

## SENATE....No. 25.

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### Commonwealth of Massachusetts.

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#### MEMORIAL.

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts :*

The undersigned, District Attorney for the southern district, respectfully represents,

That he has read with the highest satisfaction, which he does not doubt is shared by a large majority of the people of this Commonwealth, the following passage in the Inaugural Address recently delivered before your honorable bodies, by His Excellency Governor Briggs :

“The pay attached to all offices should be such as to secure competent men to fill them with ability and honor. He who, at their request, serves the public faithfully, has a right to a just compensation for his services. When appointed to the post, the officer should be held to a personal discharge of his trust. If the pay is too large, selfishness, stimulated by the lust of gain, will adroitly seize upon the place, to the exclusion of honesty, ability and fidelity. If it is too small, meritorious indigence will be shut out of public employment, and the wealthy only will fill the places of trust, or the reckless and unprincipled will gain them with the hope of making up the deficiency of pay by plundering the public.”

Believing that these just and patriotic sentiments indicate as well the purposes of the government as the wishes of the people, and that the Legislature can only require the facts of each particular case to be laid before it, in order to a right application of these principles to every office of trust and responsibility, the undersigned deems it his duty briefly and respectfully to state—

That when, by the acts of the last Legislature, the salary attached to the office he has the honor to hold, was reduced from one thousand to seven hundred dollars per annum, while, at the same time, the labors and responsibilities of the office were largely increased by the abolishment of the office of attorney general, no information, so far as he is aware, was sought for or communicated to the Legislature in relation to the nature or extent of the duties of the office.

If it is the purpose of the Legislature, in conformity with what the undersigned supposes to be the expectation of the people in the southern district, to consider, at the present session, the propriety and justice of restoring the salary attached to the office, he is prepared to furnish to any committee of the Legislature such detailed information upon the subject as may be required.

His present purpose will be accomplished by the simple statement that, during the past year, his official duty has required his attendance within the five counties constituting the district, at thirteen terms of the Court of Common Pleas, and four terms of the Supreme Judicial Court. He has also, in consequence of the illness of the district attorney for the middle district, attended, at his request, one term of the Court of Common Pleas in the county of Norfolk. Of these eighteen terms of court, fifteen have required his absence from home at an expense which very materially diminishes the amount of his compensation for the labors required of him.

Among the cases which, in the course of the year, he has been required to conduct for the Commonwealth, there have been five examinations of charges for capital offences,—in three of which no bills were returned by the grand jury, one of which resulted in an indictment for, and conviction of, manslaughter, and one in a capital conviction.

The number of cases which he has had upon his dockets at the several terms during the year, in which the Commonwealth was a party, amounted, in the whole, to *five hundred and twenty-three*.

The number of *acquittals*, by the verdicts of juries, *four*.

The number of cases submitted to juries, in which they have failed to agree upon a verdict, *two*.

The actual expenses incurred by him in his attendance upon the courts, have amounted to *two hundred and thirty-six* and  $\frac{51}{100}$  dollars—leaving, as the exact amount of his compensation for all his services, the sum of *four hundred and sixty-three*  $\frac{46}{100}$  dollars, or *eighty-eight cents and six mills* for each case in which it has been his official duty, at the several terms of court above stated, to represent the Commonwealth of Massachusetts as district attorney for the southern district.

The undersigned respectfully submits to the honorable Legislature, whether this is *such* a compensation as is contemplated by His Excellency the Governor, in the passage of his Address which he has had the honor to quote, or such as the people of this Commonwealth would desire to have paid to a public officer.

All which is respectfully submitted.

J. H. CLIFFORD,

*Dist. Att'y for the Southern District.*

*New Bedford, Jan. 20, 1844.*

