

UNITED STATES.

[From the Boston Evening Gazette.]

The National Intelligencer, of Tuesday, contains the President's Message with the accompanying documents; they were read in each House, and referred to the Committee on Foreign Relations. In the House 20,000 copies were ordered to be printed.

The most important document is a report by Mr. Barton, of his conversation with the Duke de Broglie. This report is made in a letter addressed to the Duke himself, in which he is requested to correct any inaccuracies in the statement. The following is the material part of that statement. The Duke makes three corrections, which are not very important.

"I began the conversation by informing you that I had requested an interview by order of my Government, and that on the result of that interview would depend my future movements. I said that I was ordered to convey to the French Government assurances of the very lively satisfaction felt by the President on receiving the news and confirmation of the King's safety; and that I was further instructed by the Secretary of State to assure you personally of his high consideration. After an obliging answer of your Excellency, I had the honor to submit the following questions:—

"I am instructed by my Government to enquire of your Excellency what are the intentions of His Majesty's Government in relation to the funds voted by the Chambers?"

"And I understood you to make the following answer:—

"Having written a despatch to His Majesty's Charge d'Affaires at Washington, with instructions to communicate it to Mr. Forsyth, and Mr. Pageot having read it to Mr. Forsyth, I have nothing to say in addition to that despatch."

"I said 'I am also instructed to enquire of your Excellency whether His Majesty's Government is ready to pay those funds.'"

"And you returned this answer: 'Yes, in the terms of the despatch.'"

"I added: 'I am instructed to ask another question: Will His Majesty's Government name any fixed determinate period when they will be disposed to pay those funds?'"

"To this question, the following was your answer, as I understood it:—

"To-morrow, if necessary, when the Government of the United States shall, by a written official communication, have expressed its regret at the misunderstanding which has taken place between the two Governments; assuring us this misunderstanding was founded on an error; that it did not intend to call in question the good faith of His Majesty's Government; the funds are there, we are ready to pay. In the despatch to Mr. Pageot, we gave the views of our Government on this occasion. Mr. Forsyth not having thought proper to accept a copy of that despatch, and having said that the Government of the U. States could not receive a communication in such a form, I have nothing to add. I am forced to entrench myself behind that despatch. If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error, and the business will stop there."

"To your Excellency's offer to communicate to me the despatch of Mr. Pageot, I replied that: 'As my instructions have no reference to that question, I do not think myself authorized to discuss it.'"

"After some minutes, I rose, and said: 'In a short time I shall have the honor of writing to you.'"

"You answered, 'I shall, at all times, receive with much pleasure any communication addressed to me on the part of the Government of the U. States.'—and our conversation ended."

The Boston Atlas has the following remarks upon the Special Message:—"The suggestion which it raises are few and obvious; and it is neither the part of policy or duty for us to remain willfully blind to the truth, or to suffer ourselves to be deceived by our hopes and wishes. War can be averted by only two contingencies:—improbable but—one, that the French Government will present light on the views of the French Government;—will any one pretend that the opening Message of General Jackson can satisfy their peremptory demand? This avenue of peace we consider closed. The mediation of a friendly power may avert the threatened calamity—but it is that mediation to be brought about. If the measures advised by the President are carried into execution, France will declare war. This we consider inevitable. It is her policy—and with her policy we cannot flatter ourselves that any notions of strict justice—abstract right—will be superior to conflict."

STEAMBOAT DISASTERS.—The steamboat William Gibbons, from Charleston, for New-York, while coming up the lower bay on Wednesday morning, burst her boiler, by which accident a number of passengers were scalded. The information was communicated to the city by Telegraph.

The steam chimney collapsed and the steam rushing into the forward cabin, instantly deprived of life a passenger who was there at the time, Mr. Isaac Devere of N. York, and Mr. C. Duncan of Augusta Geo. who also a passenger, was with Mr. D. in the forward cabin, and was so much injured that he died soon after. In addition to these sufferers two of the Firemen, and Richard Toddy, 2d Engineer, also perished.

At Cincinnati, on the 9th inst, the steamboat Wyoming burst her boiler, by which accident one man was killed, two thrown overboard and drowned, two mortally scalded, and seven others badly scalded. The boat was nearly a wreck.

The produce of the Fisheries of the United States during the past year may be estimated as follows:—Sperm Whale Fishery, \$5,607,000—Right Whale do, \$1,850,000—Mackerel do, \$2,405,000—Codfishery, \$1,500,000—Other fisheries, \$500,000. Total \$11,362,000.

Dr. Xavier Sabert, the celebrated Fire King, died in New-York, recently, in a most awful manner. He was engaged in making some experiments in Chemistry with phosphoric ether, or Prussic acid, which exploded, and scattered his mortal frame into a thousand atoms.

UNITED STATES BANK.—A bill for the re-chartering of the U. States Bank with a capital of 28 millions, have been reported in the Pennsylvania Legislature.

TEXAS.—The New Orleans Bee publishes a more particular account than has been before received of the surrender of the town of St. Antonio on the 10th ult. The Texas troops under the command of Capt. Milan, entered the town on the 5th, but the enemy kept possession of the public square, by means of walls and ditches across the streets, which were also defended by artillery. On the 9th the assailants forced their way into the square, and drove the enemy across the river to the fort called Alamo. On the 10th the Mexicans capitulated, upwards of 1000 men to 300. The town was surrendered, with 24 pieces of brass artillery, 1900 rounds of powder and ball, with public stores of every description. The loss of the Texans was 3 killed and 30 wounded; that of the enemy was estimated at 60 to 150.

The New Orleans Bee of the 31st ult. says:—"It was rumored last evening in town that all the Americans and other foreigners found in Tampico, have been plundered and murdered."

The report that the Texans had taken San Antonio is confirmed. By this blow, 2000 stand of arms, 30 pieces of cannon, and a large amount of military stores, horses, camp equipments, &c. which cannot be worth less than \$500,000, have fallen into their hands.

The Texian armed schooner Liberty, five days from Velasco, arrived at New Orleans on the 31st inst, with the commissioners of the provincial government of Texas. Meetings have been held in various parts of the province to consider the propriety of an immediate declaration of independence, which will probably be resolved on.

PROVINCIAL LEGISLATURE.

From the "Legislative Reporter."

HOUSE OF ASSEMBLY—FREDERICKTOWN, Friday, January 29.

Mr. Brown moved the standing order of the house—strangers were excluded, and the House proceeded to the closed doors.

When our doors were re-admitted, the house was in a Committee of the whole, discussing that part of His Excellency's Message, which recommended the Legislature to make a provision for the travelling expenses of the Judges.

The floor was occupied by Mr. L. A. Wilmot, who spoke as follows:—"He had by his invitation for the Chief Justice, and also for the Judges of the Supreme Court, who were very popular in their situations, and who had given the highest and most general satisfaction throughout the Province since their promotion to the Bench. He brought in a Bill last year to make provision for their services, but it did not pass. The Judges (said Mr. W.) were at great expense in performing their Circuit duties; they carried law to every man's door; they administered justice, protected the community; preserved social order, and shall be said, that we will not make a general provision for them. The public are indebted to their services; and as it is admitted on all hands, that their services are indispensable; he hoped that they would be put upon a fair and independent footing. Something had been said with respect to their fees of office. It had been for a long time His (Mr. W.) opinion, that all fees should be abolished, and that the Judges should be considered this subject the more confirmed that opinion grew. They were now interested in suits of litigation, and he was anxious to see these fees abolished, because they in some measure clashed with the dignity of the Judges. Let the Judges receive no emolument from chamber fees, or any fees whatever; but let them be paid by the Province; and such a course would give elevation to their present dignity. Now Sir, (continued Mr. W.) it is useless to say any more on the subject. He was willing to take the imputation that he was favourable to the Judges. He had the honor of belonging to the profession, and he would always advocate their just claims. Our lives and our properties, (said the honorable gentleman) are in their hands, and it is the interest of every man that respectable provision should be made for them. He did not think that any man would cut an imputation on him as a lawyer, for his partiality to the Judges, but if any man would do so, he was willing to hear the odium. He repeated that he was partial to the Judges, and he hoped his partiality would last through life.

Mr. A. M. Woodward, who was informed by Lord Aberdeen that it was not necessary to negotiate any more upon this subject, until the Casual Revenue should be finally adjusted; but now, as there was another Colonial Secretary, he thought a negotiation might be successfully opened with him. He did not see why the Judges should deserve their salaries more than the Judges of the Supreme Court in the country, and if these Judges have in the discharge of their duty to travel to the distant parts of the Province to carry law to every man's door, it is not right that they should be inferior to the Judges of the Supreme Court. He very well (said Mr. W.) that benefit arises from their services, and what confusion would follow if the Judges should not hold their Circuit Courts. The Judges of the Common Pleas, with the best intentions, were not capable of doing the duties of the Supreme Court, and the Judges of the Supreme Court, and it was their general custom to keep the Courts of complex and difficult matters, and doubtful cases, until the Judges of the Supreme Court would arrive and explain any parts of law that were not of a plain and manifest construction. He was sure that the most respectable way to make a permanent provision, with respect to fees, he did not think for a moment that they would have any influence on the decision or character of the Judges; he had too high an opinion of their dignity to entertain such a thought. He was satisfied that a popular notion that they were interested in law suits, on account of fees, he would wish to see them abolished; but at the same time he would wish to make a provision for them, and that provision would be respectful and permanent, and paid out of the revenue of the Province. He hoped the House would not be so mean as to neglect making a provision to pay the travelling expenses of Judges.

Mr. Speaker said it appeared to him that this was a very proper time to discuss this very important subject. He was disposed to give them liberal salaries, but whether these salaries would be drawn from the ordinary revenue, or from sources over which the House had no control, was a question involved in difficulty. He thought a permanent provision could not be made for the Judges until some permanent provision would be made to the Home Government on the subject. He however thought they ought to receive their fees and salaries from the same source, which would be a more dignified way of providing for them than the present system. It appeared strange to him that after fifty years of legislation there was no permanent or established mode of regulating the salaries or travelling charges of Judges. The great and paramount question was, what would be a sufficient salary for Judges, independent of fees. He was satisfied that the Home Government would put the Casual Revenue under their control, if they would only proceed in a proper and constitutional manner to effect that desirable object. But he thought that if they were to make a provision for Judges out of the ordinary revenue, that such provision would influence His Majesty's Government to liberations respecting the surrender of the Casual Revenue. He did not see any reason at the present time to proceed to the proposition of making a permanent provision. It was necessary to make provision to His Majesty's Government, and then a very proper subject to take up would be the amount of salary to be given to Judges. He, for one, thought they ought to have liberal salaries. They had to undergo a very tedious and expensive course of education to qualify them for their high and arduous duties. The question, however, in order to strike at the root of the evil they ought to make application to the Home Government. There was now a good opening for a negotiation, and he doubted not but the question could be easily settled. With respect to the amount of salary, which would be sufficient for Judges, without any fees, he was not prepared to say, that was mere matter of opinion, but the Judges in Nova-Scotia had not such large salaries as those of New-Brunswick.

Mr. Slason thought it impolitic to make any permanent provision for Judges until the subject of the Casual Revenue was settled.

Mr. Street considered the subject as entitled to a very serious consideration. It appeared to him beyond the possibility of a doubt that Circuit Courts throughout the different parts of the Province ought to be established by a Legislative enactment, and that once done, would obviate many of the difficulties that were now existing. It therefore appeared to him very desirable that a Legislative enactment should determine and establish the Courts to be held by Supreme Judges in the country. The public were very materially benefited by these Courts, and when they were first instituted, they were not taken into consideration, in fixing the amount of salaries for Judges. But while he was anxious that the Judges should be paid for their services, he did not wish to see it done by annual votes. It would be more dignified and honorable, and in doing so he would abolish all fees. Some objected to a permanent grant, because the Casual Revenue question was not settled. He hoped they would one day have the Casual Revenue under their control; but if they were not to pay the Judges, such a course of dealing would inflict an injustice on the Judges. They—the Judges—have nothing to do with the question at issue between us and the Home Government, and by withholding their travelling charges, we are punishing them for doing what they are bound to do in whatever. I think (continued Mr. S.) we ought to make a permanent grant, and abolish all fees, and put them on a fair and independent footing. At present we are insulting them. He (Mr. S.) was opposed to everything but a permanent grant.

Mr. Speaker, who was in the Chair, said that the Judges ought to derive all their income from one source. He could see no good reason for their deriving three-fourths of it from one quarter, and one-fourth from another; however, he did not think, and he wished to be distinctly understood, that he was not in favor of a permanent grant, and if it could be shown that they were not large enough, their travelling expenses ought to be allowed them, because they could not perform long journeys without considerable expenses; but the circumstances under which the Casual Revenue was placed, left no room for a permanent grant to the House.

Mr. Chandler said, that it was admitted on all hands, that the Courts were necessary. It was admitted on all hands that the Judges ought to be paid their travelling expenses, and where there was the necessity for all this unpleasant discussion, it was better to have a permanent grant, and if we could not do that, we should not receive their salaries from two different sources; that the act making that regulation has been in operation ten years, and worked well; the objections advanced on that score lose their weight. We are told, that if we make a provision of a permanent grant for the Judges, out of the ordinary revenue, that such a step would be an obstacle to the adjustment of the Casual Revenue. What influence can our decision have on that subject?—If the Government think that Judges ought to be paid, they have no objection to it, and if we do not allow them their travelling expenses, it would not be in their power to hold Supreme Courts through the Province. He would therefore move a resolution to the following effect:—Resolved, that it is the opinion of this Committee, that the House do recommend the Judges, which recommended a provision for the Judges, should be referred to a select committee to report thereon, by bill or otherwise. This course (said Mr. C.) will show that the House is disposed to give the subject a fair consideration.

Mr. Partelow thought that part of His Excellency's Message, which recommended a provision for the Judges, was a subject of great importance, and if we do not allow them their travelling expenses, it would not be in their power to hold Supreme Courts through the Province. He felt that the Judges ought to be provided for, and if His Majesty's Government would not provide for them out of the funds under their control, in this Province, we (said Mr. P.) ought to take the matter into our own hands, and provide for them in such a manner, as would comport with their dignity. He thought it was right to negotiate with His Majesty's Government on the subject, but he was not prepared to support the resolution.

Mr. Brown would not pledge himself to make any provision for Judges. It appeared to him a very singular circumstance, that all the legal gentlemen in the House should be so unanimous on the subject, but he supposed they were best qualified to give their opinions on the matter. With respect to the respectability and impartiality of the Judges, he had no objection to say, but the question was, whether the salary they received was not sufficient to support their dignity. He was not very intimate with the splendour and opulence of high life, but he was certain, that the amount of salary received by the Judges, was not sufficient to support the dignity of a man in the Province, who held the office of His Excellency. Indeed he did not see what necessity any man had for more money than these gentlemen received for their services. If we look at the scale of salaries for last year, it appears to be £750 per annum, and the fees amounted to £250, which made all £1000. If they made a further provision, how was it to be paid—out of the ordinary revenue of the Province? He thought they ought to be paid out of one fund; and he thought also, that the salaries of Judges were first fixed, that ample provision was made for them, and that the Government, and that care had been taken to carry justice to every man's door. After all that has been said by hon. members to direct the question of its propriety and proper hearing, he could not see the propriety of making a permanent grant, until the subject of the Casual Revenue would be first settled.

It appeared to Mr. Johnston that they could not come to any proper conclusion, or make any permanent grant, until such time as an answer would have been received to their address of last year.

Mr. Street moved another resolution to the following effect:—Resolved, that it is the opinion of this Committee, that it is expedient to establish Courts by Legislative enactment throughout the different Counties of the Province. This resolution was carried by a majority of one or two.

Mr. Chandler thought it was quite ridiculous to introduce such a resolution, after having already so very freely given their opinion on the subject. Mr. Partelow explained away that idea by saying that there was no objection to the establishment of Courts, which was not the case. If he had opposed the resolution it was because he thought they were not called upon by the message to consider the subject of it at that time, which was his reason for moving a resolution in that course.

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He, for one, thought they ought to have liberal salaries. They had to undergo a very tedious and expensive course of education to qualify them for their high and arduous duties. The question, however, in order to strike at the root of the evil they ought to make application to the Home Government. There was now a good opening for a negotiation, and he doubted not but the question could be easily settled. With respect to the amount of salary, which would be sufficient for Judges, without any fees, he was not prepared to say, that was mere matter of opinion, but the Judges in Nova-Scotia had not such large salaries as those of New-Brunswick.

Mr. Slason thought it impolitic to make any permanent provision for Judges until the subject of the Casual Revenue was settled.

Mr. Street considered the subject as entitled to a very serious consideration. It appeared to him beyond the possibility of a doubt that Circuit Courts throughout the different parts of the Province ought to be established by a Legislative enactment, and that once done, would obviate many of the difficulties that were now existing. It therefore appeared to him very desirable that a Legislative enactment should determine and establish the Courts to be held by Supreme Judges in the country. The public were very materially benefited by these Courts, and when they were first instituted, they were not taken into consideration, in fixing the amount of salaries for Judges. But while he was anxious that the Judges should be paid for their services, he did not wish to see it done by annual votes. It would be more dignified and honorable, and in doing so he would abolish all fees. Some objected to a permanent grant, because the Casual Revenue question was not settled. He hoped they would one day have the Casual Revenue under their control; but if they were not to pay the Judges, such a course of dealing would inflict an injustice on the Judges. They—the Judges—have nothing to do with the question at issue between us and the Home Government, and by withholding their travelling charges, we are punishing them for doing what they are bound to do in whatever. I think (continued Mr. S.) we ought to make a permanent grant, and abolish all fees, and put them on a fair and independent footing. At present we are insulting them. He (Mr. S.) was opposed to everything but a permanent grant.

Mr. Speaker, who was in the Chair, said that the Judges ought to derive all their income from one source. He could see no good reason for their deriving three-fourths of it from one quarter, and one-fourth from another; however, he did not think, and he wished to be distinctly understood, that he was not in favor of a permanent grant, and if it could be shown that they were not large enough, their travelling expenses ought to be allowed them, because they could not perform long journeys without considerable expenses; but the circumstances under which the Casual Revenue was placed, left no room for a permanent grant to the House.

Mr. Chandler said, that it was admitted on all hands, that the Courts were necessary. It was admitted on all hands that the Judges ought to be paid their travelling expenses, and where there was the necessity for