DOMESTIC.

☞We are authorised to state, that at the urgent solicitations of his friends from different parts of the district, Dr. T. H. HALL has been induced to forego his determination to withdraw from public service, and may therefore be considered a candidate to represent this district in the next Congress of the U. States.

☞We are authorised to announce JOSEPH R. LLOYD, Esq. as a candidate to represent this district in the next Congress of the U. States.

TO THE FREEMEN

Of the third Congressional District of North-Carolina, composed of the counties of Hyde, Tyrrel, Washington, Beaufort, Pitt, and Edgecombe.

FELLOW-CITIZENS:

At the close of the first Session of the last Congress, your late Representative gave public notice, that he wished the relation of Constituent and Representative, which then existed between you and him, to terminate with that Congress. On the fourth day of March last, by law, as well as by the request of the Representative, that relation did cease to exist. Since that time, your late Representative and myself, have become candidates to supply the vacancy thus created. We entertain different opinions on some of the leading political subjects, which now agitate the Country. It is my duty to state my opinions on these subjects:—

The General Government has for many years, nay, every Administration has, appropriated monies for fortifications, for the defence of the Country, and to afford the necessary facilities to Commerce, consistent with the Constitution. For these objects, large sums have been appropriated for the benefit of other States, while North-Carolina has received but a bare pittance; and our Congressional District, comparatively nothing. This has not proceeded from an oppressive partiality in the General Government, but because the claims of the District for appropriations have not been urged; nay, have actually been resisted. As this is the course which every Administration has adopted, we must presume that this is the settled policy of the Government. If, then, the money is thus *to be* appropriated, I am clearly of opinion, that North-Carolina should have her proportion expended on Constitutional objects.

All seem to admit, at this day, the expediency of Commercial improvements of a National Character; but some doubt the Constitutionality of appropriations for such objects. It is not contended, that there is a direct grant of power in so many words, in any distinct Article or Section of the Constitution; but, that this power is the necessary consequence of the power granted to Congress, to regulate Commerce. There is no express provision, that Congress may make appropriations for building light-houses, light-boats, buoys, &c. yet Congress has exercised this power, from the commencement of the Government, as being a necessary power to carry the power to regulate Commerce, into more complete operation. My opinion on this subject, corresponds with that expressed by our venerable President, in what is called his 'Veto Message;'—all objects for facilitating Commerce, which shall be of obvious importance, in a National point of view, I shall feel bound to support.

During the last Session of Congress, a bill was introduced to repeal the 25th section of the Judiciary Act, passed in the year 1789. On this subject, also, your late Representative and myself entertain different opinions. He voted for the Repeal of this section, as being unconstitutional and inexpedient. I am of opinion, that the Repeal of this section would place it in the power of any State, to nullify any Law of Congress, and would eventually be a repeal of the Union of the States. I cannot place this subject in a clearer point of view, than by giving you extracts from Mr. Buchanan's Report:—

The Constitution of the United States has conferred upon Congress certain enumerated powers: and expressly authorizes that body 'to make all laws which shall be necessary and proper for carrying these powers into execution.' In the construction of this instrument, it has become an axiom, the truth of which cannot be controverted, that 'the General Government, though limited as to its objects, is surpreme with respect to those objects.'

The Constitution has also conferred upon the President, 'by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur,' the power to make treaties.

By the second section of the 6th article of this instrument, it is declared in emphatic language, that 'this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, should be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.'

The Constitution having conferred upon Congress the power of legislation over certain objects, and upon the President and Senate the power of making treaties with foreign nations, the next question which naturally presented itself to those who framed it was, in what manner it would be most proper that the Constitution itself, and the law and the treaties made under its authority, should be carried into execution. They have decided this question in the following strong and comprehensive language: 'The judicial power shall extend *to all cases*, in law and equity, arising under this Constitution, the laws of these United States, and treaties made, or which shall be made under their authority.'—Article 3, Sec. 2. This provision is the only one which could have been made in consistency with the character of the Government established by the Constitution. It would have been a strange anomaly had that instrument established a judiciary whose powers did not embrace all the laws and all the treaties made under its authorities. The symmetry of the system would thus have been destroyed; and, in many cases, Congress would have had to depend exclusively for the execution of their own laws upon the judiciary of the States. This principle would have been at war with the spirit which pervades the whole Constitution. It was clearly the intention of its framers to create a Government which should have the power of construing and executing its own laws, without any obstruction from State authority. Accordingly, we find that the judicial power of the United States extends, in express terms, *'to all cases,'* in law and in equity, arising under the Constitution, the laws, and the treaties of the United States. This general language comprehends precisely what it ought to comprehend.

If the judicial power of the United States does not extend to *all cases* arising under the Constitution, the laws, and treaties of the Union, how could this power be brought to embrace such cases without a law of Congress investing the Supreme Court with original and appellate jurisdiction where the Constitution gives it?

It was the *imperious duty* of Congress to make such a law, and it is equally its duty to continue it: indeed, without it, the judicial power of the United States is limited and restricted to such cases only as arise in the federal courts, and is never brought to bear upon numerous cases, evidently within its range.

When Congress, in the year 1789, legislated upon this subject, they knew that the State courts would often be called upon, in the trial of causes to give a construction to the Constitution, the treaties and laws of the United States. What then was to be done? If the decisions of the State courts should be final, the Constitution and laws of the Union might be construed to mean one thing in one State, and another thing in another State.

All uniformity in their construction would thus be destroyed. Besides, we might, if this were the case, get into serious conflicts with foreign nations, as a treaty might receive one construction in Pennsylvania, another in Virginia, and a third in New-York. Some common and uniform standard of construction was absolutely necessary.

To remedy these and other inconveniences, the first Congress of the United States, composed, in a considerable proportion, of the framers of the Constitution, passed the 25th section of the judicial act of the 24th September, 1789.

'Sec. 25. *And be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of such their validity; or where is drawn in question the construction of any clause of the Constitution, or of a treaty or statute of, or commission held under, the United States, and the decision is against the title, right, privilege; or exemption, specially set up or claimed by either party under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and reversed or affirmed in the Supreme Court of the United States, upon a writ of error, the citation being signed by the chief justice, or judge, or chancellor, of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner, and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court; and the proceeding upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision, as before provided, may, at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same and award execution. But no other error shall be assigned or regarded as a ground of reversal, in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the beforementioned questions of validity, or construction of the said Constitution, treaties, statutes, commissions, or authorities in dispute.'

This section embraces three classes of cases. The first, those in which a State court should decide a law or treaty of the United States to be void, either because it violated the Constitution of the United States or for any other reason. Ought there not in such cases to be an appeal to the Supreme Court of the United States? Without such an appeal, the General Government might be obliged to behold its own laws, and its solemn treaties, annulled by the judiciary of every State in the Union, without the power of redress.

The second class of cases is of a different character. It embraces those cases in which the validity of State laws is contested, upon the principle that they violate the Constitution, the laws, or treaties of the United States, and have therefore, been enacted in opposition to the authority of the 'supreme law of the land.' Cases of this description have been of frequent occurrence. It has often been drawn into question before the courts, whether State laws did or did not violate the Constitution of the United States. Is it not then essential to the preservation of the General Government that the Supreme Court of the United States should possess the powers of reviewing the judgments of State courts in all cases wherein they have established the validity of a State law, in opposition to the Constitution and laws of the United States?

The third class differs essentially from the two first. In the cases embraced by it, neither the validity of acts of Congress, nor of treaties, nor of State laws, is called in question. This clause of the 25th section merely confers upon the Supreme Court, the appellate jurisdiction of construing the Constitution, laws, and treaties of the United States, when their protection has been invoked by parties to suits before the State courts, and has been denied by their decision. Without the exercise of this power, in cases originating in the State courts, the Constitution, laws, and treaties of the United States would be left to be finally construed and executed by a judicial power over which Congress has no control.

This section does not interfere, either directly or indirectly, with the independence of the State courts, in finally deciding all cases arising exclusively under their own Constitution and laws. It leaves them in the enjoyment of every power which they possessed before the adoption of the Federal Constitution. It merely declares, that, as that Constitution established a new form of government, and consequently gave to the State courts power of construing, in certain cases, the Constitution, the laws, and the treaties of the United States, the Supreme Court of the United States should, to this limited extent, but not beyond it, possess the power of reviewing their judgments. The section itself declares that 'no other error shall be assigned or regarded as a ground of reversal, in any such case as aforesaid, than such as appears on the face of the record, *and immediately respects the beforementioned question of validity or construction of the said Constitution, treaties, statutes, commissions, or authorities in dispute.*'

Another reason for preserving this section is, that, without it, there would be no uniformity in the construction and administration of the Constitution, laws, and treaties of the United States. If the courts of twenty-four distinct, sovereign States, each possess the power, in the last resort, of deciding upon the Constitution and laws of the United States, their construction may be different in every State of the Union. That act of Congress which conforms to the Constitution of the United States, and is valid, in the opinion of the Supreme Court of Georgia, may be a direct violation of the provisions of that instrument, and be void, in the judgment of the Supreme Court of South-Carolina. A State law in Virginia might in this manner be declared constitutional, whilst the same law, if passed by the Legislature of Pennsylvania, would be void. Nay, what would be still more absurd, a law or treaty of the United States with a foreign nation, admitted to be constitutionally made, might secure rights to the citizens of one State, which would be denied to those of another. Although the same Constitution and laws govern the Union, yet the rights acquired under them would vary with every degree of latitude. Surely the framers of the Constitution would have left their work incomplete, had they established no common tribunal to decide its own construction, and that of the laws and treaties made under its authority. They are not liable to this charge, because they have given express power to the judiciary of the Union over 'all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.'

The first Congress of the United States have, to a considerable extent, carried this power into execution by the passage of the judicial act; and it contains no provision more important than the 25th section.

This section ought not to be repealed, because, in the opinion of the minority of the Committee on the Judiciary, its repeal would seriously endanger the existence of the Union. The chief evil which existed under the old confederation, and which gave birth to the present Constitution, was, that the General Government could not act directly upon the people, but only by requisition upon sovereign States. The consequence was, that the States either obeyed or disobeyed these requisitions, as they thought proper. The present Constitution was intended to enable the Government of the United States to act immediately upon the people of the States, and to carry its own laws into full execution, by virtue of its own authority. If this section were repealed, the General Government would be deprived of the power, by means of its own judiciary, to give effect either to the Constitution which called it into existence, or to the laws and treaties made under its authority. It would be compelled to submit, in many important cases, to the decisions of State courts, and thus the very evil which the present Constitution was intended to prevent would be entailed upon the people. The judiciary of the States might refuse to carry into effect the laws of the United States; and without that appeal to the Supreme Court which the 25th section authorizes, these laws would thus be entirely annulled, and could not be executed without a resort to force.

This position may be illustrated by a few striking examples. Suppose the Legislature of one of the States, believing the tariff laws to be unconstitutional, should determine that they ought not to be executed within its limits. They accordingly pass a law imposing the severest penalties upon the collector and other custom-house officers of the United States within their territory, if they should collect the duties on the importation of foreign merchandize. The collector proceeds to discharge the duties of his office under the laws of the United States, and he is condemned and punished before a State court, for violating this State law. Repeal this section, and the decision of the State court would be final and conclusive, and any State could thus nullify an act of Congress which she deemed to be unconstitutional.

The Executive of one of the States, in a message to the legislature, has declared it to be his opinion, that the land belonging to the United States within her territory is now the property of the State, by virtue of her sovereign authority. Should the legislature be of the same opinion, and pass a law for the punishment of the land officers of the United States who should sell any of the public lands within her limits, this transfer of property might be virtually accomplished by the repeal of the 25th section of the judicial act. Our land offices might then be severely punished, and thus prohibited by the courts of the State from performing their duty under the laws of the Union, without the possibility of redress in any constitutional or legal form. In this manner, the title of the United States to a vast domain, which has cost the nation many millions, and which justly belongs to the people of the several States, would be defeated or greatly impaired.

In all such cases, redress can now be peacefully obtained in the ordinary administration of justice. A writ of error issues from the Supreme Court, which finally decides the question whether the act of Congress was constitutional or not; and if they determined in the affirmative, the judgment of the State court is reversed. The laws are thus substituted *instead* of arms, and the States kept within their proper orbits by the judicial authority. But if no such appeal existed, then, upon the occurrence of cases of this character, the General Government would be compelled to determine whether the Union should be dissolved, or whether there should be a recurrence to force—an awful alternative, which we trust may never be presented. We will not attempt further to pourtray the evils which might result from the abandonment of the present judicial system. They strike every reflecting mind.

To illustrate fully in what manner this subject was viewed by Congress, it is only necessary to state, that 137 were in favour of retaining the 25th section, and only 51 for its repeal.

To those who are not acquainted with my political course, it may be necessary to state, that I have been an undeviating Republican.—To my acquaintances, such a declaration would be unnecessary.

Should I obtain a majority of your suffrages, my time, talents, and exertions, shall be put in requisition, to advance your best interests, to solicit appropriations for the improvement of our Commerce, and to preserve the Union of the States.

Very Respectfully,

Your Ob't. Serv't.,

J. R. LLOYD.

April 23d, 1831.

☞The Virginia and N. Carolina Transportation Company have formed a compact with the proprietors of the other line, by which their operations will be conducted with much greater certainty and despatch than heretofore. The steam boat Lady of the Lake, will now be employed exclusively in towing