the territory westward of that river, and that, even then your agreement would be restricted to a recommendation to your government to adopt an arrangement to that effect; it is deemed unnecessary to make you any further proposition, or to prolong the negotiation on the subject of limits.

I have now to request, that you will have the goodness to inform me, whether you are willing to enter into a convention to provide compensation for spoliation, and for the injury resulting to the U. S. from the suppression of the deposit at New-Orleans.

## [TRANSLATION.]

Mr. Onis to the Secretary of State.

16th January, 1817.

Sir—I have received your official letter of the 14th inst. in which you are pleased to make known to me that, [Here follows a recapitulation of Mr. Monroe's letter, inserted above.

In answer to this letter, you will permit me to observe, that, in the conference referred to, I had the honor to exhibit to you the full powers of my sovereign, in which he authorized me to negotiate, adjust, and sign a treaty, or convention, with the United States, in which should be arranged not only the indemnities due to the subjects and citizens of both nations, for the injuries they had suffered from the late war between his majesty and Great Britain to the present, in contravention of the law of nations, and the existing treaty between the two powers, but also to fix the respective limits to the satisfaction of both. The intention of his majesty (and in this I believe the two governments agree) is not confined to a partial arrangement, which might leave in existence the disagreements which have unhappily arisen between them from the effect of circumstances. His majesty, fully convinced that no treaty or convention can be durable, unless it is founded in equality and mutual convenience, has particularly directed me, that, keeping in mind the reciprocal, political and commercial interests which unite the two nations, I should so adjust the definitive arrangement with the person whom the President should authorize to that effect, that no controversy could ever again arise between them.

I cannot conceal from you, that, to arrive at this end, it is indispensable to begin by amicably discussing and agreeing upon the rights of each of the two powers, and that the result of this discussion is, what ought to guide us in arranging the indemnities and fixing the limits which may be just and mutually convenient to the two nations. You had the goodness to say to me, that (his method had been adopted by you and Mr. Cevallos, and that, if we renewed it, precious time would be lost without our being able to agree. In such a dilemma, and anxious to contribute on my part to accelerate the negotiation, I took the liberty to propose to you the only other method which appeared to me to exist, besides the one which I have just mentioned, to arrange these differences, which is this: that the two powers, throwing off all idea of aggrandizement, and sacrificing resentments and complaints of little importance, should proceed, with good faith to fix limits between them which should be mutually convenient, which should not be liable to controversy, or be unknown to, or violated by, the respective subjects of each.

You did me the honor to applaud a proposition so frank and liberal, as dictated by equity and good faith—and made known to me, with the same frankness, that the United States desired to unite to its dominions all the territories which belong to Spain to the east of the Mississippi; and that, for them, they would offer to Spain those which were between the Rio del Norte and the Colorado. But as not only those lands, but all those which lie between the Colorado and Cape North, drawing a line by the river Mermento, or Mermentao, towards the Presido de Adias, and from thence by the Arroyo Onda towards Natchitoches, are a part of the provinces of Texas, belonging to, and in the uninterrupted possession of his majesty, without there having been, in relation thereto, any dispute between France and Spain, that dispute being solely as to Natchitoches, which fort the French raised, unjustly, in the territory of his catholic majesty; it results that this proposition not only does not offer compensation to his majesty for West and East Florida, whose cession the United States intimate would be very agreeable to them, but it involves the relinquishment of the property and possession which his majesty has of the territory in the province of Texas, which lies between the Colorado and the vicinity of Natchitoches.

To propositions so distant from the equality and reciprocal convenience in which we have agreed to treat these affairs, I answered, that, as the powers of his majesty had been hastily sent to me, by Mr. Cevallos, to take advantage of the departure of Mr. Brent, I have not received express instructions touching the entire cession of the two Floridas, which the United States wished; and, although they prove to me the desire of his majesty to accommodate them in all arrangements which may be compatible with his interest, I saw myself obliged to wait for instructions on this point, of so much the greater importance, as it relates to the session by his Spanish majesty United States of the port of Pensacola, which was the key of the Gulf of Mexico, the best port of that Gulf, and which was the more necessary to his majesty for the security of his possessions; but that, in the mean time, if you should propose to me, on the part of this government, to make the Mississippi the frontier, I should see in that proposition a disposition on the part of the United States to offer some equivalent, and I would recommend it to the consideration of his majesty as a fixed and stable limit to assure the peace and tranquillity of the two nations.

I hope that you will recognize in this exposition the sincerity and ingenuousness with which I proceed, and that you will, on a view of it adopted, of the two modes proposed for setting on foot the negotiation, that which will be most agreeable to the United States. The first, that is to say, that of discussing and agreeing upon the reciprocal rights and pretensions of the two nations, is the safest; and that which ought to conduct us, with the greatest precision, to the indemnities and to the establishment of limits between them, since nothing is more easy than that, each point of justice being agreed upon, the equivalent to it should be arranged upon principles of equality and reciprocal convenience. The second is shorter, but it requires a relinquishment of all views of aggrandizement