| RALKIGH, (N. C.) <br> prastip, WEEKit, by A. Leoss. <br>  ger then three monthas fieter $a$ yearo subaceriptien be <br>  trice for one doplar; for twenty-five ticen where here greater number of inines than fourteen.- -The esh acconapuniy those from persons animith <br>  $\qquad$ |
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## LAW INTELLIGENCE.

## gnom rae oalzans GAzet faw DECISR10N

 of Livingston and Filton, vs.
onwe $l$, Corge Shiras ond others Cromwe , George Shiras ond others
Last weet an inulental point was ruled series of eases, which have excited maget ind
lerest, end inyolved a question supposed, and terest, and involved a question supposed, and
we believe justly, ot be of great importanee
to the eonsureree of the states and serritories Withe west, to the uavigation of the Mississip
pi aud ist ributary strepums. We have been ar Judge Hall. detivered in gne of the case
 sketech of such proeeedings in relat
oubject as we areaequainted with.
Cerritory of Orleans, granted to Messrs. R bit R. Livionstons, and Robert FFolson, thei
heirs, \&e. "the sole and exelusive tigh privilege to build, make, ase, employg and ua
vigate all and every kind or speeies of beat vessels or water craft, which mayy be urged fire orstenus, in all ereeks, waters, ge. with
duriog the full term of eighteen years frou and dfier the ist day of Junuary than hext- en-
wiug." To this grant eertain condtions were umply, vith: and it was provided alequired th 5 properly authorised by the said Livings. nako use, employ or navigate any boat or wald


 Livipstion and Fulton. all suth boats or yyate
craft logether with he teamm engine and all ap .
 steam-boats on the Mississimpi, which they,
have coutinued successfully ever sinee-bunt not without tivals, or free Prom intercuption or
:anterference in the enjoymeat of the exclusive privilege, whifeh they derived fran the territo
ry of Orleaus, and which they now hold under after the time wien MPssrs. Livingstun and Follon eommeneed their operations, several
steam-boats were built upoa the western waters; and in the neeessary eourse of trade found
their way to New. Ileans there they werro
denouneed as intrudera ty those interexted iut
 grangers of the west answered in the tone of
defiainese, and mmediately the artillery of the
tor tive combutants. For some time the eopentes:
was earried on in the side in ous sucesss; from thence it mas recently re
moved to the United Staies couri, where the Jefendants in the present uction, witiore severa others, were prosented for the penatiess aceru
ing under the privilege, and ordersd to be beld
it were confined in prison.
It was moved to fo find security It was moved that the bail should be releass
od in the eases in whieb i: had been tiven, and that tuich of te. defendants as were is prison,
should be diseharede As the points taken
parties are examined by the Judge, it is is une
cessary to detail their arguments at leagth.
The ease on the part of the defendants. opened by Mr. Diek, who contended that the
court had no jurisdiction. 1. Because neither of
of the state in which the suit is ties brounguit : Plainitifs deelaring as citizens of New- $\begin{aligned} & \text { York, } \\ & \text { and the defendants being }\end{aligned}$ and the defendants being desiguated as eitizens
of Kentueky.
That this poin depended oa the conctitution
and laws of the United States-the limits thr judieial authority which they may ordain
and establi and establish are designated in the 2 d sec. of
the 3 d art. of the eonstitution triet and circuit counts owe the But as the dis-
 limited the judieial aet must be sought in thus to determine its extent, end aseertain its boundaries. By the 11 thi beetion of that aet the eit-
evit conrio have euit courto have origiol cognazance of civil
suits in three eases only. 1 ts. Where
 tween entitizad on the estate where the suit
brought, avd a eitize brought, aud a cilizen of another state.
support of the
 zable by its catarto
Mx. Duneap at the same side.
On the part of the plaintiff,
and Mr. Winston contepded :-courts of the Uvited $\mathcal{S}$ tates, was. derived imme diately fram the constitution, and that eengre That by the aponstitution it wase it the judieial powers of the United States, shall ex jend to controversies to hetween citizens of arnerent states," and the
stood in these relations.
2. That the right aseruing to the plaintifis
Hader the state net Was a eivit kights remedi rader the ate net waw a eivit kight, reatedia
in ang cart having juriadictios between che Parties.
After important questions raised at the bar, Judg Hall pronounced the following
DECSION:
This is a motion to discharge the bsil ordered on this case on the ground of want of juris-
diction and for other cases. If it shall appear in the course of the examination of the subject
that the court has no jurisdietion, I shall dis that the court
miss the suit.
It is contended, that the 11th see. of the jut iiciary aet gives this court cognizance of ew-
ses between citizens of the different states, oz $l y$ there the suit is between a eitizen of tie state where the suit is brought. and a citizas
of another state- - the plaintiffs aud defendands are citizens of two different states, but neithar are cilizens of the state ; it is therefore con
eluded that this action cannot be maintained. In answer to this, it is said, frst, that in the
same see. it is deelared, " that no eivil suit same see. it is declared, "that no eivil suit
shall be brought before either of the said courts against an inhabitant of the United States in inlabitant, or in whieh he may be foand at th time of serving the writ ;' from whieh it is in
ferred that any inhabitnat of the United States
may bo surd wherever he is suid suecondly, that the Constitution of the United States having deelared that "t the judi eial power shall extend to controversies be
tween eitizens of different states,") enog-es
had no right to restrain or himit the jurisdic had no right to restrain or hmit the jurrsdic-
tion, and this court may exereise all the judi-
 of the judges of the United States, ever sine the furmation of the constitution and judicial
aws, that excepting a few eases of original j irisdietion, given the supreme court ty the con-
stitution, the disposal of the jucticial power bolongs to Congress. This is the languago ut
fudges Elswortu and Chase :a 4 th Dallas. If Congress has given the power to this court bas not given the power to this court, or to any
other eourt, it still remaias at the legishatiye disposat.' "Besides, congress is not bound,
nud it would perhaps be inexpedient to enlarg subjeet which the constitution night warrant. Wudnout this construction, I do not see how the
julicial power of the United States conld be puwer to establish tribupals inforior to the Su preme court, aud the judieial power is vested
in the supreme court, and in snch inferior courts as congress nay from time to time ordain anc
establish; but the whole judicial power is no estabhsh; but the whole judicial power is no
given to eaci eourt; portions of that power ar
to be distributed to the different tribunals tha may be establisfied-to parcel out the power is the duty of congress, and the particular ju
risdiction, so distributed to the partienla eoart, is the only one that can be expected by it. Congress has performed this duty as fa In the case of Bolman, it is stated by the chief
justice, that it is ineumbent on the counsel, in rder to maintain their motion, to prove that
re issuing of the writ of habeas corpus is et wisuing of the powers of the sapreme court in
net ts originaljur posiewers of ; that sup iseme the power di-
ectly given to it Dy the eonstitution-or that in its appellate capacity, the power is expressly
given by the laws of enongress. Now is oi pretended that this jurisdietion is exprcssly
nen to the circuit courts exclusisely, by the constitution, it wopld appear from ther reason-
ing of the chief justiec, that it is ineumbent on he plaintiff to shew that it is given by some t, the chicf justice in reasoning on the ques-
ion of jurisdietion in the Orleans district evirt, mentions some of the cases in which the eireuit
courts of the United States have jurisdietion, and of what eases the circuit court of Orleans on the be deprived, if the restrietedeonstruetion ietiou, should prevail. The eircuit courts of the United States have eognizance of cases were an atien is a party, or the suit is be-
ween a citizen of a state whers the suit i rought and a eitizenof another state; the judge, arisdiction of a suit brought by or againgt a itizen of one state against the citizen of another state because neither party would be citizen of the state in which the eourt set."
Bat this would not follow aecording tor the reaesseutial, they plaintiff's counsel, it nut bei a citizen of the: state, where the count

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$\qquad$ on gislation-on goverimment-on theriaghis
of maskiad, are still debated with : same
 first moment they were propoutded,
To miske ail appheation of these mark3, and to thetr illustration, we.
uotige the obstinacy with which in both Europe and Aneriea, still eling ". the
 couses the present ministry of Great Britain, of
making such opinions or teats. the basio ui thi making such opinions or tents, the basis u: their
cemmerecisl policy; and they have been ronght
ia as, arimifaries by one elass of olir nolitica! riters in that warfare of the pea th. y have
soane time sinee waged, on the policy of forcing our masufactures. A balance of i rade. reatiz
ed in the precious vela!s, is sound doctrine wit thege liberat oconomists, and which they have
dragged from the oluscurity in whieh it had slept for a considerable time, is enlighten ail
elasses of our cumanaiy. on the neans of proThe Southern Plater must feel himself exessivety consolecu, when he is told by thi, elas
of writers, after having been restrieted in market for his produce, and sold it for much less
han its actual worth, aed when he is obaiged to pay. perbaps, twice the value of the fabrics with
which he clothes himself and houschold all this is for the benefit of a balance of trade; okeep-our cash at home, and ultimately to dra promoting the independence of his country, hits he is, in faet, fostering the interests of a rw lange capitalists, wher having found, du-
ring the war, manufacturing, a profitable investment of eapital, are edesirous a to keepep up their
establishments, by persuading all patriotic citizena, to take their artielesat monopoly pri-
In the same manner, za douht, the merchant
of British eapital, und by which the eountry has
been largely benefited, to partieipste in pro been largely benefited, to partieipate in pro-
moting the interest of the manufacturera: moting the interest of the manuiacturera: hat
he is also assistios the independesce of hif
country, if he vill help to elose those profitable country, if he will help to elose those prof tahle
ebannels of fareign commerce, ty whieh our channels of fareign commeree, ty whieh our rocure artieles wh, eh superior aliti and eapi-
al ean afford at a low rate. In faet, to sell tal ean afford at a low rate. In faet, to sell
dear, and to purchase cheap, is ruinous commercial policy with a certain class of statesmes,
and one which calls for legislative interferesee. and one which calls for legisiative interferenee.
We hope, and expect, that Congress will not e hurried, ky the clamors of interested perwill prove especially yinjurious to the great staple of the souithery States. What was known to be a hazardous speculation, fostered by tem-
porary circumstuactes into unnatura''matarity,
 agriculuimi, asd probebty fócontinte so for But the greatest fallacy in the argumeat on his subjeck eongists in this--that manufactures surdities, that of sopposing a nation or legisiate in order to promote commercial independence in a commereitl era, is the greatest. It is a miserable sophism, founded on the misappliea-
ion of a term. We are as ford of Independence, a political vies, as any of of Independence, vishly abuso fie woru. But what sober politi-
cian, what fricud to tuman imworovemeut could wish for sueh a result, (if feasible.) as that of insulating nations from each other, cutting off that benefieest intercourse by which they are bumanized, aid their prejudices weakened-by
which arts, inventions and scienee, become the common property of all ; and some politieal sympathy, at liast, is establisbed between the
most distant parits of the world.-There faet, been maryellous magic in this word independence, and it is yet expected to work more than eomman wonders, by being adroitly play-
ed off in subservievice to privare inferest. It is ed off in subservietce to privare interest. It is
the shibboleth of the party employing it-but
竍 vermit them, we hope, to sacrifice the rerma ent interests of the commonwealit, to view
-- -
Cobbett.-In Ehe Fayetteville American of he 22 d iustant, kre some remarks on a few ob rvations made hy us coucerning Viiliam Cob he subjet. Trat explanalury is desired on sumbeet. thad amerrean referred the efficrvesezee of feeling expressed by us would not have been considered sudden or unexpeeted
At the time Cubbett proposed to pablish his Re. gister in Americe, we nade a full statement of we did sot run with the current in his favor, be anse we doubred hisialegrity. The Ameriean pritueiples of Lert Casilfreagh," eould have indebeed us to "fiyht his lordship's battles;" for pinion of ate British government, and the British ministers. But bow ean ocr disapprobation tion with the Betifish Stars acd a partersf ? P? Must we forever jumble the politics of foreign nations bighest approbation for Lue entertuin the Whice 19 nut admitted) dow is this eircumsibly l. ve with opivionis of the political chare phaud a scouncre! because he atosed a peisonal eneay; aud why should se approve of Cob-
hett becuse he blackgards lord Castiereagh
 rery sutstarst. 1 oures, why we should entire-
y detest add desp ise him. Wien he formerly esided in Anerica, he was the avowed enemy of our constitution, laws and government-the
slarderer of our ilfusitious $\mathbf{J}$ tfirson, and maiy other worthits, who had been conspicuous in establishing nur independence, and preserv-
ing unsullid tye ancrd purty of ov: lows.
His remarks were "defieient in decency and iruth 3 " his latguege infenously forl aud un. naunerly, und his general deportment such as
draw upon himin the just abho renec of the Aner ican jeople. But it is said he bas made amends -that he is now the frient of America. Are
we to take the fulsume flattery, which he has havisied on our country for a few years past, as a pledge of hic friendship r No-at least we whious. to essap the perception of any man
who will reflect on the movements of himself ad fiawily. A man who can foresee events, so well as hie profssses to, and for wher his long
experience hats unquestionably quatified hion would foresee the veeessiya of providing for hot
sons, his nepherys, and tis cousins. He won knew that his treasonable writings would event ually compel him to fy to his country, and that no country opened so fair a prospect of aggrand-
izing his family as the United States -But the emper of the publie mind in America, so eviears flattery and praise. He felt the pulse of he people, and it beit in unison with his wish-
s. The New. York Register obtained extensive patronage ; and the timie his come for put
ing into-full ubt, been meditited for years.

