

From the National Intelligencer.

The Winaw (S. C.) Intelligencer invites us to a discussion of a thing that is unintelligible and impossible, viz: *Constitutional Nullification*. As all argument would be thrown away upon those who once maintain the doctrine, at least until they are providentially restored to their senses, we should decline the challenge of our Winaw friend altogether, were it not for the courtesy which is due to a civil and well-behaved opponent. We shall bestow, however, but a brief consideration upon it.

The distinction between a law and an act will not avail him. Admitting resistance to a law to be a revolutionary measure, resistance to an act of Congress, said act having been declared unconstitutional by any one State of the Union, he considers to be a very different matter. They are just one and the same, we assure him, to whatever other conclusion he may have dreamed himself. "The judicial power of the United States," saith the Constitution, "shall extend to all cases arising under this Constitution, the Laws of the United States," &c.—and, further, "This Constitution, &c. shall be the Supreme Law of the land." Where, then, does the Editor find the shadow of pretence for the claim of any State to set aside the Laws, or Acts, if he pleases, of the United States? His distinction between Laws of the United States and Acts of Congress is a distinction without a difference. Every bill which passes both Houses of Congress, and is approved by the President of the United States, is a law, which the President of the United States is empowered, by the Constitution of the United States, to call out the whole military and naval power of the United States to enforce.

But, says the worthy Editor—"We respectfully ask of the Intelligencer, whether it is impossible for Congress to pass an unconstitutional act?"

Whether if Congress did pass an unconstitutional act, it would have the force of law? Where is the arbiter to be found between a State who shall pronounce an act of Congress unconstitutional, and Congress who passed it? A plain, clear, and direct answer to the above questions would serve very much to simplify the discussions on this subject."

We will answer his three questions categorically; and if he has any more to put to us, as these appear to be put, in good faith, we will try to do the same by them.

Imprimis.—It is not "impossible for Congress to pass an unconstitutional act."

Secondly.—"If Congress did pass an unconstitutional act, it would have the force of law," because it is a law, until decided by the Judiciary of the United States to be repugnant to the Constitution.

Thirdly.—"There is no 'arbiter' but public opinion 'between a State which pronounces an act of Congress unconstitutional, and Congress who passed it.'" The State has a right to its opinion, and to "pronounce" that opinion. But that pronouncement is no more operative upon the law than the pronouncement of the opinion of the humblest individual in society, between whom and Congress there is no "arbiter" but the ballot box. It is just the same with the States, in their aggregate capacity.—An individual can act upon the Laws of the United States only through his agency in the choice of a Representative in Congress: a State can act upon them only through her agents on the floor of the Senate of the United States. Such is the fundamental law.

From the Newbern Spectator.

Our glorious republic presents an inexhaustible theme. We never weary singing its praise. While storms and tempest overhang the kingdoms of the earth, here alone the bright Lamp of Liberty sheds its cheering rays on hill and dale—the gaze of all Europe rests upon it as the beacon that lights the weary and oppressed to the home of the free and the brave. Although the nullifier sees nothing in our magnificent structure to admire, although he maintains that we are not a nation, and that the 'Fourth of July' should not be "a day of festivity, but of humiliation and regretful remembrance," we must consider these outpourings as the expiring groans of a few factious spirits, whose disorganizing efforts will tend to strengthen the bonds of our Union. Centuries and centuries of increasing prosperity and happiness lie before us. The present is but the 'bright and dewy, the laughing morning years of our existence.' The rock of Gibraltar stands not so firm.

Several of our correspondents this week have congratulated us on the complete overthrow of nullification, and compliment, in measured terms, the ruthless, nay savage warfare, which the Spectator has ever waged with the monster. We certainly have pursued it with relentless ferocity, with unmitigated scorn and contempt. While there was a nullifier in the field, we unceremoniously tomahawked him—and now there is not one advocate of the "South Carolina doctrine" to be found in the Newbern Congressional district—if there be, let him step out, and gloves off, we will walk into him, and punish him in our best style, in the presence of the great ring of the Union. *Vive la Republique*. We go for the Union.

A Southern Editor says, he wishes the remittant bilious fever prevailed more generally among his distant patrons—a pun that an honest man may have perpetrated, in despite of Dr. Johnson's assertion to the contrary.

From the Carolina Observer.

Mr. Hale: I am informed that the contributions for the sufferers in this place, from the citizens of New York are expected to amount to \$15,000, and there is every reason to believe that the people of Fayetteville will have abundant cause for gratitude towards their fellow countrymen in many places throughout the United States, for their prompt and munificent assistance. But after all, we can only receive temporary alleviation, and some of our losses are in their nature, irremediable. Who has not lost a long cherished Library—or the relic of departed friends—scenes have been destroyed with which many pleasing feelings of earlier days were associated—rooms have been levelled that were hallowed by the sufferings of the dead. But I forbear.

It strikes me, whilst acknowledging the kindness of distant strangers, that we have far stronger claims upon the Legislature of our own State—unless the fell swoop of destruction upon a civilized community is to be regarded as the sufferings of an unprotected and wandering horde of Barbarians! We surely have a claim upon our own Government, and the boon I ask for, is the construction of a Railway or Turnpike from Fayetteville into the interior of the State. It would most effectually resuscitate the town and gradually erect it into a mart of greater and more permanent prosperity than it has ever, even in its best days, enjoyed. Such a road would equally benefit the town and the country, and extend favours to the farmers who trade (or ought to trade) with us, of which they have no conception. It would rescue them from the toilsome and expensive necessity of sending one or two men and four horses with a dozen barrels of flour or bales of cotton to market (to be absent a week or two, perhaps), and enable them, with one horse to bring speedily and pleasantly, two hundred barrels of flour, or the produce of a whole neighborhood, and return with loads of articles from which the expenses of transportation have in instances hitherto debarred them. These results are seen and felt in other States. Will the people of this State flounder on in poverty, in ignorance, or carelessness, or contempt of advantages, greedily sought after by others, until driven to seek them too by the surpassing advantages of their competitors in the markets of the world?

I risk nothing in asserting, that no where can a timber Railway be constructed at a smaller expense than through the pine plantations of N. Carolina—beyond them where the railway may stop, let turnpikes radiate through the clayey and rocky country. A little ingenuity may adapt the same wheel, to the common road and to the railway, and thereby enable a wagon to pass from one to the other.

In the trade of North Carolina to be suffered forever to stray off to Cheraw and Camden, and Columbia, to Petersburg and Richmond, and Norfolk? Are our Legislators content that North Carolina should continue to be formed, as it now is, of communities, contiguous indeed, but estranged, with no State pride—no feelings of fellowship? Are our honest Farmers to trade with South Carolina and Virginia, to barter perhaps, with one their patriotism for nullification, and to import from Virginia the nonsense about State Rights.

It is not my purpose to dispute the just and well established doctrine of political economy, that the freer the trade and the more numerous the markets, the better for the farmer. But whilst I still left all the channels of trade open to his selection, I would pave the way to one more convenient, equally inviting, and within his own State.

A NATIVE.

*Take two wheels varying 6 inches in their diameters, put centre to centre and screw the felloes together—you then have a wheel of two circumferences or tires—the larger one will do for the common Road or Turnpike, the smaller for the railway—let the large tire be next to the wagon, and it serves as a flange to the other, while on the railway.

FAYETTEVILLE, JUNE 29.

Town Affairs.—At a meeting of the citizens of this town yesterday afternoon, J. W. Wright, Esq. presiding, and W. J. Anderson, Esq., acting as Secretary, the following resolution, moved by Louis D. Henry, Esq., was adopted.

Ordered, That the Commissioners cause, with all convenient speed, a longitudinal Market to be erected in the centre of the Public Square, intersected by Green, Gillespie, Hay and Person streets, running parallel with Hay street, to be surmounted with a tower for a Clock and Bell, the roof to stand on brick pillars, the ceiling to be arched, lathed and plastered, not exceeding seventy feet long and forty broad.

A number of buildings have been commenced in the neighbourhood of the market, and by the Fall, we hope that that part of the town will be pretty thickly settled. A store house built by Mr. Daniel Sutherland, appears to be almost ready for a tenant, and will be finished sooner than any other entirely new building. Nearly a dozen old buildings have been removed, most of which are occupied as stores and shops. They are small, having been got up in the most expeditious manner possible. We hear of a good number of respectable buildings which will soon be commenced.

As a circumstance highly creditable to the character of our coloured population, it ought not to be forgotten, that among the discoveries of Goods pilfered during and

immediately after the fire, we have not heard of a single instance of any thing being found in the possession of a negro.

Correspondence between the Ex-Secretaries of the Treasury and of War.

From the Washington Telegraph, June 21.

Mr. Ingham having completed the important reports, for which he continued in the discharge of the duties as Secretary of the Treasury, had made his arrangements to leave the Department yesterday. In the morning he was engaged in taking leave of his friends, when Major Eaton, accompanied by several others, made his appearance in the Treasury building. Their conduct was such as to attract the notice of the clerks, and a report soon was circulated that he had come there for the purpose of making a personal attack upon Mr. Ingham. One of his friends immediately apprised Mr. Ingham of it; and he, having prepared himself for the occasion, passed to his office without molestation. Some short time afterwards, Major Eaton, with two of his brother-in-laws, Doctor Randolph and Major Lewis, left the building.

MR. EATON TO MR. INGHAM.

Friday night, 17th June, 1831.

Sir: I have studied to disregard the abusive slanders which have arisen through so debased a source as the columns of the U. S. Telegraph. I have been content to wait for the full development of what he had to say, and until persons of responsible character should be brought forth to endorse his vile abuse of me and my family. In that paper of this evening, is contained the following remark of my wife. "It is proven that the Secretaries of the Treasury, and of the Navy, and of the Attorney General, refused to associate with her." This publication appears in a paper which professes to be friendly to you, and is brought forth under your immediate eye. I desire to know of you, whether or not you sanction or will disavow it. The relation we have sustained towards each other authorizes me to demand an immediate answer. Very respectfully,
S. D. INGHAM, Esq.

*This is not fairly quoted. We said: "It is proved that the families of the Secretary of the Treasury, and of the Navy, and of the Attorney General, refused to associate with her." [Ed. Telegraph.]

REPLY.

Washington, 18th June, 1831.

Sir: I have not been able to ascertain, from your note of last evening, whether it is the publication referred to by you, or the fact stated in the Telegraph, which you desire to know whether I have sanctioned or will disavow. If it be the first you demand, it is too absurd to merit an answer. If it be the last, you may find authority for the same fact in a Philadelphia paper, about the 1st of April last, which is deemed to be quite as friendly to you as the Telegraph may be to me. When you have settled such accounts with your particular friends, it will be time enough to make demands of others. In the mean time, I take the occasion to say, that you must not be a little deranged to imagine that any bustling of yours could induce me to disavow what all the inhabitants of this city know, and perhaps half the people of the United States believe to be true. I am, sir, respectfully yours,
S. D. INGHAM.

JOHN H. EATON, Esq.

MR. EATON TO MR. INGHAM

18th June, 1831.

Sir: I have received your letter of to-day, and regret to find that to a frank and candid inquiry brought before you, an answer impudent and insolent is returned. To injury unprompted, and you pleased to add insult. What is the remedy? It is to indulge the expectation that, though a man may be mean enough to slander, or base enough to encourage it, he yet may have bravery enough to repair the wrong. In that spirit I demand of you satisfaction for the wrong and injury you do me. Your answer must determine whether you are so far entitled to the name and character of a gentleman as to be able to act like one. Very respectfully,
S. D. INGHAM, Esq.

REPLY.

Washington, 20th June, 1831.

Sir: Your note of Saturday, purporting to be a demand of satisfaction for injury done to you, was received on that day; company prevented me from sending an immediate answer. Yesterday morning your brother-in-law, Dr. Randolph intruded himself into my room, with a threat of personal violence. I perfectly understand the part you are made to play in the face now acting before the American people. I am not to be intimidated by threats, or provoked by abuse to any act inconsistent with the pity and contempt which your condition and conduct inspire. Yours, sir, respectfully,
S. D. INGHAM.

JOHN H. EATON, Esq.

MR. EATON TO MR. INGHAM.

20th June, 1831.

Sir: Your note of this morning is received. It proves to me that you are quite brave enough to do an mean action, but too great a coward to repair it. Your contempt I heed not; your pity I despise. It is such contemptible fellows as yourself that have set forth rumors of their own creation, and taken them as a ground of imputation against me. If that be good cause, then should you have pity of yourself, for your wife has not escaped them, and you must know it.—But no more; here our correspondence closes. Nothing more will be received short of an acceptance of my demand of Saturday, and nothing more to be said to me until face to face we meet. It is not in my nature to brook your insults, nor will they be submitted to.
J. H. EATON.

S. D. INGHAM, Esq.

Mr. Ingham to the President.

WASHINGTON, 21st June, 1831.

The President of the United States: Sir: Before I leave the city, it seems to be due to the Government that I should perform a painful duty, imposed upon me by the events of the last forty-eight hours. It is not necessary for me now to detail the circumstances which have convinced me of the existence of vindictive personal hostility to me among some of the officers of the Government near your person, and supposed to be in your special confidence, which has been particularly developed within the last two weeks, and has finally displayed itself in an attempt to way-lay me on my way to the office yesterday, as I have reason to believe, for the purpose of assassination. If you have not already been apprized of these movements, you may perhaps be surprised to learn that the persons concerned in them are the late Secretary of War and the Acting Secretary of War;

and that the 2d Auditor of the Treasury, Register of the Treasury, and the Treasurer of the United States, were in their company; and that the Treasurer's and Register's rooms, in the lower part of the Treasury Department, and also a grocery store between my lodgings and the office were alternately occupied as their rendezvous while lying in wait; the former affording the best opportunity for observing my approach. Apprized of these movements on my return from taking leave of some of my friends, I found myself obliged to arm, and, accompanied by my son and some other friends, I repaired to the office, to finish the business of the day, after which I returned to my lodgings in the same company. It is proper to state, that the principal persons who had been thus employed for several hours retired from the Department soon after I entered my room, and that I received no molestation from them either at my ingress or egress. But, having recruited an additional force in the evening, they paraded until a late hour on the streets near my lodgings, heavily armed, threatening an assault on the dwelling I reside in.

I do not present these facts to your notice for the purpose of invoking your protection. So far as an individual may rely on his own personal efforts, I am willing to meet this peril; and against an assault by numbers I have found an ample assurance of protection in the generous tender of personal service from the citizens of Washington. But they are communicated to you as the Chief Magistrate of the United States, and most especially of the District of Columbia, whose duties in maintaining good order among its inhabitants, and protecting the officers of the Government in the discharge of their duties, cannot be unknown to you.

I have only to add that, so far as I am informed, all the persons engaged in giving countenance to this business are officers of the Government, except the late Secretary of War.

I have the honor to be, respectfully,
Your obedient servant,
S. D. INGHAM.

[A correspondence appears in the *Globe*, between the President and Messrs. Campbell, Smith, Randolph, and Lewis, the gentlemen implicated in Mr. Ingham's letter. The President demands to know of them, individually, whether the allegation bro't by Mr. Ingham against them be true, and they all state in reply, that it is false, and that neither of them have at any time armed themselves for the purpose of making an attack upon Mr. Ingham. They accuse that gentleman, in return, of having made a false charge and with retreating before it could be disproved.]

From the Washington Globe, 22d inst.

A correspondence of a private nature, between Messrs. Eaton and Ingham, appears in the Telegraph of last evening. It is to be regretted that circumstances sometimes occur in the private relations of life which make such appeals necessary. The merits of this controversy, like all others of a private nature, we shall leave to the decision of the public, without any comment from us.

We are, however, requested to state, that the account given in the Telegraph of a collection of persons in the Treasury Department, with the view of making a personal attack on Mr. Ingham, is utterly destitute of foundation.

We are further requested to state, that Major Eaton did, without any attendant whatever, seek a meeting with Mr. Ingham, having first sent him word of his intention; in which he failed, simply because the object could not be effected without violating the sanctity of a private dwelling.

From the Raleigh Register.

Destruction of the Capitol.—In announcing this melancholy catastrophe in our last, we omitted in the hurry of the moment, several particulars which may be deemed not uninteresting.

The opinion then expressed, as to the origin of the fire, is still entertained, though there is some doubt whether it was communicated by a spark from the burning shingles which were proved to have been carried upon the roof that morning, or was caused by the pot used for preparing the solder, having become so heated as to melt the Zinc, and thereby ignite the wooden sheathing with which the top of the house was covered. From one of these causes it must have proceeded. The building was entirely consumed in about two hours from the period at which the alarm was given. The walls were left standing, but a part of them has since tumbled down. Indeed such seems to have been their original precarious construction, that many believe, had not the Capitol been burnt, they would at no distant day have given way, from the pressure of their own weight, and perhaps have involved a serious loss of human life in their fall.

Since the fire, efforts have been made, and with success, to exhume the fragments of the Statue, which were broken off by the falling timbers and buried beneath the ruins. We are pleased to add, that the head has been recovered, having received but slight injury; also one arm and one leg are nearly perfect. The remaining portion of the Statue exhibits however such a tendency to crumble, that we fear its disjecta membra can never again be made to adhere.

Nothing was saved from the Library, nor could any attempt for that purpose be made, by reason of the suffocating smoke which filled the room. It was in its infancy, and the loss can easily be repaired, with one or two exceptions. We allude to the collection of our old Legislative Journals, brought down in almost unbroken succession from the year 1715, to the present day. Lawson's History of the State, valuable only however for its antiquity, was also burnt. This is a very thin quarto, which was purchased by the State at the sale of a private library, a few years since for \$70. Our public Officers, particularly the Sec-

retary of State and Comptroller, have an Herculean task to perform in reducing to order the chaotic confusion into which their papers have been thrown. The documents belonging to the Clerks of the two Houses and some of the Comptroller's papers are mixed with those of the Secretary of State; the attempt therefore, to hunt up at present any particular record would be nearly as hopeless a task, as to look for a needle in a hay-stack.

Upon a review of all the circumstances connected with this unfortunate affair, it is no more than an act of justice in us to say, that so far as we have had an opportunity of consulting public opinion, the sympathy of the community is strongly enlisted in behalf of the enterprising contractor, Mr. BRAGG. The entire work would have been finished the day after the accident happened, and his contract have been fully complied with. Indeed, he had done all that was his peculiar province to superintend, ten days before, and was only waiting to have the zinc nails soldered to give up the work to the Commissioners.

Such a desire has been discovered amongst the numerous individuals who have visited the ruins, to obtain pieces of the Statue for preservation, that it has been found necessary to enclose it, so as to prevent further mutilation.

University of North-Carolina.—It affords us much gratification to state, that the recent Commencement of this Institution was numerously attended, and that the Exercises were sustained to the satisfaction of the Trustees and Visitors.

The Examination of the younger classes was commenced on the 13th inst. and continued until the 22d. The Senior Class had, by the particular direction of the Board of Trustees, been examined by the Faculty three weeks before. On the evenings of Monday, Tuesday and Wednesday, there was speaking, as is usual, by the members of the Freshmen, Sophomore and Junior classes.

On Wednesday, the Literary Oration, of which public notice has been given through this paper, was delivered by the Rev. WILLIAM M. GREEN, of Hillsboro'. Those who are acquainted with this gentleman, and who know how much his mind and heart are occupied with one engrossing subject, would have conjectured beforehand, that an Oration from him would have some connexion with Religion. We learn that the subject matter of it, was the influence of Christianity upon the happiness of Nations. We think the selection of the topic a judicious one; we cannot see why a Clergyman addressing a Christian audience, should be expected to forget altogether, the sacred character he sustains. The Orator was listened to with great interest, but as we shall take the first opportunity of presenting it to our readers, a particular analysis here of the sentiments advanced, if we were competent to the task, is rendered unnecessary.

On Wednesday afternoon, a Convention of Teachers and other Literary gentlemen interested in the subject of Education, was held for the purpose of devising means for giving perfection and efficiency to the instruction communicated in our public Schools of whatever rank. We indulge the expectation, that we shall have it in our power, hereafter, to give to the public a particular account of this meeting, which we deem of great importance, tending as it must do, to enlighten and regulate public sentiment in regard to the important subject of Popular Education.

The following was the order of Exercises on Thursday, the day of Commencement:

FORENOON.

1. Prayer by the President.
2. Latin Salutatory Oration. D. Berniere Hooper, Wilmington.
3. Literature of Modern Italy. Jacob Thompson, Leesburg.
4. National Pride. Lemuel B. Powell, Warren.
5. Forensic Dispute.—Ought the Southern States to establish Manufactures? Henry J. Cannon, Raleigh. James M. Williamson, Person.
6. Means of promoting national wealth. Giles Mebane, Orange.
7. Natural History. Thomas J. Pitchford, Warren.

AFTERNOON.

8. Inducements to men of talents for the due improvement of their powers. William W. Spear, Hillsborough.
9. Forensic Dispute.—Ought the Colonization Society to be encouraged? Jesse A. Waugh, Waukesha, Thomas R. Owen, Bladen.
10. Forensic Dispute.—Ought measures to be adopted for the prevention of war? Archibald A. T. Smith, Fayetteville, Allen Jones, Hillsboro'.
11. Valedictory Oration. Calvin Jones, Paulsboro, Tenn.
12. Degrees conferred.
13. Report of the Examination.
14. Prayer.

The Degree of Bachelor of Arts, was conferred upon the young gentlemen named in the foregoing scheme, and upon JAMES GRANT, jun. of Raleigh, and ALEXANDER MEBANE, of Orange.

The Degree of Master of Arts was conferred upon the Hon. ABRAHAM RENCHER, BENJAMIN B. BLUME, ALBERT V. KING, STILES M. ANDREWS, THOMPSON BYRD and ERASMUS D. NORTH, Alumni of the Institution, and upon JOHN B. TATE, instructor in Bertie county. [Register.]

Dr. Franklin's opinion of British Elections in 1768.—"In short, this whole venal nation is now at market, and will be sold for about two millions, and might be bought out of the hands of the present bidders, if he would offer half a million more, by the very devil himself."