

to add, that any such imputation will constitute a calumny.

#### DEPOSITION OF MR. JOHNSON.

Richard M. Johnson, a Senator of the U. States from the state of Kentucky, appeared before the committee, was sworn, and testified as follows:

Immediately after breakfast Friday morning, Governor Barbour, Secretary of War, sent a messenger to my room with a request to come to his house, if convenient, without delay; if not convenient, he would call at my room. I, without delay, went to his house; he informed me that he wished to state his conduct and proceeding relative to the charge which had been made against Mr. Calhoun by Mix; that I might see Mr. Calhoun, and, as a mutual friend, give him the facts in detail.

I heard what Governor Barbour had to say, and then went to the lodging of Mr. Calhoun. Colonel Hayne of the Senate was present. I told Mr. Calhoun that Gov. Barbour had requested me to call on him, and explain the course he had taken in regard to the charge aforesaid. He was then busy in folding up and sealing some letter, which I presume was the one he directed to the Speaker of the House on the subject. I stated to Mr. Calhoun that Gov. Barbour had been presented with the letter of Mix, by a Mr. Clark, making the charge aforesaid; that upon reading the letter he came to the part which made the charge against Mr. Calhoun; that he, Gov. Barbour, told Mr. Clark, that he had no doubt that the charge was a base calumny against Mr. Calhoun. Mr. Clark replied, that he believed so likewise, and it was with a view to present Mix as making this charge, to present him unworthy of the confidence of the Department, and therefore, should not obtain a certain contract for which he was then the lowest bidder, and stated, that if he could make such a charge against Mr. Calhoun, he might make the same against him, Gov. Barbour. This was urged, as I understand, by Clark, to have the proposition of Mix for the contract rejected—that he requested Mr. Clark to leave the letter with him, that he might look over it, as he was also examining some other papers which made charges against Mix, showing him unworthy of confidence; that in examining the papers alluded to, he found charges of such a character against Mix, that, connected with his charge against Mr. Calhoun, he had no hesitation in rejecting his proposals, although the lowest bid, as unworthy of the confidence of the Department. Governor Barbour stated, that he understood that some friends of his and some of his own cabinet were desirous to have retained the letter and advised Mr. Calhoun of it, or, that he ought to have sent the letter to Mr. Calhoun; upon that subject, he stated, that believing the charge false, and not entitled to any credit, he did not think that it was worthy of such consequence or notice, and that, moreover, he feared that he might insult the feelings of Mr. Calhoun by giving such serious importance to the charge, and in order to wash his hands of the whole affair, he had returned the letter to Mr. Clark under cover, and rejected the proposals of Mr. Mix, upon the grounds aforesaid, that he was unworthy of confidence and public trust, upon the ground of this charge against Mr. Calhoun, as well as other infamous charges against said Mix. I think it was the charge of forgery; and he hoped Mr. Calhoun knew him too well to believe that he should for a moment suppose he was capable of acting in any way to give countenance to such a slander against him. I communicated in substance these facts to Mr. Calhoun, who, without hesitation, said he believed Governor Barbour incapable of a design to do him injustice in the case, and a acquitted him, as I understood, of any wish to injure him in this respect, by giving the least countenance to the charge aforesaid.

Question by Mr. Clarke.—Did you hold this conversation with the Vice President before he made his communication to the House?

Answer.—I did. It was the morning of the day, and before he made the communication to the House.

Question by Mr. Campbell.—Did Mr. Calhoun, when you called on him, speak of the publication in the Phoenix Gazette of the 29th of December? If he did, what were his observations?

Answer.—I do not recollect of having any other conversation with him than that I have related. We did not go into any detail in relation to the publication.

Question by Mr. Wright.—At the time you made the communication to Mr. Calhoun at the request of Governor Barbour, did he speak on the subject of the Mix contract? And if so, relate what he said.

Answer.—I do not recollect that he said a single word respecting the Mix contract. We entered into no detail. My object was single and identical, viz. to show him that Gov. Barbour had acted honorably towards him. Upon satisfying Mr. Calhoun on that subject, we had no further conversation; in fact, I talked and said nearly all that was said; and that I have related as nearly as I can.

Question by Mr. Wright.—Have you any knowledge of any contract entered into in behalf of the United States by the War Department, in which he was in any way interested, or in the profit of which he participated?

Answer.—I never have; and I should be sorry to know or believe such a thing of him or any other man who has ever filled that Department, or ever will fill it. I have had a great deal of business with him during his whole term of service, as the agent, or rather friend, of army contractors; and I say, that I believe he is a man of as much integrity as any on earth.

Question by Mr. Clark.—Had you been informed by any person, before the publication of Mix's letter in the Phoenix Gazette, that the said letter would appear there, and by whom were you so informed?

Answer.—I never did know or hear of the existence of such a letter, until it was published.

Sworn to and subscribed this 4th day of January 1827.

RICHARD M. JOHNSON.

#### UNITED STATES AND GEORGIA.

EXECUTIVE DEPARTMENT, GEO.

Milledgeville, 17th Feb. 1827.

Sir—I received this afternoon from Lieut. Vinton, your letter of the 29th ult. and read within the same hour both it and the copy of it as published in the National Intelligencer of the 7th inst. No room was left to mistake the meaning of this dispatch.—Lieut. Vinton announced himself in an introductory note, a copy of which is herewith transmitted, as the Aid of the Commanding General; and you are sufficiently explicit as to the means by which you propose to carry your resolution into effect. Thus the military character of the menace is established, and I am only at liberty to give to the defiance which it merits. You will distinctly understand, therefore, that I feel it to be my duty to resist to the utmost any military attack which the Government of the United States shall think proper to make on the territory, the people, or the sovereignty of Georgia, and all the measures necessary to the performance of this duty, according to our limited means, are in progress. From the first decisive act of hostility, you will be considered and treated as a public enemy, and with the less repugnance, because you to whom we might constitutionally have appealed for our own defence against invasion, are yourselves the invaders, and what is more, the unblushing allies of the savages, whose cause you have adopted.

You have referred me for the rule of my conduct to the Treaty of Washington, which has received the constitutional sanction in among the supreme laws of the land, and which the President is therefore bound to carry into effect, "by all the means under his control." In turn, I take the liberty to refer you to a Treaty of prior date, and prior ratification, concluded at the Indian Springs, a copy of the proclamation of which under the sign manual of the President, I have the honor to enclose. On a comparison of dates, the President may think proper to remind the Congress that the old grant claims preference of the new, and that when vested rights have passed, the old treaty, like the old grant, has preference of the new.

You have deemed it necessary to the personal safety of Lieut. Vinton, to impose on him the injunction of profound secrecy, in the execution of your orders, whilst you cause to be published at Washington the very instructions which disclose those orders and enjoin that secrecy, and which in fact reached this place by the public prints even before Lieut. Vinton had an opportunity to deliver your dispatch. You mistake the character of the people of Georgia—Officers of the United States, engaged in the performance of their lawful duties have only to depart themselves a gentlemen, to find the same security and protection in Georgia, as under the aegis of the government at Washington.

I have the honor to be your obedient servant,  
G. M. TROUP,  
HON. JAMES BARBOUR,  
Secretary of War.

EXECUTIVE DEPARTMENT, GEO.

Milledgeville, 17th Feb. 1827.

ORDERED. That the Attorney and Solicitors General of this State, in every instance of complaint made of the arrest of any surveyor, engaged in the survey of the lately acquired territory, by any civil process, under the authority of the Government of the United States, do take all necessary and legal measures to effect the liberation of the person so arrested, and to bring to justice either by indictment or otherwise the officers or parties concerned in such arrestation as offenders against the laws and violators of the peace and personal security of the public officers and citizens of this State.—That they give professional advice and assistance in their defence against any prosecution or action which may be instituted against them as officers in the service of the state, and that they promptly make known to this Department their acts and doings in the premises. It is moreover enjoined on the civil magistrates of this state, having competent jurisdic-

tion of the same, to be aiding and assisting and enquiring into the cause of every such arrest or detention as aforesaid, that the person may be discharged forthwith if illegally or unjustly detained, and in affording such redress to the aggrieved or injured party as by law he may be entitled to receive.

By the Governor,  
E. H. PIERCE, Sec'y.

#### HEAD QUARTERS.

Milledgeville, 17th Feb. 1827.

#### ORDERS.

The Major Generals commanding the 6th and 7th Divisions will immediately issue orders to hold in readiness the several Regiments and Battalions within their respective commands to repel any hostile invasion of the territory of this state. Depots of arms and ammunition central to each Division will be established in due time.

By the Commander in Chief,  
JOHN W. A. SANFORD.

Aid-de-Camp.

The following statement of the cause of the differences at present existing between the United States and Georgia, is extracted from the Speech of Daniel Webster in the House of Representatives on the 9th inst. when the subject was again brought forward and it was finally determined to refer it to a select committee.  
Trenton Federalist.

In the year 1825, a certain treaty was made by the United States with the Creek Indians, at a place called the Indian Springs, by which certain lands were ceded to the United States, which lay within the territory of Georgia. Had nothing prevented this treaty from going into effect, in September, 1826, those lands, pursuant to an agreement between Georgia and the United States, would have become the territory of Georgia. But previous to the period assigned for this treaty's taking effect, for reasons which are known to all the House, and which consisted chiefly of the dissatisfaction of a large part of the Indian tribe, which were one party to the treaty, and who complained that those who negotiated the treaty were not duly authorized so to do; a new treaty was formed, the very first article of which declares, that the former treaty, made at the Indian Springs, was entirely annulled and done away.

This is the point which the gentleman in his statement seemed to Mr. W. to have wholly omitted, and it was certainly a most important point in the case now. The claim now brought forward and insisted upon by Georgia, if he understood it, was, that this first treaty, had the operation to vest the title of the lands then ceded, in the State of Georgia, and that the nullification of this first treaty, which afterwards took place at Washington, and formed the first article in the treaty of Washington, could not, and did not have the effect to divest Georgia of the title to those lands. That, said Mr. W. is the question. It may certainly be a very grave question—a question of great moment, respecting which, I shall not be in any hurry to give my opinion.

Now, then, is the Georgia side of the question. The United States' side of the question is different. The United States' Government, on its part, contends, that the second treaty does annul the first; that the parties who made it had power to annul the first treaty; that by express terms, it is annulled, in every section, clause, and article of it; and that therefore there is no title in Georgia to any lands not embraced within the new treaty. On this ground the Government of the United States was called upon to enforce this treaty, which was the law of the land according to the pre-existing statute law. And what is that law? That whenever citizens of the United States shall interfere, whether as trespassers or as surveyors, to run lines on lands guaranteed to the Indian tribes by treaty, the United States shall resent such infractions of treaty stipulations, and shall punish such persons as offend against them.

Now, by the last treaty with the Creeks, this protection of the United States was guaranteed to the Creek Indians, respecting all their lands lying beyond a certain line. The law of the United States, in so many words, provides distinctly for this case.

The State of Georgia, by its constituted authorities, acting on their ground of construction, and directly in the face of the second treaty, (whether rightfully or not I shall not now attempt to decide,) sent their surveyors over that line, with orders to survey the lands as pertaining to Georgia. The Creeks immediately called upon the United States to fulfil the guaranty of protection contained in the 14th article of the treaty of Washington. Georgia proposes to maintain her surveyors by military force, and the United States, on the other hand, is called upon by the Indians to maintain the faith of a treaty with them. This is a state of things deeply to be regretted: it is regretted by none more than me. But, regretted or not, that is the question at issue. It is plain that if Georgia considers herself called to maintain her surveyors by force, and the United States' Government considers itself called upon to maintain the treaty by force, there must be a collision.

#### FAMILY FLOUR.

IN barrels and half barrels, for sale by  
R. L. COOK.  
Feb. 14

#### LIST OF CASES decided at December Term of the Supreme Court of North Carolina, A. D. 1826.

William Falls and others v. Hugh Torrance and James Keer, Admsrs. from Iredell. In Equity. Decree according to the Report of the Clerk and Master of Iredell, except as to the interest on the hire and profits of negroes, which question is reserved for further consideration.

Pilgrim L. Williams v. Micajah Ricks and others, from Nash. In Equity. Bill dismissed without costs.

Micajah Ricks v. Executors and Legatees of Rowland Williams, from Nash. In Equity. Interlocutory order of the Court below reversed. Referred to the Master to take an account.

William Brown and others v. the Executors and Trustees of Moses Griffin, from Johnston. In Equity. Curia ad visare vult.

William Croom, Executor of Bryan Whitefield, v. William Herring and wife, and others, legatees, from Lenoir. In Equity. Order of reference renewed, by adding the Clerk of this Court, to the Commissioner chosen by the parties.

Robert H. Wynne and wife v. Peyton R. Tunstall, from Halifax. In Equity. Decree for the complainants.

Leroy Stowe v. the heirs and devisees of Nathan Ford, dec'd. from Lincoln. The interlocutory order of this Court ordering a partition of the lands reserved, and the cause remanded to the Superior Court of Lincoln, with instructions to make partition.

Fanny Simms and Saml. Allen v. Creswell Key and others, from Rockingham. In Equity. Decree according to Report.

Joseph Davidson, Treasurer of Public Buildings v. George Robinson, appt. from Iredell.—Judgment of the Superior Court reversed, and new trial granted.

William Drew, Attorney General and others v. Theophilus Hunter, from Wake. In Equity. Injunction made perpetual with costs.

Sarah Green v. William Croom, Guardian, and William Branton, from Greene. In Equity. Remanded to the Court below, with leave to take further testimony.

Elium M. Johnson v. Charles Carson, appellant, from Buncombe. Judgment of the Superior Court affirmed.

Governor, to the use of County Trustee v. William Barr and others, from Stokes. Judgment of the Superior Court affirmed.

State Bank of North Carolina v. Henry Hunter's Executors and others, appts. from Edgecombe. Judgment of the Superior Court affirmed.

Doe on demise of F. Taylor and others v. Mary Saunders, appt. from Onslow. Judgment of the Superior Court affirmed.

John Morehead v. Eustace Hunt and others—and same v. same—in Rockingham. In Equity. Injunction made perpetual, and contract set aside upon the complainant's reconveying the Lot in dispute, by deed of conveyance, to be approved of by the master of this Court.

William Hughes v. Eustace Hunt and others, from Rockingham. In Equity. Injunction dissolved and bill dismissed with costs.

Thomas Alston v. Stephen Outerbridge, from Franklin. In Equity. Injunction made perpetual upon the complainants reconveying to the defendant's trustee whatever interest he may have derived under the deed from Fenner to him, and surrendering possession.

Jonathan Stephens v. Liban Jones from Cumberland. Judgment of the Superior Court affirmed.

Joab Alexander v. John B. Hutchinsons from Iredell. Judgment of the Superior Court reversed, and new trial granted.

John Howell v. Martin Elliott, appt. from Rutherford. Judgment affirmed.

Branch Collins v. Peter Porter, Executor of Cader Collins, from Wake. In Equity. Referred to the Clerk to take an account, and report to the next term.

John Nesbitt v. Hugh Montgomery's Ex'rs. from Rowan. In Equity. Referred to the Clerk to take an account of the consideration money, with interest, up to the present time—deducting the war interest.

Jonathan Cheshire v. George Bose & others, from Rowan. In Equity. Bill dismissed, with costs, except as to the costs of the widow, who pays her own.

John Dick v. Ailen Soker and others, appts from Montgomery. Judgment of the Superior Court reversed, and new trial granted.

Ambrose Nelson v. Bird Evans, from Rockingham. Judgment of the Superior Court affirmed.

John B. Earle v. William Dickson and C. M'Dowell, admsrs. appts. from Burke. Judgment of the Superior Court reversed, and new trial granted.

John Farrar v. Philip Alston, from Chatham. Judgment of the Superior Court reversed, and new trial granted.

Whilp Sauridant v. William Sauridant, from Halifax. In Equity. Referred to the Clerk to take an account.

Archibald Fagan v. Arthur Newson, from Davidson. Judgment of the Superior Court reversed and new trial granted.

William Moresey and wife v. David Bunting, sen. from Sampson. Judgment of the Superior Court affirmed.

Sarah B. Carter v. Solomon Graves, appt. from Caswell. Appeal dismissed.

John Shanburger, appt. v. Alexander K. nedy, admr. from Moore. Judgment of the Superior Court affirmed.—Rule to set aside the nonsuit discharged.

Margaret M'Donald v. Kenneth Murphison, from Moore. Rule to set aside nonsuit made absolute.

Redman Crumpler and others, appts. v. the Governor to the use of the State, from Wake.—Judgment of the Superior Court affirmed.

Henry Williams v. Daniel Wood, appt. from Rowan. Judgment of the Superior Court affirmed.

John L. F. Kirk, and others v. T. D. Watts, ex'r. and Josiah Turner, &c. from Orange. In Equity. Bill dismissed with costs—each party paying their own costs.

Josiah Turner and Thomas D. Watts v. Cape Fear Navigation Company, and others, from Orange. In Equity. Ordered that this cause be remanded to the Court below—it having been removed to this Court prematurely.

Paul P. Ashe v. Cape Fear Navigation Company, from Orange. In Equity. Same Order.

Child and Clancy v. Cape Fear Navigation Company, from Orange. In Equity. Same Order.

Josiah Turner v. Samuel Childs, ex'r. from Orange. Judgment of the Superior Court reversed, and new trial granted.

A. L. Gonet, v. A. L. Szarus, from Cumberland. In Equity. Decree of Sale.

Dempsey Taylor v. Ham and Z. alous Taylor, from Nash. An abated suit—scire facias to the Defendants to show cause wherefore they should not pay costs. Ordered that each party pay their own costs.

STATE CAUSES.  
State v. Pender Weeks and Wm. Beggs, appts. from Edgecombe. Rule for a new trial made absolute.

State v. Jim, a negro slave, from New Hanover.—Judgment arrested.

State v. Curtis Orrell, from New Hanover.—Judgment arrested.

State v. Robert H. Moller, from Buncombe.—Ordered that a Subpoena duces tecum issue to the Clerk of the Superior Court.

State v. James K. Brown, from Granville.—Judgment of the Superior court affirmed.

A new trick.—A respectable physician in New York was stopped lately by a person who wished to pay him a dollar, which he had been good enough to lend him some time previous. The doctor did not recollect of his having lent the money, but being assured he had, and the man pressing the payment, he gave the change for a three dollar bill. Upon examination the bill proved to be counterfeit.

Hur in Texas.—By a passenger in a steam boat from Natchitoches, we learn that two actions have been fought in Texas between the Fredonians and Mexicans, in both of which the former claim the victory. Of the first fight we have no details. The last is said to have occurred on the 4th of this month, at the town of Nacogdoches. Some 70 or 80 Mexicans having advanced on the village, they were met by about 40 Fredonians, who soon routed their foes, killing 4 and wounding ten of the Mexican soldiers.

Accounts from Austin's settlement stated the people to be about equally divided for the Fredonians and Mexicans. As, however, the former were the most noisy and violent, it was thought they would take all the authority into their own hands.

N Orleans paper.

It is estimated that 100 steamboats now float on the waters of the United States.



CITY CLOTHING STORES.  
No. 204 Market street, Philadelphia, south side, two doors above the Red Lion Hotel.

HAS received by late arrivals, an elegant assortment of super Blue, Black, and a variety of fancy colored Cloths and Cassimeres, of Sheppards, Hunt's and other Manufacturers; Valencia, Toulonett, Marsoules, Silk, Gut Velvet, and other Vestings, all of which will be made in the most fashionable style, and from ten to fifteen percent lower than they can be purchased elsewhere in the United States. Likewise on hand, a general assortment of Linen, Muslin, and Flannel Shirts and Drawers, fancy and plain Cravats, Stocks, Suspenders, &c.

Merchants and others visiting the city, will find it to their advantage to call and examine for themselves.

G. W. FARR.