

THE VICE-PRESIDENT.

The following is the report of a majority of the committee of investigation, appointed by the House of Representatives, at the request of the Vice President of the United States.

The select committee to whom was referred the communication of the Vice-President of the 29th December last, respect July report:

That, immediately after they assembled they informed the Vice President of their being organized, and of their readiness to receive any communication which he might see fit to make. On the receipt of his reply, dated the 31 of January, and which accompanied this report, Mr. McDuffie, as the friend and representative of the Vice President, was admitted before the committee, and attended throughout the examination which followed.

The first object of inquiry, in proceeding to business, was to ascertain whether any charges against the Vice President had been placed among the public records of the War Department. And after an examination on this point, the committee became satisfied that no such charges were, or had been, among the records or papers of that Department. But, as the letter from Elijah Mix, addressed to Major Satterlee Clark, under the name of "Hancock," had been published in the Alexandria Phoenix Gazette, of the 28th December, which publication the Vice-President had particularly referred to, in his note to the committee, they felt bound to examine fully and freely into the truth or falsity of the matters contained in that letter.

From the nature of the duties imposed upon a Committee of Inquiry, especially when connected with the distinct wish, as expressed by the Vice-President, in the present instance, for the "freest investigation," has been impossible for the Committee to give to their proceedings the connection and conciseness incident to trials, when the testimony is ascertained and arranged before it is presented. They have, however, diligently applied themselves to the subject referred to them, and after a long and laborious examination, they are unanimously of the opinion, that there are no facts which will authorize the belief, or even suspicion, that the Vice-President was ever interested, or that he participated, directly or indirectly, in the profits of any contract formed with the Government through the Department of War, while he was entrusted with the discharge of its duties, or at any other time.

They are also of opinion, that the conduct of Mr. Barbour, the present Secretary of War, in regard to the letter of E. Mix, is not, in the slightest degree, deserving of censure. The accusation contained in the letter was regarded by him as a base calumny upon the Vice-President, penned by a man wholly unworthy of notice; and the Committee have no reason to believe that the supposed truth of that accusation was at any time the basis of any act of the War Department. The publication of the letter appears to have been produced as follows:

In the month of December last, Howes Goldborough and Elijah Mix were competitors for a contract with the War Department: Goldborough, soon after his arrival in Washington, obtained from Major S. Clark a copy of the letter, with a view to use the same against Mix, should he find it necessary. From this copy a transcript was obtained by Wm. Phoenix Gazette, on the 27th December, which he published the next morning in the paper, accompanied by his editorial remarks. In this publication Mr. Barbour had no agency, either direct or indirect. When he heard that the letter had been made public, he requested Col. R. M. Johnson, of the Senate, to call upon the Vice President as a mutual friend, and inform him of the manner in which the letter had come to his (Mr. Barbour's) hands, and that the same had been subsequently transmitted through the post office in an envelop to Major Clark, to whom it belonged. This information was given by Col. Johnson to the Vice President, in the morning of the 29th of December, just before he transmitted his communication to the House.

The letter to "Hancock," as published and to which the Vice President had referred, contained, among other things, the following assertion: "And I have written letters of Vandeventer's, which most positively mention that he (meaning Mr. Calhoun) was engaged, and received some portion of the contract." As such letters, if they existed, might lead to further evidence, and be important to aid the Committee in their inquiries, they thought proper, in the early stage of their proceedings, to issue a subpoena both for Mix and Vandeventer, with a clause therein contained, commanding them to produce any papers in their possession, tending to prove the accusation which Mix had made in his letter to Hancock. In obedience to this summons, the witnesses appeared, and Mix having been first called upon to testify, produced, during his examination, the letters from Major Vandeventer,

dated August 7th, 1818, September 10th, 1818, July 20th, 1820, March 24th, 1821, and the letter from Colonel W. K. Armstrong, dated March 24th, 1821. On his second examination he produced the letters from Major Vandeventer, dated August 2d, 1818, September 19th, and October 17th, 1820. When it was perceived that, in one of the letters of Major Vandeventer, to wit, the one dated the 7th of August, and in which they here particularly refer, allusion was made to a partner in the contract, whose name was to have been kept secret, they felt it to be their duty to discover, if they could, who this secret partner was, or, in any case, to push the inquiry so far as to leave no room for suspicion that the Vice President was the person alluded to. This branch of the subject has been the principal cause of their consuming so much time. In the investigation; they found that they were here led into a wider field than could have been at first anticipated, and that it was necessary, in order to get a full view of the whole ground, to go thoroughly into the origin and history of what is called the Mix contract. The letters of Major Vandeventer above referred to appear to relate principally to the private and confidential transactions between him and E. Mix, in regard to the contract; and there is no reason to believe or presume that the Vice President was ever made acquainted with their contents. The letter from Col. Armstrong, written while he was at the head of the Engineer Department, although it wears the appearance of an official paper, and was improperly intended, as the Committee believe, to bring the weight of official sanction to bear upon the private transactions between Vandeventer and Mix, was not written with the sanction or approval of the Vice President, and no copy of it was ever entered in the letter book of the Department.

The committee will here remark, that they place no reliance whatever on the testimony of Elijah Mix. From the self-contradictions, apparent on the face of his testimony, and which it is unnecessary here to recapitulate, aside from the infamy attached to his character, the committee were satisfied that he ought not to be believed on his oath. The letters, however, just referred to, and produced by him during his examination, do not rest for their authenticity on his testimony. Those from Major Vandeventer, excepting such parts as had been defaced or obliterated, were acknowledged by Major Vandeventer himself to be genuine; and he was requested in every instance, to state, with the letters before him, what names or words had occupied the obliterated places, when the letters were written. The letter from Col. Armstrong was also acknowledged by that officer to be genuine. But the three papers purporting to be copies or the substance of a letter from Major Vandeventer to Mr. Calhoun, rest for their authenticity on the unsupported testimony of E. Mix, and are regarded by the committee as having been fabricated by him. They are also of opinion that the words or names defaced from the letters of Major Vandeventer were so defaced by E. Mix; and the committee have been unable to ascertain with certainty, either from Vandeventer, the admitted author of the letters, or from any other source, what the words or names were, which have been thus obliterated.

The offer for the contract appears to have been made by E. Mix, on the 23d of July, 1818, and proposes to deliver at Old Point Comfort, "from one to one hundred and fifty thousand perch of stone, at three dollars per perch." The contract, as furnished from the War Department, bears date the 25th of July, 1818. It stipulates for the delivery of one hundred and fifty thousand perches of stone, at three dollars per perch—is drawn up in the hand writing of Major Vandeventer, and by him alone witnessed, and is signed by General Joseph G. Swift, then chief Engineer, and by Elijah Mix. Although Mix here appears to have been the only contractor, yet, from the evidence, there is reason to believe, that at the time the contract was made, or soon after, and before the execution of any valid bond for the performance thereof, it was divided into shares, and that one fourth belonged to Major Vandeventer, one fourth to Elijah Mix, one fourth to R. C. Jennings, and the remaining fourth to a person whose name was not to have been mentioned. The title of Vandeventer to his fourth, at the time above referred to, appears to have rested on a verbal and confidential agreement between him and Mix, and so remained till the 24th of April, 1819, when he received a written bill of sale of one half of the whole contract. Howes Goldborough and Co. subsequently became the owners of one fourth, by purchase from Samuel Cooper, who had previously purchased from Major Vandeventer; and they (Goldborough and Co.) were recognized at the War Department, by the consent of E. Mix, expressed in a letter sent by him to the Secretary of War, dated the 13th of April, 1821.

The first bond, received at the Engineer Department, on the contract, is dated 5th of August 1818, and describes the contract as having been made by Elijah Mix and George Cooper, for the delivery of one hundred thousand perches of stone, being fifty thousand less than the Mix was entitled to deliver. The bond is signed by E. Mix and George Cooper, as contractors; and by Samuel Cooper and James Oakley, as sureties: the sureties were regularly approved by R. Riker, Recorder of the City of New York, as apparently his certificate following immediately after the signatures, and dated the same as the bond. It will be perceived, at once, that there is a serious and fatal variance between the bond and the contract. In an official letter written from the Engineer Department, on the 11th day of August, 1818, to Lieutenant George Hany, and copied into the letter-book of that Department, the contract is described as for one hundred thousand perches of stone. The language of the letter is as follows: "You will inform the Agent that a contract has been made with Captain E. Mix, to deliver, as soon as practicable, at the Rip Raps, one hundred thousand perch of stone." In a subsequent letter, written to James Maurice, also copied into the same letter book, and dated the 21st day of August, 1818, the contract is described as being for two hundred thousand perches. The language of this letter is as follows: "Mr. E. Mix will soon commence to deliver stone at the Rip Raps, under contract with this Department, for two hundred thousand perch."

At the same time, as the Engineer Department of the first bond but at what precise time does not appear, a new bond was given for the delivery of one hundred and fifty thousand perches, describing the contract as made by E. Mix. This second bond is signed by E. Mix as contractor, and Samuel Cooper and James Oakley, as sureties—and it is ante-dated to 5th of August, 1818—but no certificate, in regard to the sufficiency of the sureties, was attached to this instrument. The Committee have been unable to ascertain when this second bond was received at the Engineer Department; though the impression of Gen. Swift is, that it was received before he left the office, which was on the 11th of November, 1818. Major Vandeventer also expresses his belief, that it was delivered during the Fall of 1818. How far his testimony conflicts, if at all, with his letter to Mix, dated 17th of October, 1820, in which he urges upon the latter to attend to "the bond," the Committee will not undertake to determine.

The attention of Gen. Swift was particularly directed, before the Committee, to the discrepancies in the bonds, and also to the two letters from the Engineer Department, in which the contract is alluded to. The explanation which he gives will be found in his testimony, to which the Committee refer. During an investigation relative to this contract, by a Committee of the House of Representatives, in 1822, a copy of the bond was requested by that Committee. In answer to which, the Engineer Department furnished a copy of the second bond, which had been substituted for the one first given—but, as there was no certificate of the Recorder of New-York, approving the sureties on the second bond, a copy of the certificate annexed to the cancelled bond, was made, and attached to the copy of the bond furnished Capt. Smith, of the Engineer Department, who attested these copies, has explained the cause of his certifying to this inaccuracy, and to his testimony, in that particular, the Committee here refer.

The question still remains, who was the secret partner? But the Committee being entirely satisfied that the secret partner was not the Vice-President, which was the main question to be decided, will leave the conflicting testimony on the other point with the House, without attempting to decide upon its relative weight. On the 27th January, 1827, the Committee closed the examination of witnesses on their part, except as to one or two, who had been summoned, but had not attended. On that day, the friend and representative of the Vice-President was advised that the Committee had so closed their examination; and he was also informed by a member of the Committee, in its presence, that the Committee were unanimously of opinion that the Vice-President was innocent of the charge of

having participated in any manner in any contract made with the War Department, while he was Secretary of War. The same day, at the instance of Mr. McDuffie, subpoenas were issued for witnesses to appear and testify on behalf of the Vice-President. On the 29th of January, the Committee received from the friend and representative of the Vice-President, a paper protesting against the previous proceedings of the Committee. Considering this paper as prepared and presented under the sanction of the high officer, in whose behalf it protests, the Committee have deemed it their duty to transmit it to the House, but they forbear all comment on its contents. The Committee submit herewith all the testimony they have received during the examination.

THE LEGISLATURE.

The following summary of the proceedings of the Senate on the last days of the session, will show what disposition was made of the unfinished business. We are obliged to defer what was done in the Commons, till our next, to make room for the report of the committee on the Vice President's case.

SENATE.

Thursday, Feb. 1.—The Senate resolved itself into a committee of the Whole, on the engrossed bill to authorize the County Courts to permit gates to be erected across the public roads, and to impose a tax thereon; and after some time spent therein, the committee rose, and reported the bill with an amendment. The said bill and amendment were, then, on motion of Mr. Speight, of Greene, indefinitely postponed.

Friday, Feb. 2.—Mr. Bird, of Burke, presented a bill to amend the several acts of 1823, incorporating Morganton Academy. The engrossed resolution in favor of Greene B. Palmes, was read the second time, and, on motion of Mr. Speight of Greene, indefinitely postponed.

The bill prescribing the manner in which clerks of the Superior Courts shall hereafter be appointed, was rejected on its second reading.

The bill limiting actions on judgments, bonds, and other sealed instruments, was read the third time, amended on motion of Messrs. McKay and Pickett, and rejected—30 to 27.

Saturday, Feb. 3.—Received from the other House a certificate of the County Court of Mecklenburg, in favor of Patsy Thompson; which, on motion of Mr. M. Leary, was countersigned by the Speaker of the Senate.

The bill to declare runaway slaves, who arm themselves, outlaws, and to punish them for such offence, was read the third time, amended on motion of Mr. Seawell, and rejected by the casting vote of the Speaker.

The bill to amend the emancipation laws was rejected on its third reading.

Monday, Feb. 5.—Mr. Stokes presented the petition of sundry inhabitants of Wilks county, on the subject of altering the time of holding the Courts of said county. The bill directing the duty of the Sheriffs in holding elections for Representatives in congress, was read the second time, and, on motion of Mr. Pickett, indefinitely postponed.

Wednesday, Feb. 7.—Mr. Foreman submitted the following resolution: "Whereas doubts have arisen as to the constitutionality of a Solicitor being elected to sit in this House as a Member:

Resolved, therefore, That the seat of Stephen Miller, Senator of the county of Duplin, and also one of the Solicitors of this State, be vacated."

Which resolution, on motion of Mr. Speight of Greene, was indefinitely postponed.

The resolution, reported by the committee of Propositions and Grievances, unfavorable to the petition of Robert Gracy, was taken up; when Mr. King of Iredell, moved to amend said resolution, by striking out all except the word "Resolved," and inserting the words "that Robert Gracy be allowed the sum of 120 dollars, with interest from the year 1817," which motion was negatived.

Mr. Stokes, from the committee of Finance, reported that, on the 2d instant, the committee examined and burnt \$15,523 98 of worn out Treasury Notes.

The bill more effectually to provide for the probate of last wills and testaments, and the bill for the encouragement of Sunday schools, were indefinitely postponed on their second reading.

The bill to prevent the owners of slaves, charged with a felony without the benefit of clergy, from sending them away to avoid a trial; and the bill relative to advancements, were rejected.

The bill directing the Secretary of State to purchase and distribute copies of Chief Justice Taylor's Revision of the Laws of the State; the bill further to extend the jurisdiction of the Superior Courts on the subject of divorce; the bill to exempt practicing physicians from attending as witnesses out of the county in which they reside; the bill to extend

the time for the registration of great and small conveyances, powers of attorney, bills of sale and deeds of gift; the bill directing the continuance of the geological and mineralogical survey of the State; the bill to permit attorneys from other States to practice in the Courts of this State in certain cases; the bill to compel executors to give security in certain cases; were indefinitely postponed on their second reading.

The following bill was presented, viz. By Mr. King, a bill to repeal so much of an act passed in 1742, as requires a master or mistress to teach or cause to be taught coloured apprentices to read and write.

Thursday, Feb. 8.—Mr. Pickett, from the Judiciary committee, to whom was referred the resolution directing them to enquire into the expediency of providing by law for those cases in which letters of administration are not taken out on intestates' estates, made a report, and begged to be discharged from their further consideration; which was agreed to.

Friday, Feb. 9.—Mr. Hill, of Franklin, to whom was referred the memorial of Jonathan Elliott of Washington, on the subject of furnishing the State with the debates, &c. of the several conventions of the old thirteen United States on the adoption of the Constitution, reported that it is inexpedient to legislate on the subject at present.

Mr. McKay, from the select committee to whom was referred the petition of James Allen, impeaching the conduct of certain directors of a Turnpike Road in Buncombe, made an unfavorable report; which was concurred in.

Mr. Speight of Greene, from the Military committee, to whom was referred the petition of sundry citizens of Chatham county, on the subject of compelling Quakers to perform military duty, made a report begging to be discharged from its further consideration. Concurred in.

Mr. King presented a bill to direct the manner in which Constables shall be appointed;

The bill to transfer the stock owned by the State in the Banks of Newbern and Cape Fear, purchased since 1821, to the President and Directors of the Literary Fund, was read the second time, and, on motion of Mr. Hill of Stokes, was indefinitely postponed—45 to 7.

The bill to regulate the payment of claims against the several counties in this State, and the bill to provide for the final settlement of Executors and Administrators, were indefinitely postponed.

The bill allowing further time for the establishment of Agricultural Societies, and the bill to relieve the people, by reducing the land and poll tax for one year, were indefinitely postponed.

MR. STANLEY.

On Monday, the 17th inst. the last day of the session of the Legislature of this state, the following resolution was offered in the House of Commons, by Mr. Jones, of Warren county, which was unanimously passed:

Resolved, That the Members of this House sincerely lament the affliction with which the Hon. John Stanley is visited, and deeply sympathize with his family and friends in a calamity which threatens to deprive them of his affectionate care and protection, and the State of one of its brightest ornaments.

AMENDMENT of the CONSTITUTION.

In the House of Commons of this state, on Saturday, the 10th inst. the following resolutions were offered by Mr. Settle, and agreed to by the house, on the subject of an alteration in the Constitution of the U. States, proposed by the legislature of Georgia, as regards the election

Resolved, That, in consequence of the great importance of the subject itself, and in order to enable the people of this State fully to consider the same, this Legislature will not act definitely upon the report of the committee relative to the resolutions received from the State of Georgia recommending the expediency of so amending the Constitution of the United States, as to prevent the election of President and Vice President from devolving on the House of Representatives of the United States; but that they will delay the same until the meeting of next General Assembly.

Resolved, That, believing the report of the committee contains matter well deserving the serious consideration of the nation, his excellency the Governor be requested to forward a copy thereof to each of the Governors of the several States, with a request that the same be laid before the Legislature of the State over which he presides; and, also, that a copy be forwarded to each of our Senators and Representatives in Congress.

It appears from the report made from the Department of State to the House of Representatives, stating the claims of American citizens on the Governments of France, Naples, Holland, and Denmark, for vessels and their cargoes, unlawfully taken and condemned, amount to \$15,045,612 26, viz:

Aggregate of claims on France	\$9,600,332 17 1/2
Do do Naples	2,032,950 88
Do do Holland	750,059 84
Do do Denmark	2,662,269 36 1/2
Total	\$15,045,612 26