

ROANOKE ADVOCATE.

CONSTITUTIONAL LIBERTY.

VOL. IV.—NO 23. 178.

HALIFAX, N. C. AUGUST 2, 1832.

EAGLE HOTEL, HALIFAX, N. C.

THE subscriber having leased that large and commodious establishment, *The Eagle Hotel*,

situated on Maine Street, and recently occupied by Mr. Joel H. McLemore, begs leave to inform his friends and the public, that he will be prepared to accommodate them by February Court next. He promises

HIS TABLE

shall be furnished with the best the country can afford.

HIS BAR

will be constantly supplied with superior WINES and LIQUORS; and having procured excellent Hostlers,

HIS STABLES

will be faithfully attended to. The subscriber having had some years experience as keeper of a

PUBLIC HOUSE

feels a confidence that he can give general satisfaction, and respectfully solicits a share of the public patronage.

WILLIAM H. POPE.

February 1832. 49—tf

State of North Carolina.

NORTHAMPTON COUNTY.

Court of Pleas and Quarter Sessions, June Term A. D. 1832.

Rea and Camp vs. Anthony Deberry

IT appearing to the satisfaction of the Court that Anthony Deberry, the Defendant in this Case, is not at this time an inhabitant of this State: On motion it is therefore ordered by the Court, that publication be made in the ROANOKE ADVOCATE for six weeks, giving the said Anthony Deberry notice to appear at the Court of Pleas and Quarter Sessions to be held for the county of Northampton, at the Court House in Jackson, on the first Monday in September next, then and there to enter into a reply Bond according to Law or final Judgment will be entered up against him and the property levied on, condemned liable to the plaintiffs recovery.

Teste RICHARD H. WEAVER, Ck.

Price Adv. \$3 50 19—6w

REWARD FOR ELAN.

RANAWAY, on the 23th ultimo, from my plantation on Stone House Creek, about three miles South of Mr. William Eton's Ferry, negro ELAN, formerly the property of Doct. John T. Clanton, Halifax county, N. C. He is about 5 feet 10 inches high, no particular marks recollected, and is between 19 and 21 years of age. I purchased him at public sale, in the town of Halifax, at last November Court, and have no doubt he is lurking about Dr. Clanton's plantation or neighborhood. I will give the above mentioned plantation or at my plantation Res. d. Creek; or five dollars if lodged in any jail so that I get him again.

PETER MITCHELL.

Warrenton June 11. 16—tf

State of North Carolina.

NASH COUNTY.

Superior Court of Law, March Term 1832.

Matilda Durham vs. Josiah Durham

Petition for Divorce.

WHEREAS it appears to the satisfaction of the Court that the defendant Josiah Durham is not an inhabitant of this State: It is therefore ordered that publication be made in the ROANOKE ADVOCATE and RALEIGH REGISTER for three months, to the end that the said Josiah may appear at the next court to be held for the county of Nash, at the Court House in Nashville, on the third Monday in September next, then and there to plead, answer or demur to the allegations in the said petition, otherwise the same will be taken *pro confesso* and heard *ex parte*.

J. H. DRAKE, C. N. S. C.

Price Adv. \$5. 16—3m

FOR SALE,

1000 ACRES of valuable LAND, in one body, in the upper part of Halifax County, N. C. No healthier land in this country. Three plantations upon it, a good DWELLING HOUSE and other useful houses on each place. On the home Tract a good Cotton Gin, Double Screw Pack,

ORCHARD, a never failing STONE CELLAR for Sweet Potatoes, to hold 500 Bushels.

Land Buyers on wet Slashy Land, will do well to buy mine, and can have the Crop, Stock and Furniture at a low price, and good title, and possession in October next, apply to the owner.

GOODMAN NEVILL.

July 14th 1832. 13—3t

FOR THE ROANOKE ADVOCATE.

Mr. Freeman: Your correspondent 'A' has again occupied your columns with an article explanatory of "sweet" Van Buren's Albany speech; but how far his clumsy explanation has succeeded in reconciling your readers with his (Van Buren's) sentiments on the Tariff, I will leave for them to determine. As for myself, if I have misunderstood the true meaning of that speech, (I do not think I have) I hope I have not failed to arrive at the correct meaning of the language of your correspondent. Although I condemn the cause which he has espoused, I admire the frankness and candour with which he has avowed himself the advocate of "sweet" Van Buren and his principles. He has now taken his stand with some degree of consistency, and if he can by a fair and honest exposition of facts, plain "sweet" Martin and his principles upon the South, I, for one, will not murmur. He has taken the stand which every Van Buren man must take, for it is vain and idle in the extreme to talk of supporting a man and at the same time condemn his principles. Now can we support an individual except for party or selfish purpose in whom we can not recognise a single feeling or principle congenial with our own? No sir, the idea is too preposterous to deserve serious attention—"birds of a feather flock together."

It may be proper here, for me to remark, that in the spring of 1827 Mr. Van Buren took a tour through the Southern States, and very soon after his return to New York, a meeting of the wool growers was held in Albany at which Mr. V. B. delivered a speech of about an hour's length. In that speech he took occasion to expatiate upon the withering and ruinous condition of the South and upon the superior prosperity of his own State. He uses the following language, which I suppose is too plain to require a touch from the elucidating pen of your correspondent "A." "I'll put it to the knowledge and observation of every man who heard him, whether there was any thing more certain than there is no spot on God's earth more prosperous and happy than the State of New-York. If there was a citizen of the State who doubted it, let him travel, and he would be convinced of his error; and if he can desire to witness a picture of the reverse (that is the reverse of prosperity and happiness) let him pass through the Southern States, and if he did not return satisfied with the superior prosperity of his own state, he V. B. would acknowledge his incapacity to judge in this matter." Here, then, is the language of Mr. Van Buren, on the 10th of July 1827. What was his conduct in the Senate in '28? Did he extend the arm of relief to an injured and ruined South? No. Did he throw the weight of his power and influence on the side of the South to stay the iron hand of oppression? No. What did he do? He united with the Tariff party and fixed and sealed upon us, with a new stamp, the very evils which had been "sucking our very heart's blood," thereby "heaping up wrath against the day of wrath." But your correspondent says he (Van Buren) was instructed to do so. Admitting then that he was instructed; Mr. Van Buren had been an eye-witness to our wretched condition and if he had been actuated by a spirit of justice and humanity, he would have resigned his seat and left the execution of the deed to a more callous and unfeeling heart. This, then, is the individual whom we, the victims of his avaricious disposition, are called upon to elevate to one of the most honoured and distinguished offices within our gift. Mr. Van Buren in speaking of the subject of protection says, "upon the general subject, the sentiment of the State now is and long has been, in accordance with the acts of the government." He represented the people of New York in the Senate and it is hardly to be presumed that they would have selected him if his sentiments did not accord with theirs, consequently they must have been in "accordance with the acts of the government;" and if they were, he cannot be looked upon in any other light than going the full length with the tariff party for the principles of protection. Your correspondent says—"Does a subscriber wish to ruin and annihilate manufactures &c.?" To this I would say, it is far from being my wish to "ruin and annihilate" manufactures, neither do I desire the manufactures to "ruin and annihilate" Southern labourers. Again, "Because Mr. Van Buren is a farmer and raises sheep, and corn, fodder and hay to feed them in the winter, by working his farms I can not perceive he is injuring the country." Who has complained merely because Mr. Van Buren raises sheep and corn, fodder and hay to feed them in the winter? We do not complain of that, neither do we say that he is, by simply working his farms injuring the country. We complain that he has greatly aided in the enactment of

laws, distressingly burthensome to the Southern people for the protection of his wool, and for the protection of Northern manufactures—We complain that he had been an eye-witness to the ruinous effects of those laws, and had refused to extend to us the arm of relief. In relation to the bill which has been lately adopted by Congress and which your correspondent says effects a reduction in the revenue of 8 or 10 millions of dollars, I will quote the opinion of Gen. Hayne. He said "he had examined its provisions carefully. He was perfectly satisfied that it did not propose to effect a reduction in the revenue of more than three or four millions of dollars and of this nearly the whole amount was on unprotected articles. So far, it aggravated the injustice and inequality of which the South had so loudly complained." Our worthy and patriotic Senator, Mr. Mangum says, "it is a bill, the effects of which would amount to a robbery if not sanctioned by legal forms, and declared that if he could give it his sanction, directly or indirectly, he should consider himself as falsifying all the principles on which he had acted through life." Here then is the bill which has been given us by the friends of Mr. Van Buren and which is held out as a boon to draw us into his service. But it is also said, we must support him in order to unite and sustain the Jackson and Republican parties. Pray sir, how long has Van Buren been the cement of those parties? Was he uniting and sustaining the republican party when he was acting with Mr. Clinton against Mr. Madison? Where was he when Gen. Jackson was first brought forward? Where was your correspondent A. and the balance of these good Van Buren men? Were they not using all their power and influence to blow the Jackson party into atoms? Were they not instrumental in the circulation of Jesse Benton's scurrilous letter? And these very individuals claim to be the exclusive guardians of the Jackson party. The South cannot, she will not support "sweet" Martin Van Buren.

A SUBSCRIBER.

FOR THE ROANOKE ADVOCATE.

NULIFICATION. NO. 2.

It would seem necessary to multiply authorities to shew that the parties to the compact are the sole and rightful judges of the meaning of that compact. It is a proposition which must strike the plainest understanding as self-evident and axiomatic. It must ever be born in mind that the Government of the United States is one of limited powers, expressly defined by the Constitution—that the powers granted are definite and specific, and all other powers not expressly delegated are reserved to the States and to the People. The General Government is a joint agency appointed by the States, the measure of whose power is the Constitution. It is not a party to the compact, but a creature of it. It is in all respects subordinate and inferior to the States. By their voice was it (the General Government) called into existence, by their voice can it be altered or annulled. Each individual State can rightfully put her veto upon the unauthorised act of any department of the Government, whether it be a corrupt Legislature, Executive or Judiciary. A State can say to each, or all combined, "keep thy distance due"—"thus far shalt thou go and no farther." But the enemies of State interposition oppose the principle of Nullification, and yet hold the opinion that the Judiciary can pronounce on the constitutionality of the laws, and either sanction them or declare them "null and of no effect." They would give the Judges the power of judging of the Constitution, and yet the exercise of a similar right on the part of a sovereign State they repudiate as a "damnable heresy."

In a former communication I quoted the opinion of Chief Justice Marshall to prove that the Judicial power should not be regarded as the expositor of the Constitution. To this I might also add the authority of Thomas Jefferson and James Madison as contained in the celebrated Virginia and Kentucky Resolutions, and the opinions of many of the ablest jurists and statesmen of our country.

Mr. Madison in his report on the Virginia Resolutions says, "It has been objected (to the exercise of State interposition) that the Judicial authority is to be regarded as the sole expositor of the Constitution; on this subject it might be observed, first, there may be instances of usurped powers which the forms of the Constitution could never draw within the control of the Judicial department; secondly, that if the decisions of the Judiciary be raised above the sovereign parties to the Constitution, the decisions of other departments, not carried by the forms of the Constitution before the Judiciary, must be equally authoritative and final with the decision of that department. But the proper answer to these objections is that the resolution of the Gen-

eral Assembly relates to those great and extraordinary cases, in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and exercised by other departments, but that the Judicial department may also exercise or sanction dangerous powers beyond the grant of the Constitution, and consequently that the ultimate right of the parties to the Constitution to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority as well as by another—by the Judiciary as well as by the Executive or Legislative." But the Consolidationists would not only elevate the Judiciary above the other departments of the General Government but above the Constitution itself.

We have also the words of Mr. Jefferson. In a letter to a gentleman of Boston he says, "you seem to consider the Judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed and one which would place us under the despotism of an oligarchy. Our Judges are as honest as other men, and not more so. They have with others the same passion for power and privileges of their corps. Their maxim is, *Bonus judicibus est ampliare jurisdictionem*, and their power is the more dangerous as they are in office for life, and not responsible as the other functionaries are to the elective control."

Chief Justice McKean, delivering the opinion of the Supreme Court of Pennsylvania in the case of Cobbett, declares, "There is no provision in the Constitution of the United States that in such a case (a collision between the States and Federal Governments) the Judges of the Supreme Court of the United States shall control and be conclusive—neither can Congress by a law confer that power."

Judge Roan, of Virginia, in commenting on this decision, says, "It is the solemn and unanimous decision and resolution of the Supreme Court of one of the most respectable States of the Union. It contains no principle which every friend to the federative system of Government will not readily subscribe to; it exhibits no sentiment alarming to any, but the friends of consolidation."

I will conclude the present article with the opinions of Mr. Calhoun in relation to the jurisdiction of the Supreme Court. In his late address, he says, "I will yield, I trust, to few in my attachment to the Judiciary department. I am fully sensible of its importance and would maintain it in the fullest extent in its constitutional powers and independence; but it is impossible for me to believe that it was ever intended by the Constitution that it should ever exercise the power in question, or that it is competent to do so, and if it were, that it would be a safe depository of the power. Its powers are judicial and not political, and are expressly confined by the Constitution to 'all cases in law and equity arising under the Constitution; the laws of the United States and the treaties made, or which shall be made under its authority,' and which, I have high authority in stating, excludes political questions, and comprehends those only where there are parties amenable to the process of the Court. Nor is this incompetency less clear, than its want of constitutional authority. There may be many, and the most dangerous infractions on the part of Congress, of which it is conceded by all, the Court as a judicial tribunal cannot from its nature take cognizance."

I might add to the authorities already quoted, those of Judge Tilghman, Gen. Jackson, Gov. Giles, Hamilton, Hayne, Trouf, Van Buren and McDuffie, and others equally distinguished to shew that the Supreme Court is not the final arbiter or the sole expositor of the Constitution.

In my next I shall prove to the satisfaction of all unprejudiced minds that nullification or State interposition is not only a rightful remedy, but also a peaceable one, and that a recognition of the principle, so far from weakening will give strength to the Union. As Nullifiers, we are neither agitators or disunionists; we claim nothing which the Constitution does not guarantee. In the language of the patriot Foy, we are for "the Charter, the whole Charter, and nothing but the Charter." SIDNEY.

Mortality of the Cholera.—The Island of Great Britain contains at present about twenty millions of inhabitants. The Cholera has been "raging" there ever since the middle of last October, and yet it was a very well calculated fact that much less than 5000 persons had died of it at the date of the last accounts.

Stabbing.—A man by the name of Hugh McCallahan, was stabbed on Tuesday morning in Philadelphia, by a female. At the time, the man was quarrelling with his wife, when the above woman interferred. He was taken from the steps of Soap House to the hospital at half past ten. The woman was committed to Bridewell.

BY EDM. B. FREEMAN.

The Advocate will be printed every Thursday morning at \$2 50 per annum, in advance, or \$3 if payment is not made within 3 months.

The paper to be discontinued until all arrearages are paid, unless at the option of the Editor; and a failure to notify a discontinuance will be considered as a new agreement.

Advertisements, making one square or inserted three times for One Dollar, twenty-five cents for every subsequent insertion, longer ones in proportion. All insertions will be continued unless otherwise ordered, and each continuance charged.

JUST RECEIVING

MY Spring supply of Drugs and Medicines from New York, consisting of almost every article usually kept by an Apothecary.

ON HAND

A good assortment of Confectionaries and daily expected, a further supply from Norfolk.

ALSO,

a quantity of good FLOUR, prices varying from \$6.50 to 6.75, &c. &c. &c.

I shall, at all times, be pleased to attend to my friends, whether they apply in person or by order; and will take this opportunity to suggest to my customers, who have suffered their accounts to stand open beyond the usual time (some, ever since I commenced business) that if they are not closed immediately, justice will require my pursuing a legal course for collection.

JOS. L. SIMMONS.

Halifax April 6. 7—tf

State of North Carolina.

NASH COUNTY.

Superior Court of Law,

March Term 1832.

Mourning Kent vs. Nelson Kent

Petition for Divorce.

WHEREAS it appears to the satisfaction of the Court that the defendant, Nelson Kent, is not an inhabitant of this State: It is therefore ordered that publication be made in the ROANOKE ADVOCATE and RALEIGH REGISTER for three months, to the end that the said Nelson may appear at the next court to be held for the county of Nash, at the Court House in Nashville, on the third Monday in September next, then and there to plead, answer or demur to the allegations in the said Petition otherwise the same will be taken as *pro confesso* and heard *ex parte*.

J. H. DRAKE, C. N. C. S.

Price Adv. \$5 16—3m

State of North Carolina.

NORTHAMPTON COUNTY.

Court of Pleas and Quarter Sessions,

June Term A. D. 1832.

Joseph D. White vs. Thomas Brown

Orig. Attachment levied on Negroes, Shandy, Mary, Rose Anjoline, Airy and their children, (Mary Davy James,) Julia, Jesse & Molly.

IT appearing to the satisfaction of the Court that Thomas Brown, the Defendant in this case, is not at this time an inhabitant of this State: On motion, it is therefore Ordered by the Court, that publication be made in the ROANOKE ADVOCATE for six weeks, giving the said Thomas Brown notice to appear at the Court of Pleas and Quarter Sessions to be held for the County of Northampton, at the Court House in Jackson, on the first Monday in September next, then and there to enter into a reply Bond according to Law or final judgment will be entered up against him and the property levied on, condemned liable to the Plaintiffs recovery.

Teste RICHARD H. WEAVER, Ck.

Price Adv. \$3,05 19—w

FOR SALE OR HIRE

ONE Sulky and Harness, One New Wagon and Harness, Two good Mules and Two first rate Horses.

JOSHUA CORPREW.

Halifax N. C. June 18, 1832. 17—tf

S. WHITAKER,

Attorney at Law.

PRACTICES in the County and Superior Courts of Martin, Northampton and Halifax and the Superior Courts of Washington. When not absent on professional duty, he will be at his office in the Town of Halifax on Mondays & Tuesdays, at any other time at his residence in the County.

Halifax January 1832. 12m

TOWN PROPERTY

FOR SALE.

THE HOUSE and LOTS lately occupied by J. R. J. Daniel Esq. in the town of Halifax is offered for sale. If not sold privately before Tuesday next August Court it will be then put up to the highest bidder on a credit of six and twelve months. The purchaser entering into Bond with approved security. The situation of the property is the most eligible in town being immediately on Broadway opposite Dunas Ferrall & Co's. New Store. For further particulars apply to

MICHAEL FERRALL.

JAMES FRAISER.

Halifax July 24. 1832. 22—tf