

throw it away themselves. They can do it fully as well as Congress—at least they would have the pleasure of spending it themselves, either in amusements, improving their farms, or educating their children.

Some reading, a good deal of thinking, and not a little observation, have taught me that Legislatures never manage the private concerns of the people as well as they can themselves. Ruin has always come of their so doing. In addition to the opinion of the Supreme Court, going to shew that the power to regulate commerce is exclusively vested in Congress, Justice Johnston also in the same case, giving his separate opinion says, in so many words that this power is *exclusive*. The State authorities cannot legislate in relation to commerce with foreign nations, among the States, and with the Indian tribes; this forms one whole subject, and is according to these high authorities, vested by the Constitution *exclusively* in Congress. Is there any one who doubts the right of the State Legislatures, so far as legislation is necessary to making internal improvement within the State, to do it? And if so, does it not follow from the nature of the powers of the general government, that Congress cannot? The thing is self-evident. The Chief Justice, speaking of inspection laws, says:

"They form a portion of that immense mass of legislation, which embraces *every thing* within the territory of a State not surrendered to the general government; all which can be most advantageously executed by the States themselves. Inspection laws, quarantine laws, as well as laws for *regulating* the *internal commerce* of a State."

Now let me ask, are not all the rivers, bays, and harbors, within the State included within the limits of the State? And according to the Chief Justice, is not the legislation over them a part of that immense mass of legislation which he says embraces *every thing* within the State not surrendered to the general government? Have all our public highways, have any of them, been surrendered to the general government? Have even New-Head and the Swash? and if not, by what authority let me ask, does Congress interfere with the rights of the States, with the rights and property of the people of North-Carolina, without any sort of justification—against the Constitution of the United States, and against the express claim of the people of North-Carolina, in their Declaration of Rights, which is a part of the Constitution of the State, reserving this very right and power to themselves? The words of this Declaration are:

"That the people of this State ought to have the *sole and exclusive* right of regulating the *internal government* and police thereof."

I ask, will the people aid and assist in the invasion and overthrow of their own rights? Will they surrender their rights of internal government for a few paltry dollars? which, after all, will be either thrown away or given to those who have to manage hopeless works—works, many of which, from the nature of things, by the eternal rushing and battling of many waters, must fail and be confounded. Who that has taken the trouble to examine into the causes of the occlusion of the mouths of our rivers, and outlets, cannot perceive the hopelessness of such experiments as we are trying. Contemplate but for a moment the warrings of nature and the elements, along our coast, and then ask Congress to outdo the workings of the Gulph Stream and two mighty seas—the external ocean and the Sounds. According to geographers, the Gulph Stream which approaches near our coast, is the primary cause of the shoals and obstructions which, stopping the free outlet of our waters, formed the Sounds. The conflict between the external ocean and these, no doubt formed that long strip of land, principally sand, through which the water must occasionally pass—forcing open one place and shutting up another, so that every storm produces changes no human means could prevent. But suppose the Nags-Head project succeeds. Is it mere fancy to say, in that event that ruin and devastation in a considerable part of Tyrrel and Hyde counties will be the consequence? If the plan now in contemplation should succeed, it can only do so by damming up the water of Albemarle, as the friends of the measure say, to turn it through old Roanoke Inlet, which, if I am rightly informed has no water on it. If this scheme is effectual, is it not a matter of course that the ruin of a part of two counties must be the natural consequence? Not only so, do not all those interested in the navigation of the waters of Tar river, Pamlico river, Pamlico sound, and all its tributaries, see that they will sustain a great injury, by losing the aid of all that water going over the Swash where there is already too little? Look at the map of North-Carolina, which shews the relations of the two Sounds. It will be seen that all that supply of water, to be stopped or turned out of its course, goes into Pamlico and through its outlets to the ocean. Are those interested disposed to be deprived of this advantage? I appeal also to my fellow citizens of Tyrrel and Washington to say, whether they will persevere in a plan of so doubtful a character as to success, and one so certainly ruinous if successful? If it should not succeed, the money will be thrown away; if it does succeed, it is purchasing ruin at a great price. This subject completely illustrates the whole system of internal improvement, which is a system of iniquity, a game of robbing Peter to pay Paul—to ruin somebody else. I have before said something about the insufficiency of first estimates to finish works of this sort. I could give many instances, I will give one—the celebrated Cumberland road. If rightly informed, it was supposed that comparatively a small amount, I think one hundred and fifty thousand dollars would answer. It has cost nearly three millions, say twenty-seven or eight hundred thousand dollars, and I have no doubt more will be asked for next, as there was last session of Congress.

I have but a word or two more in connexion with this subject. In modern times there is but one sort of tyranny in government. It is the same in all governments, no matter what they may be called. It is taking from the people under one pretence or other as they are always told for their good—for the *general welfare*—the proceeds of their labor, leaving them at length in the condition of the people of the British empire and all the people of Europe, (the actual producing classes,) the least portion of the profits of their own labor. The immediate means employed is *taxation, taxation*, either directly or indirectly, imposed upon the people for purposes which only make the rich richer and the poor poorer. What are the people of Europe at this moment struggling for? Is it not to throw off a load which has been put upon them by this very process? Then let me ask the people, after the public debt is paid, which must be very shortly, will they still insist upon having fourteen or fifteen millions of taxes collected from them to be squandered in idle profusion? Take off this amount of the shackles upon commerce, will it not revive? will not that again I say give new life to agriculture, to every thing in which the people are interested?

I fear that this communication will be much too long if the Judicial question is included. I will only remark, that the act called the Judicial act is one of great length, containing a variety of matter in regard to the Federal Courts, and their jurisdiction, which last is settled by the Constitution itself. Congress has only to organize the tribunals, establish their form of proceeding, &c. Congress has no right to alter the distribution of judicial power made by the Constitution. This, however, is what has been done in other parts of this act besides the 25th section. It has been done in several others as well as that and the 13th section, a part of which the Supreme Court has decided to be unconstitutional, because Congress *has altered that* distribution made by the Constitution. The Court in giving its opinion in the case alluded to, says:

"The authority, therefore, given to the Supreme Court, by the act establishing the Judicial courts of the United States, to issue writs of *mandamus* to public officers, appears not to be warranted by the Constitution."

This case is one of great notoriety. If repealing a single section of this very same act of Congress, a part of which is here shewn to violate the Constitution, can repeal the Constitution, is not Congress greater than the Constitution, and the people? The Constitution is the fundamental law of the land enacted by the people in their primary sovereignty. I say no other power can repeal or alter it, without infringing that sovereignty of which as one of the people I claim my portion. Is Congress like the British Parliament omnipotent? Can it "change and make

afresh the Constitution?" Yet the doctrine advanced in Buchanan's Report comes to that, and is in effect the same with the old British tory doctrine, the *High Church and State* party doctrine, that "the King can do no wrong—Parliament is omnipotent—it can alter and make afresh the Constitution." If Congress can repeal, alter, and make afresh the Constitution which the people have made, and, as they think, no other power has the right to alter, is not Congress too, omnipotent? Can the general government do any wrong? But for the present I must stop, because the subject would extend this communication beyond any reasonable length. It will be taken up again.

Let me repeat, the general and State governments ought to be kept separate and distinct from each other, in all their departments, legislative, judicial, and executive. Unless this principle is enforced, confusion and disorder must be the consequence. Neither has a right to control the other. If they have in one department, they have in all, and this is consolidation. A State Legislature cannot of right affect a law of Congress. Congress has no right to affect or alter the laws of a State. An act of either, inconsistent with the Constitution is of itself void. Consolidation and dismemberment must equally destroy the Constitution and the Union. Destroy one—you destroy both. They are the same—we have no other Union than the Constitution, which let us preserve forever, as the ark of our political safety.

T. H. HALL.

Tarborough, May 12, 1831.



TARBOROUGH.

TUESDAY, MAY 17, 1831.

*No Foreign News.*—Our latest advices from Europe are to the 1st April, nearly seven weeks past. The next arrival is looked for with considerable anxiety.

*The New Cabinet.*—The following article from the New-York Courier and Enquirer of the 8th inst. contains the latest intelligence we have relative to the new Cabinet:

*The Cabinet.*—We learn from Washington that Mr. Livingston and Mr. Woodbury have accepted the places in the cabinet heretofore offered them. Mr. White was written to on the 8th, but his decision has not yet been received, although there is no doubt of his acceptance. Mr. McLane's acceptance is equally certain. No change has yet been made in the Office of Attorney General. Mr. Livingston left this on Tuesday, to enter upon the duties of Secretary of State.

*Gov. Branch.*—The following letter from the Hon. John Branch, late Secretary of the Navy, to a gentleman in this city, has been handed to us for publication.—*Raleigh Star.*

Washington City, May 3, 1831.

MY DEAR SIR:—You have no doubt, before this, seen in the papers accounts of the resignations of the Secretary of State and the Secretary at War, and the dismissal of the other members of the Cabinet.

The letters of the two former, addressed to the President of the U. States, present their reasons; and the motives for the dismissal of the others are assigned in the answer of the President to the Secretary of the Treasury and myself. In these the President admits that the dismissed officers have faithfully discharged their respective duties. But intimates that the want of harmony in the Cabinet, and the protection of two retiring Secretaries "from unjust misconceptions and malignant misrepresentations," made it necessary the

others should go on also.

So far as regards the members of the Cabinet, his measure is comparatively of little moment. It is, however, a matter of deep concern as affecting the character of the Government. In this point of view the American people have a right to know the whole truth; from whence the alleged discord originated, by whom and for what purpose, it has been fostered; and in what respect and wherefore it has been connected with the public administration of the affairs of the Nation. The President is bound to make these explanations to the people.

If it were intended to be intimated that I am responsible for the want of harmony in the Cabinet, the charge is unjust. I deny that I pursued a course that invited hostility. On the contrary, I went as far as a man of honor could go in endeavoring to promote a good understanding and cordial official co-operation with all the members of the Cabinet. But it seems I was expected to go still farther, and not doing so, it has been held good cause for my dismissal. If it is asked, why I did not abandon the Cabinet and expose to the world the malign influences by which it was embarrassed? I would reply, that I constantly looked forward to a favorable change. That especially I relied for this upon the wisdom, firmness and justice of the Chief Magistrate. I have been disappointed. I have had the deep mortification to see him gradually discarding from his counsels and friendship his old and long tried supporters, and throwing himself into the arms of persons whose cold hearted selfishness and artifices were played off upon him for *true and faithful* service.

Rest assured, however, that whatever may be the public judgment as to the merits of this question, no consideration arising from personal feeling will induce me to take a course which I should not believe calculated to maintain the character and promote the interest of the State which gave me birth.

Business of importance, especially as enabling me to settle down permanently in North Carolina, will probably require my presence in Tennessee, where I may be detained until August next. On my return to my family, I hope to meet you, when I shall be highly gratified to renew that social and friendly intercourse, which heretofore, so much to my satisfaction, has subsisted between us.

In the mean time, I beg you to receive assurances of great respect and esteem.

JOHN BRANCH.

*Respite.*—A free boy of colour, convicted at the last term of the Superior Court of this county of an assault with intent to commit a rape on a white female in Johnston county, and whose execution was fixed for Friday last, has been respited by the Governor until Friday, the 2d of September next.

Raleigh Star.

Raleigh, May 12.—A colored woman and her child, were killed in this vicinity, on Saturday last, by lightning.—*Reg.*

*Home Prosperity.*—Several of our Citizens who have recently visited the Northern Cities, speak of the extraordinary bustle and activity, besides oth-

er signs of commercial prosperity, which every where met their eyes. The Merchants of New York, Philadelphia and Baltimore, are believed this Spring to have done a larger, and at the same time a safer business, than for many preceding seasons. We are likewise gratified to perceive it mentioned in the Boston Centinel, that business is there "looking up." Ship-building was active, and Mechanics generally found ready employment. Rents had risen 25 per cent. This is pleasing indeed.—"While the old world appears to be oppressed with tyranny, agitations and sanguinary wars, and her people, like Marius at Carthage, are contemplating the ruins about them, it is cheering to every citizen of this free Republic, to look round upon the general state of prosperity, which we enjoy. Our large Cities resemble the same Carthage in the days of her prosperity, described by the Poet as presenting all the bustle and activity of a vast Hive. Our commerce is active and profitable—our manufactories are fast redeeming their characters, and rising superior to the losses of past years. Our mechanics find plenty of employment, and our farmers a ready market for their produce.—From one end of the Country to the other, we hear of general rejoicing for the returning prosperity."—*Pct. Times.*

*The Wheat Crop.*—Although we hear a good deal said about the ravages of the fly, yet the complaint is not universal. Some fields have escaped entirely, and others have not been injured to a great extent. Upon the whole, considering that an extra quantity was put in the ground last fall, we have no reason to apprehend a diminished product...ib.

*Prospects for Farmers.*—We learned in a cursory way on Saturday evening, that the Fly has appeared in some places, and is doing considerable damage to the Wheat crop, inasmuch that some fields have been already ploughed up. We are not yet apprised of the extent of the damage which is threatened, or the precise quarters in which it has appeared. We shall probably receive more particular information in a few days upon the subject.

The Flour market has been reduced by the last accounts. In New York, Baltimore, and in this City, the article is a shade lower. Yet if a war is brewed in Europe—if for instance, it is declared by France against Austria, and more especially if there be any indication of its spreading itself, pretty extensively through the Continent, it will give a rapid and very perceptible impulse to the prices of breadstuffs. The next arrivals, indeed, must be of much consequence, not only to the mere politician, but to the farmer, the miller, the merchant—and indeed persons of all classes.—*Rich. Compiler.*

The Small Pox has been introduced into Sampson County, we understand that several new cases have occurred, and that no efficient means have been adopted to arrest its progress by the Police of that County. This is wrong;—the Justices of the Peace have the power to make such regulations as may be necessary to the security of the citizens, and they ought to