POLITICAL.

FOR THE FREE PRESS.

Mr. Howard: A report is in circulation that J. R. LLOYD, while a member in the Legislature of North-Carolina, in the year 1821, voted to reduce the jurisdiction of Justices of the Peace to $20—which report Mr. Lloyd requested me to say was one of ill fame, as he would show as soon as a copy of the original bill could be procured from Raleigh. A copy of the bill has been procured and certified by Mr. MANLY, Clerk of the House of Commons of the State of North-Carolina. Mr. Lloyd, being absent and will not in all probability return for several weeks, I conceive it to be my duty to have the bill and certificate published. Therefore you will please to publish the same in your paper.

Yours, respectfully,

BEN. BOYKIN.

A BILL,

To preserve the right of Trial by Jury, in suits at common law where the value in controversy shall exceed twenty dollars.

WHEREAS, by the Declaration of Rights of the Freemen of this State, it is declared that in all controversies at law respecting property, the ancient mode of Trial by Jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable: And by the Constitution of the United States it is declared, that in suits at common law where the value in controversy shall exceed twenty dollars, the right of Trial by Jury shall be preserved:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any defendant dissatisfied with the judgment rendered by a Justice of the Peace, where such judgment exceeds twenty dollars, may appeal to the Court of Pleas and Quarter Sessions without giving any security; such appeal being subject in all other particulars to the rules for obtaining and prosecuting appeals prescribed by law. Provided, that nothing herein contained shall prevent defendants in warrants from a Justice of the Peace being held to bail, where the plaintiff may so require, as by law plaintiffs are now authorized to require.

Raleigh, 2d July, 1831.

The foregoing is a true copy from the original bill reported to the House of Commons by Mr. STANLY, in 1821—and postponed indefinitely on its second reading, Dec. 15th, 1821.

CHAS. MANLY, Clk. H C.

It will be readily perceived by reading of the bill, that its purport was not to diminish the jurisdiction of the Justices of the Peace, but to retain the right of Trial by Jury to the defendant, without requiring of him security for the appeal. Nothing therein prevents the defendant being held to bail for his personal appearance, if required by the plaintiff, as heretofore. B. B.

July 5, 1831.

TO THE FREEMEN

Of the Third Congressional District.

FELLOW-CITIZENS: My last address to you contained my views upon the unconstitutionality of the 25th of Judiciary Act of 1789, together with my reasons for its importance and expediency...Doctor HALL has not attempted to shew the fallacy of any of these arguments, nor to deny the destructive consequences ascribed to a simple repeal of this important part of our Judiciary law. I must presume, therefore, that he relies upon the prevailing force of his own argument and the substitute which he offers...I will examine both as briefly as practicable, least I exhaust your patience. His capital error consists in misunderstanding the meaning of the language that "the powers of the General Government are plenary over the subjects committed to their care." The grant of a power to the General Government is not exclusive, unless it be incompatible with the exercise of the same power by the States. An illustration will serve the purpose better than a definition. —No grant of power to Congress is in more positive terms than tha right, "to lay and collect taxes"—yet the most violent enemy of State rights has never been guilty of the absurdity of denying to the States the exercise of the same power. Nor has its exercise been more uniform than the exercise of concurrent Jurisdiction in the Federal and State Courts. The Jurisdiction of our County Courts is separate and distinct from that of the Superior Courts; yet they have concurrent Jurisdiction in all civil and in many criminal matters. The Judiciary of North Carolina takes notice of the laws of England and New York, and is governed by the law of the country where the contract is made, so that they daily give 7 per cent. interest on contracts made in New York, and sued on in our Courts. If a man owning personal property in this State, is resident in Virginia, and dies there, our Courts distribute his property according to the laws of Virginia, and not according to the laws of North Carolina. To say then that the State Courts have not Jurisdiction of matters arising under the laws of Congress and the constitution, is a very rash alienation of State power, and by an unjust and unnecessary implication, which is the essential principle of consolidation, and if carried into effect would at once annihilate the power of the States. Let us now examine the Doctor's substitute for the 25th section which he says, he would repeal and enact in its stead, the 2nd section of the 3d article of the constitution, so that his law would read as follows:

"And be it further enacted, That the Judicial power shall extend to 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; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of Admiralty and Maratime Jurisdiction; to Controversies to which the United States shall be a party; to Controversies between two or more States; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; between a State or citizens thereof, and foreign States, citizens or subjects."

The effect of this law, he says, would be to exclude the State Courts from taking cognizance of any of the cases enumerated. Now let us see what would be the operation of such a law thus understood and enforced. A poor Sailor would have to apply to the Federal Courts to enforce the payment of his wages, for he could not warrant or sue in the State Courts; because his claim is governed by the laws of Congress. A captain or ship owner could neither sue or be sued in our State Courts for the same reason; if a Carolina tailor should make a coat for a British consul, he must seek his remedy in the Federal Court, in the event of a refusal to pay; if a captain of a vessel refuses to pay his pilotage, the poor Pilot must go in search of a Federal Court; if a Carolina debtor delays payment to a Northern creditor or disputes the justice of his demand, he must be dragged into Federal Courts; if a Carolina creditor wishes to sue his Northern debtor whom he finds in the State, or attach his property here, upon information of his failure, he can no longer apply to the Clerk of his own county or a Justice of the Peace, and sue out his process in ten minutes; but he must go in pursuit of some officer of the Federal Courts. Indeed the citizens of North Carolina could not sue each other in the Courts of the State upon any claim arising under a law of Congress, nor could they in the Federal Courts until the constitution shall be amended, except in the one solitary instance enumerated in the 2d section.

Besides, the constitution of the U. States imposes certain restraints upon the State Legislatures.—Now if a State should pass a law in violation of any of these constitutional prohibitions, there would be presented the very singular absurdity, according to Doctor Hall's reasoning, of a State passing a law of which their own Courts could not take cognizance.—And if Congress have a wish still further to extend their control and influence over the States, they have only to impose a Stamp duty, requiring all notes, bills of exchange, and other written contracts to be on stamp paper and nearly the whole Jurisdiction of civil matters, would be swept from the States. And yet we are told by the advocate of principles leading directly and irresistably to these most injurious results that he is the friend of State rights, the enemy of consolidation.

Fellow-citizens, it was the bare possibility of such a state of things, that formed one of the principal reasons that the convention of North Carolina, in 1788, refused to adopt the constitution of the U. States. Viewing the matter in the very light which Dr. Hall now advocates, I will give you an extract from their proceedings:

"The consequences," say they, "would be dreadful. It would be necessary to appoint Judges to the Federal Supreme Court, and other inferior departments, and such a number of inferior Courts in every district and county, with a correspondent number of officers; that it would create an immense expense without any apparent necessity, which must operate to the distress of the inhabitants. The State Judiciaries will have very little to do. It will be almost useless to keep them up. As all officers are to take an oath to support the General Government, it will carry every thing before it. This will produce that consolidation through the United States which is apprehended."

In order, therefore, to prevent the possibility of such evils, and to secure to the States a concurrent jurisdiction in these matters, our convention was not content with relying upon the general principle, "that what is not given up to the U. States will be retained by the individual States." But they insisted upon an express guarantee to that effect, which was afterwards provided in the 10th article of the Amendments of the constitution, which is in these words:

"The powers not delegated to the United States in the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Notwithstanding these ruinous consequences were foreseen and guarded against, yet Dr. Hall would carry out his principle into practice, and if necessary, "institute a sub-district Court in the districts already existing," he must of necessity make more judges, officers, &c. This would be indeed a saving of the people's money.

In ordinary cases, if any man professing to be a friend of State rights, should advance such a claim on the part of the General Government, we should be driven to the necessity of distrusting his sincerity, or of presuming that he did not understand the effect of his principles, and was in information more than forty years behind the constitutional history of his country. But Dr. Hall, so far from sheltering himself under presumption of ignorance, expressly lays claim to your confidence, from "so long a portion of his life spent in the public service, with the whole force and power of his mind directed to the consideration and study of our institutions." To what conclusion then can we come? Simply to this—that he and myself understand by State rights very different things:—that while I deprecate alike the principles and consequences of vesting so mighty and absorbing a power in the General Government, he maintains its propriety, and insists "it would be doing precisely what the constitution requires and prescribes."

For what reason the Dr. thinks it necessary to correct the mistake as to his vote upon the bill to repeal the 25th section, it is not easy to perceive. I am not disposed to quarrel about words; but whatever may have been the particular form in which the question was put, the inference I believe was almost universal, that those who voted as he did, were in favor of the bill to repeal: and surely those with regard to whom the inference was true, have no right to complain of misrepresentation. And in all his circulars he has insisted that the 25th section is unconstitutional, and by his own argument he was bound by his oath to vote for its repeal.

Having heretofore discussed the merits of the Judiciary question, I have now offered to you my objections to the Doctor's substitute, and if I am not greatly deceived, his reasons for his vote are worse if possible than the vote itself.

Before I close these remarks, allow me to correct a misrepresentation which is industriously circulated against me, viz. that I am in favor of taxation for the purpose of internal improvement. So far from having any such wish or design, I would strenuously support any measure to reduce the present rate of duties, but I insist upon it that while Congress continues to raise the money, North Carolina is entitled to her share, to be repaid for the purpose of improving her navigation; so that if we cannot lessen the duties directly, we may be indemnified by facilitating the transportation of our produce to distant markets, and in this way save to the maker of naval stores at least ten cents on every barrel, and upon every other article in like proportion —Upon staves the saving would be at least three dollars a thousand.

J. R. LLOYD.

30th June, 1831.

TARBOROUGH.

TUESDAY, JULY 12, 1831.

CANDIDATES.

For the 3d Congressional district.

Dr. THOS. H. HALL,
JOSEPH R. LLOYD, Esq.

Edgecombe County—General Assembly—Senate.

Gen. LOUIS D. WILSON.

House of Commons.

Mr. HARDY FLOWERS,
GRAY LITTLE,
REDDING PITTMAN,
WILLIAM D. HOPKINS.

☞We understand that the contributions from this place to the sufferers at Fayetteville, amounted to $411—$175 of which were contributed in provisions.

4th of July.—We had no regular celebration of this interesting day in this place—but the roaring of cannon at irregular intervals through the day, forcibly reminded us at once of its importance and of our neglect. We are told that it was celebrated in a spirited manner at Leggett's, in this county; the particulars have not been received.

FOR THE FREE PRESS.

Celebration of the 4th of July at Williamston....The day opened with the firing of cannon. At 11 o'clock the bells rung to give notice to the citizens to meet at the Court-House; and, at 12 o'clock, the Declaration of Independence was read by Dr. JAMES B. SLADE....after which, the tune of "Hail, Columbia!" was played by the Band, with minute guns. An appropriate Oration was then delivered by THOMAS W. WATTS, Esq. in an able and feeling manner. The members of the Linonian Society then took up the historical debate, "Was Brutus justifiable in assassinating Cæsar?" which was ably debated on both sides. At 2 o'clock the company repaired to the Roanoke Hotel, where they found an elegant dinner prepared for the occasion. On motion, D. W. BAGLEY, Esq. was appointed President of the Day, and Major JAMES SHAW, Vice-President. After the cloth was removed and the regular toasts were drunk, the following volunteers were given:

By the President. May the people of this State and of the United States, see the necessity as well as the practicability of opening Nags-Head.

By the Vice-President. May the spirit of Kosciusco nerve the arm of the gallant Poles, and lead them on to glorious victory.

By T. W. Watts, Esq. Poland: often has her soil been moistened by the blood of her patriots, may it now prove the grave of her oppressors.

By Major Asa Biggs. May we always hail the banner of Free Trade and Sailors' Rights.

By Capt. K. Rawls. Education: in solitude a solace, and in society an ornament.

By William B. Bennett, Esq. The Linonian Society: the pride and boast of our little village.

By James H. Watts, Esq. To the three greatest generals: Peace, Plenty and Happiness.

By Edwin S. Smithwick, Esq. Liberty: may her light like that of the sun pervade the whole earth.

By Joseph Robertson, Esq. The Orator of the Day.

By Henry Gray, Esq. The day we celebrate: may it ever witness our country as happy as to-day.

By Dr. Slade. The falling house: an inefficient Steward had best seek a Hermitage.

By William Biggs, Esq. To the American Fair:

"When pain and anguish wring the brow,
A ministering angel thou."

The festivities of the day then ceased, and the company retired in great harmony.