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MISCELLANY.

From the Frankfort, Ky. Commentator.

Case of Dr. Pierce.—The recent death of Ebenezer N. Roberson, Esq., a former member of the Assembly from Russell county, at the hand of Dr. Pierce, the last and present member, has been mentioned in the papers, with some allusion to the enormities which produced a catastrophe so appalling. The chief incident in this tragedy was awfully sudden and striking. The county court was sitting in the village where the parties resided. Some business called Pierce into court. The first object which fixed his eye was Roberson—who by agreement, had left the county, never to return—now there, writing at the Clerk's table. Pierce gazed upon him, for a moment, in mute astonishment; then suddenly turned, and, retiring by the window, beneath which Roberson sat, in the presence of the court. Reaching in, with a pistol, near to the head of his victim, Pierce fired, and lodged the contents in his brain—a fatal shot! What could have moved a gentleman, till then ever mild, patient, and conciliatory in his deportment, to a deed of such singular daring? Roberson had violated the marriage bed of Pierce, his friend—struck at his honor—ruined his family—planted daggers in his bosom! And, with humility he it spoken, there was no law in the land for the adequate punishment of such an outrage! The fact was notorious, not denied even by the offender himself. 'Satisfaction,' in the way called 'honorable,' had been demanded, but not rendered. The wrong was irreparable; no adequate amends could be made. The destroyer of his neighbor's peace—a hose unprincipled indiscretion has cast a deep shade over virtues which might otherwise have brightly shone, as some concession, had agreed to go forth from that part of the country, to return no more. Yet he did return; he was there—the consequences have been seen. Dr. Pierce was required, by the judgement of two magistrates, to give bail for his appearance at the next circuit court in that county, to answer what might then be presented against him in relation to the matter. That court was in session last week; and Pierce was in attendance. One indictment against him for murder, and a other for manslaughter, were laid before the grand jury. Having made such investigation as they, under their oaths, deemed proper, they returned both indictments into court with their finding endorsed upon each—"not a true bill"—"not a true bill"; and whatever opinion, made upon views merely technical, might be, upon the sheer justice of the case, and upon the diligent inquiry, of the grand inquest of his county, the accused stands justified—acquitted. He appeared in the Assembly yesterday, and was qualified as the representative of his county; and, notwithstanding all that has happened, may yet be, as he has heretofore been, a faithful representative, and a useful member.

TWO VIEWS.—The true and false!
PRINCIPLE OF REDUCTION.—Both parties (the Tariff and the A. T.) admit that the extinguishment of the public debt will bring along with it the reduction of the Custom-house Duties. The only question is, the *quo modo*.—On what articles are the duties to be taken off or reduced? The following is the project of the N. Y. Tariff Convention, as put forth in their ADDRESS to the People of the U. States:—

"In concluding this address, we would take occasion to observe, that the present posture of the affairs of the United States impress upon us the necessity of declaring what we believe to be the sentiment of the friends of American industry, in reference to a great question which must, in a short time, occupy the attention of Congress. Up to this period, the revenue of the government has not exceeded its wants. The debt has required a system of duties that would supply at least 10 millions of dollars every year towards its extinguishment. That debt, under the present course of liquidation, will soon cease to exist. The nation will then naturally expect some reduction of duties. Participating in the common feeling on this subject, we cannot close this address without respectfully submitting to public consideration the expediency of applying that reduction to such commodities as are incapable of being brought within the scope of the protective system; holding it as we do, to be indispensable to the best interests of the American people that that system should be sustained and preserved, without diminution, in its application to every branch of domestic industry that may be benefitted by its influence."

This project is anticipated and refuted in the following remarks made by Mr. McDuffie at a late meeting of "The S. Carolina State Rights and Free Trade Association" held at Charleston—Gov. Hamilton in the Chair.

"Mr. McDuffie proceeded to praise the magnanimous spirit of forbearance and conciliation which had marked the course of our delegates at the Philadelphia Anti-Tariff Convention. Of the Convention he said that he entertained no hope that its efforts would operate a change in the measures of the manufacturing majority in Congress. It might, in connection with other causes, serve to induce the manufacturers to propose a modification of the Tariff but what would be the nature of this modification? It would probably consist in a reduction of the duties on imports consumed but not manufactured at the North, but with regard to the imports consumed by the South, and received in exchange for Southern productions he felt assured there would be no reduction of duties—... that these would not only be left fully as much burthened by taxation as they now are but that eventually the effort would be made to throw the whole burthen of taxation exclusively upon them. He thought it likely that there would be a small reduction made of the duty on Sugar—that in fact the North never had any interest in this duty. It was originally made to influence the vote of Louisiana, but that her vote was no longer necessary to the view of the manufacturers. If this reduction should be made, it would be used by the Tariff party in this State, as an argument that the whole system would be given up, and thus to paralyze the efforts of the State. He conjured the friends of the State not to suffer themselves to be cheated in this manner. He implored them as they valued their liberties, to inquire for themselves—to exercise a severe scrutiny over the measures of the manufacturing majority in Congress—to regard with the most careful jealousy, all overtures of apparent concession or liberality from that quarter."

The modification proposed by the Tariff Convention, not only leaves the South still oppressed by the Protective System, while it allows the benefits to the North—but reduces the duty on luxuries, while it continues it on most of the necessities of life. It relieves the rich and oppresses the poor.

The H. of R. of Tennessee have adopted the following Resolution, which has been transmitted to the Senate for their concurrence:

"Resolved, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions, to procure such a revision and reduction of the existing Tariff duties of the U. States, as will, on the payment and discharge of the national debt, reduce the same to the standard of necessary revenue, and the encouragement of such domestic

manufactures alone, as are indispensable to our national independence."

Rich. Eng.

From the New Hampshire Patriot.

Nullification in Boston.—The following paragraph is copied from the Massachusetts Journal, a paper edited by Mr. Webster's 'friend in the Gallery,' and an excellent National Republican print. Had the same sentiments been avowed by any editors south of the Potomac, what a shout of Treason would have been uttered against him by this patriotic press.

"It is better that we remain united for a while longer, in order to see if a better spirit and party may not get the upper hand there; but we must avow that we have been gradually brought to feel a degree of indifference in regard to the union of the States—diminished reverence for it as a primary blessing. One thing we are sure of; so long as the fierce ambition of a PART to govern the whole shall continue, the Union cannot be happy, nor for any length of time beneficial. If there be any thing worse than for enemies to be apart and at war, it is for them to be together in forced friendship."

An acknowledgment.—In reply to Mr. FRENCH, who proposed in the Tariff Convention at New York, that Congress should be petitioned to appropriate the surplus fund to the purchase of slaves for emancipation, Mr. INGERSOLL denounced the proposal as one of great injustice to the people of the South—and said that it would be a flagrant breach of the Constitution "to offer to purchase slaves from our fellow-citizens of the South, WITH THEIR OWN MONEY." Is not this an admission by a leading Tariff champion that the South pays the tax by which the monopolists are enriched? Is it less unconstitutional and unjust to take the money of the South for the benefit of the Northern Manufacturers than to take it for the Southern Negroes? The only difference is, that the Tariffites think that the South may submit to the former—but they know that the South will not submit to the latter.

Charleston Evening Post.

Lost Child Restored.—An event which occurred near Briaucon will give some notion of the incidents which embellish the mountain life and field sports in the regions of the Alps.

A peasant, with his wife and three children, had taken up his summer quarters in a chalet, and was depasturing his flocks on one of the rich Alps which overhang the Durance. The oldest boy was an idiot about eight years of age, the second was five years old, and dumb, and the youngest was an infant. It so happened that the infant was left one morning in charge of his brothers, and the three had rambled some distance from the chalet before they were missed. When the mother went in search of the little wanderers, she found the two elder, but could discover no traces of the baby. The idiot boy seemed to be in a transport of joy; while the dumb child displayed every symptom of alarm and terror. In vain did the terrified parent endeavor to collect what had become of the lost infant. The antics of the one, and the fright of the other, explained nothing. The dumb boy was almost bereft of his senses, while the idiot appeared to have acquired an unusual degree of mirth and expression. He danced about, laughed and made gesticulations as if he were imitating the actions of one who had caught up something of which he was fond, and hugged to his heart. This, however, was of some slight comfort to the poor woman; for she imagined that some acquaintance had fallen in with the children, and had taken away the infant. But the day and night wore away, and no tidings of the lost child. On the morrow, when the parents were pursuing their search, an eagle flew over their heads, at the sight of which the idiot renewed his antics, and the dumb boy clung to his father, with shrieks of anguish and affright. The horrible truth then burst upon their minds, that the miserable infant

had been carried off in the talons of a bird of prey, and the half-witted elder brother was delighted at his riddance of an object of whom he was jealous.

On the morning on which the accident happened, an Alyne yager, "Whose joy was in the wilderness—to breathe the difficult air of the iced mountain's top."

had been watching near an eagle's seat, under the hope of shooting the bird upon her return to her nest. The yager waiting in all the anxious perseverance of a true sportsman, beheld the monster slowly winging her way towards the rock, behind which he was concealed. Imagine his horror, when, upon her nearer approach, he heard the cries and distinguished the figure of an infant in her fatal grasp. In an instant his resolution was formed—to fire at the bird, at all hazards, the moment she should alight upon her nest and rather to kill the child, than leave it to be torn to pieces by the horrid devourer. With a silent prayer and a steady aim, the mountaineer poised his rifle. The ball went directly through the head or heart of the eagle, and in a minute afterward, the gallant hunter of the Alps had the unutterable delight of snatching the child from the nest, and bearing it away in triumph. It was dreadfully wounded in one of its arms and sides, but not mortally; and within twenty-four hours after it was first missed, he had the satisfaction of restoring it to its mother's arms.

Gilley's Waldensian Researches.

The Life of a Physician.—There are few medical men who will not be ready to assent to the accuracy of the following sketch. It is drawn by one, who is represented to have attained eminence in the profession, but who is desirous of dissuading his nephew from pursuing it.

"Of all professions, that of medicine is the most anxious, the most distrustful, the most thankless. Forced to humor the capricious, to soothe the irritable, to persuade the headstrong, to mingle in scenes which even familiarity cannot divest of their loathsomeness; to feel the gnawing of anxiety; when fathers, husbands, and brothers confide their dearest interests to your skill—still more, when with the life of your patient your own reputation lies at stake—and then, when all is done that man can do, to have your services requited with a grudging hand, and unthankful heart,—such is the life of a physician! Nay, even in the eyes of those, who should know how to appreciate your merits, you will find that the discharge of the pecuniary debt cancels all obligation. As if money could repay such services as ours!—Remember Jeremy, I speak of the better (would I could say the greater!) part of the profession, for, as for those whose only object is to earn a living, who would draw the last drop from the veins of their victim, could they but coin it into gold—Nephew! a quack you shall not be! I will bury you with this hand first!

"Believe me, this is no fanciful picture. If you have genius, if you be of an impatient temper, if your character be proud and finally sensitive, I warn you—study not medicine. Yet I repeat as far as concerns myself, I have no objection; I am willing to instruct you; but weigh well what you do—lest you repent, when repentance will avail you nothing."

Journal of Health.

Proof of Death.—A subscriber to one of the Eastern papers, a few years ago, being sadly in arrears for the same, promised the Editor that, if his life was spared to a certain day, he would, without fail discharge his bill. The day passed and the bill was not paid. The natural conclusion, therefore, was, that the man was dead. Proceeding on this conclusion, the Editor, in his next paper, placed the name of the delinquent under his obituary head, with the attending circumstances of time and place. Pretty soon after his announcement, the subject of it appeared to the Editor, not with the pale ghastly countenance ascribed to apparitions, but with a face as red as scarlet.—Neither did it like

other apparitions, wait to be first spoken to, but broke silence—"What the—Sir do you mean, by publishing my death?" Why sir, the same that I mean, by publishing the death of any other person—viz: to let the world know that you were dead." "Well, but I am not dead!" "Not dead!" then it is your own fault, for you told me you would positively pay me by such a day if you lived till that time. The day is past, the bill is not paid, and you positively must be dead, for I will not believe you would forfeit your word." "I see you have got round me, Mr. Editor—but say no more about it, here is the money, And harkee, you wag, just contradict my death next week, will you?" "O certainly, sir, just to please you—though, upon my word, I can't help thinking you died at the time specified, and that you have merely come back to pay this bill on account of your friendship for me."

Murder.—The following paragraph is extracted from Governor Pope's Message to the Legislature of Arkansas.

"It is confidently believed, that nothing has conducted more to disturb the public peace, and impair the security of human life, than the mitigation of murder to manslaughter, in cases of ordinary provocation, or sudden heat of passion. Men should be taught to bridle their passions, when life is at stake, and no excuse for shedding blood should be received, but that of necessity. The distinction between murder and voluntary manslaughter, should be abolished in all cases where a dirk, pistol, or other deadly weapon is used, except in necessary self-defence. If a few cases of extraordinary provocation might form reasonable exceptions of the general rule, it would be better to leave them to the consideration of the Executive under the influence of public opinion—generally inclined to the side of mercy—than to destroy that rule which has been found necessary in all ages to the security of human life. Should the General Assembly deem it improper or inexpedient to change the law to the extent suggested, I trust you will adopt the rule proposed, so as to reach all cases of homicide perpetrated by dirk, pistol or other deadly weapon, except in cases of necessary self-defence, otherwise we shall soon become as famous for using secret daggers as the Spaniards have been for the use of the stiletto. A man, conscious of his own integrity of purpose, unless he has special reason to apprehend danger, ought not to carry such weapons, in the civil and social walks of life! and he who wears them, should be held to a rigid accountability, for their use."

The following compliment to our nation, is contained in a letter written by a Russian of great distinction at St. Petersburg to a merchant of this city, dated Sept. 2d, 1831.

N. Y. Post.

"The concurring events of every day, increase our interest here, for the prosperity of your beautiful and noble country. Poor Europe seems destined to become a prey of war, discord, and political phrenzy, and to compel nearly all of her inhabitants to cross the Atlantic to your peaceful shores. Russia is the only country that affords a prospect of future tranquility."

Commerce of New-York.—The Daily Advertiser of N. York, of Wednesday last, contains a list of all the vessels in that port on the 15th inst.—They amount to the prodigious number of 585; namely, 66 ships, 87 brigs, 97 topsail schrs., fore and aft schrs. and 216 sloops.

Judge Marshall.—Judge MARSHALL arrived in Richmond in the Steamboat on Tuesday night, and took his seat on the Bench of the Federal Court on Wednesday. The Judge is nearly entirely recovered from the effects of the operation—and his general health appears in every respect to be very much improved.