An Act to prevent free persons of colour from migrating into this State, for the good gover ment of such persons resident in the State and for other purposes.

Le it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful hereafter for any free negro or mulatto to migrate into this State: and if he or she shall do so contrary to the provisions of this act, and being thereof informed, shall not, within twenty days thereafter, remove out of the State, he or she, being thereof convicted in manner hereihafter directed, shall be liable to a penalty of five hundred dollars: and upon failu to pay the same, within the time prescribed in the judgment award ed against such person or persons, he or she shall be liable to be held in servitude. and at labour for a term of time not exceeding ten years, in such manner, and upon such terms as may be prescribed by the court awarding such sentences and the proceeds arising therefrom, shall be paid over to the county trustee for county purposes : Provided also, that in case any free negro or mulatto shall pay the penalty of five hundred dollars according to the provisions of this act, it shall be the duty of such free negro or mulatto to remove him or herself out of this State within twenty days thereafter, and for every such failure, shall be subject to the like penalty, as is prescribed for a failure to remove in the first instance.

2. And be it further enacted. That if a ny free negro or mulatto shall come into this State as aforesaid, he or she may be arrested upon a warrant from any justice of the peace, and carried before any justice of the peace of the county in which he or she may be arrested; who is hereby authorised and required, to examine into the case, and if upon such examination it shall appear to him, that the said free negro or mulatto has come into this State contrary to the provisions of this act. he shall bind him or her over to the next County Court of said county which shall happen thereaffer, taking such security for his or her appearance as may be reasonable; and upon neglecting or refusing to give such security, the said justice shall commit such free negro or mulatto to the jail of the county, there to be confined until the nex! County Court, unless, in the mean time, he or she shall give security as aforesaid: and at the said court, it shall be the duty of the said stices thereof to inquire into the case; and if it shall appear to them that the said free negro or mulatto has migrated into this State, contrary to the provisions of this act, they shall enter judgment against him or ber for the aforesaid penalty, and may award execution thereon; and if in case he or she shall have no property, or not sufficient to satisfy the said debt, the said court shall adjudge, that the said free negro or mulatto shall be lived out for a term of time, not exceeding that prescribed in the first section of this act, in such manner and upon such terms as may seem expedient to the said court.

S. Be it further enacted, That if after the expiration of the term of service for which such free negro or mulatto shall have been held in servitude, he or she shall remain in this State for thirty days, such free negro or mulatto shall be liable to the same penalties and punishment as are presorthed in the first and second sections of

4. Be it further enacted, That any person, who shall bring into this State by water or land, any free negro or mulatio, he or she shall forfeit and pay for every such person, so brought into the State, the sum of five hundred dollars, to be recovered by action of data in the name of the chair man of the County Court for the time being, and his successors in office, where such afferce shall be committed, for the use of the county: Provided, that this act shall not extend to masters of vessels, bringing into this State any free negro or mulatto employed on board, and belonging to said vessel, and who shall therewith depart, nor to any person travelling in or through this State, having any free negre or mulatto as a servant, and who shall, with such person, depart out of the State.

5. Be it further enacted, That if any free negro or mulatto in any county of this State, who is able to labor, shall be found spending his or her time in idleness and dissipation, or who has no regular or honest employment or occupation, which he or she is accustomed to follow, it shall and may be lawful for any citizen to apply to a justice of the peace of said county, and upon affidavit obrain a warrant to arrest such person and bring him or her before some justice of said county; and if; upon examination of the cause, it shall appear to said justice that the said free negro or mulatto comes within the provisions of this act, the said justice shall bind him or her with reasonable security to appear at the next County Court of said county : and in case he or she shall fail to give security, such free negro or mulatto shall be committed to the jail of the county until the next County Court thereafter: and it shall be the duty of the said court, if, upon examination of the case, he or she shall come within the meaning of this act, to require such free negro or unlated to enter into bond, with sufficient security, in such sum as may be considered by the court reasonable payable to the chairman of the County Court for the time being and his successurs in office, conditioned for his or her good behaviour and industrious, peaceable deportment for one year: and in case he or she shall full to give such security, or shall not pay the cost and charges of the prosecution, it shall be lawful for the said court, and they are hereby required to hire out such free negro or mulatto for a term of time to service and labor, which to them may seem reasonable and just, and calcu-lated to reform him or her to habits of industry and morality, not exceeding three years for any one offence. - ac - a - 14 - 1

of money, which may arise under the proisions of this act from the hire of free negroes or mulatines, shall be paid to the county trustee for county uses.

7. And be it further enacted, That the justices of the Courts of Pleas and Quarter lessions, in each of the counties of this State, shall have power, in cases where it may appear expedient, to bind out the of the countenance of the government. As no children of free negroes or mulattoes, where the parent, with whom such children may live, does or shall not habitually employ his or her time in some honest indus-

trious occupation. 8. Be it further enacted, That all persons with whom any free negro or mulatto may be held to service under this act, shall, and they are hereby required to previde him or her with good and sufficient clothing and food, treat him or her with humaniv. and teach him or her some mechanical trade, or some useful and industrious employment, during the term for which such free negro or mulatto may be compelled to serve: he or she shall not be removed from the county by such master or any other person, and shall be produced to the County Court at the expiration of the term of service as aforesaid, or whenever thereto required by them: and if any such master or mistress shall violate this act, he or she may be indicted for such offence in any court of the county, where such offence may be committed, and, on conviction thereof, may be fined or imprisoned at the discretion of the court: and in case such free negro or mulatto shall run away beservice, he or she shall be compelled to serve after the said expiration such a length of time as he or she shall have absented im or herself.

9. Be it further enacted, That in all cases arising under this act, the free negro or mulatto, who is charged with an offence, upon application to the court for that purpose, shell have a right to have the facts of his or her case tried by a jury, upon an issue or issues made upunder the direction of the court for that purpose.

10. Be it further enacted, That all free mulattoes descended from negro ancestors to the fourth generation inclusive, though one ancestor of each generation may have been a white person, shall come within the

provisions of this act. tornies in this State to give in charge this act to the grand jurors, and it is hereby made their duty to present all cases in their county arising under this act, within the knowledge of either of them; and the said attornies are hereby required in all cases arising under the provisions of this act, to prosecute for and on behalf of the State: and it shall be the duty of the several courts of this State, before whom any proceedings may be had under this act, so to construe the same as to prohibit the evils intended to be remedied, and they are hereby authorised and required to make all necessary rules and regulations, according to the usual course of justice, which may be required for the purposes and objects of this act.

From the National Intelligencer.

We publish to-day two of the depositions which accompanied the Report of the committee of Investigation, in the House of Representatives, the publication of which is supposed to be necessary, since the publication of Mr. McDuffie's letter to the Committee, to a just view of one branch of that investigation.

surprise that Mr. McDuffie, in his letter | py to Mr. Calhoun ; upon which I gave him the to the committee of Investigation, should have alluded to the National Intelligencer in such a manner as to leave an inference that this paper was engaged in a course of proceeding prejudi ial to the fame of the Vice President, at the instance, or by connivance, of the Secretary of War. We would see him at my own house that evening, should have thought, of all men in the Universe, Mr. Calhoun was the last towards whom we could be accused of unfairness or unfriendliness. He has never, under whatever provocation of his associates and devoted friends, received from us any thing but courtesy and civility. In our controversies beretofore with his supporters, when they have assailed us, he has been left untouched. When his conduct has been impeached, recently as well as formerly, our columns have been thrown wide open for his defence. When others, even tried personal friends of ours, have sought to pursue him in our columns, our columns have been closed against them. Many a time and oft we have disinterestedly stood between him and his adversaries, and, under these circumstances, it may be imagined, we have no relish for the sort of visitation which our conduct towards him has drawn down upon us from his authorised friend. We had supposed our course had been so direct and fair in regard to him, that even an enemy (in which light we have no reason to regard Mr. McDuffie) could not

In justice to that honest and true-hearted Virginian, who presides over the War Department, it is proper for us to say, perhaps, that we have never held with him an instant's conversation, nor any communication, direct or indirect, written or oral, on the subject of Mix's Letter, previous, (nor subsequent, that we remember,) to the Vice President's Appeal to the House of Representatives.

DEPOSITIONS

From among those accompanying the Report of the Committee of Investigation on the appeal of the Vice-President to the House of Representatives.

Deposition of Mr. Barbour. lonel Gratiot, the superintendant of the c works at Old Point Comfdrt, invited proposals for sundry articles wanted in the construction of those works. Among others, 16,000 per-ches of stone were submitted to the lowest bidder. Elijah Mix was the lowest bidder ; Howes

elf at the Department, about the 22d December for the day is not particularly recollected) to assist on his being entitled to the contract: first, on the ground of the great superiority of his stone, and their particular fitness for the works ; and, secondly, on the notoriously bad character | swer be affirmative, to whom ! of Mix, which, he urged, rendered him unworthy official information had been received from Colonel Gratiot, no step could then be taken. I stated to Mr. Goldsborough, that the rejection Mix's proposals; whether before or after the of the lowest bidder involved a delicate responsibility, both to the public and the individual rejected; that I had, in a few cases, rejected the it to him. The conversation with the President lowest bidder, on the ground of his unworthy took place in a walk with him from church on character; and that I should investigate maturely the objections he had urged, and if I found sufficient reasons, I would do it in Mix's case. The Monday or Tuesday thereafter, Saterlee

Clark called upon me, at my dwelling. He stated that he had heard that Mix was seeking to obtain another contract from the Government, and that he was satisfied, after the perusal of a letter from Mix to him, I would be of an opinion, that he was not entitled to such attention from the Government; and, thereupon, he took from his pocket the letter of Mix, and commenced reading. So soon as he had reached the part implicating the character of Mr. Calhoun, I interrupted him, by saying, that it must be a foul calumny; Clark replied, that he so considered it, and that, under that impression, he had brought the letter for the purpose of convincing me of the baseness of Mix; and, he added, if you give him countenance, you will be just as liable to the same imputation. He stated, that I might either at once return him the letter, or, f I preferred to keep it, for the purpose of being more fully satisfied, that he would call upon me, at the office, for it As I was just setting out to the office, and expected to meet the rival fore the expiration of his or her term of parties for the contract, I retained it. On arriving at the office, after perusing the Report, made some years since, of the House of Representatives, and the accompanying documents, on the Rip Rap contract, among which I found evidence of Mix's having been indicted for forgery, and his flying from the prosecution, I called in Gen. Macomb, to inq ire if Col. Gratiot had yet been heard from ; being answered in the negative, I told him of this letter, and that I was so well convinced of its being an unfounded columny, that he would consider Mix's offer as not to be regarded, and, of consequence, to accept Goldshorough's; and that he might state, that my decision was founded on Mix's bad character, to Col. from Col. Gratiot were not received till Thurs-

> I heard on Wednesday morning, from Major my mind at once to the conclusion, that it would be indelicate to Mr. Calhoun, as it might imply that I thought some explanation necessary. But, lest my views might be incorrect, I took counsel of Mr. Rush and Mr. Southard, both of whom promptly expressed a coincidence of opinion with me; and it was agreed by all, that as Clarkhad not applied for the letter, it ought to be returned to him. Accordingly, the next morning, the first thing I did, was to enclose it and send it to Clark, through the Post Office, before leaving my own house. To the Committee, and to the copy or copies of this letter, alluded to ame from the inferences of the malignant.

After my reaching my office on Thursday, Gen. Floyd called, to say to me that he, in common with some other of my friends, had been pained to hear a rumor that Mix and Clark had filed, by letter, serious charges at the department against Mr. Calhonn, they being of opinion We embrace the occasion to express our that I ought either to have burnt it, or sent a co above narrative, with which he said he was relieved on my account, & satisfied. He suggested the propriety of my stating, on paper, the facts. This, I told him, I thought unnecessary; but asked him to communicate them to Mr. Calproper. I stated to him, furthermore, that I If he did, what were his observations? & that I was willing to adopt any proper course, that a misrepresentation of the facts, as far as I was concerned, might make necessary. The General wrote me in the evening that, on his getting to the House, he found the Phænix Gazette, containing Mix's letter, in the hands of had made no communication to Mr. Calhoun.-Most anxious to have my conduct fairly represented, and fearful that the ear of Mr. Calhoun had been abused, I sent, early on Friday mornng, for Colonel Richard M. Johnson, a friend to us both, and requested him, as soon as his convenience would permit, to see Mr. Calhoun and give him the history of the transaction as detailed above. He readily consented, and proceeded, as he informed me, immediately to his lodgings, where he complied with my request; when Mr. Calhoun replied, that he was entirely satisfied with my conduct in the whole affair.

After this, I saw with surprise, that Mr. Calhoun had stated, in his communication to the House, that charges of a serious character, against him, had become in some degree official, by being placed among the public records, and had become the basis of an official act at the War other man who has ever filled that Department, ver intended by me to be placed among the records: when no charge was made by Clark, in consequence of Mix's letter, but, on the contrary, as avowed by himself, to fix the crime of calumny on Mix, which was predicated exclusively on the innocence of Mr. Calhoun : for his innocence made Mix's crime. Nor was any official act of the War Department based on the charge : but the falsehood of the charge, united with other imputed crimes, induced me to reject Mix, as unworthy of any connexion with the government. And I solemnly aver, that, in receiving this letter, and, in short, that every act of mine, in this whole affair, was guided by an exclusive eye to the public interest, and in rejecting Mix's proposals, as I thought, by a due regard to the moral sense of my country; that, from the first moment of hearing the charge, thought it a calumny, and, coming from the quarter it did, unworthy of any man's notice. The declation of Mr. Calhoun, made to Col. Johnson, of his entire satisfaction with my course, and indeed, selfrespect, forbid me from applying to myself any of the innendos in Mr. Calhoun's communication to the House; yet, as the world may infer from the communication, that they have a bearing s gainst me, I think it proper to add, that any such imputation will constitute a calumny.

Questions, and answers of Gov. Barbour. Question by Mr. Wright. Have you know Goklsbotough the next. Colonel Gratiot, accord. ledge of any contract entered into in behalf of the Colonies of Great Britain. Mr. Smith's

whose names you have already mentioned, while the letter was in your possession ! If your an-Answer. I have no recollection of having spoke

or shown it to any other persons than those re ferred to in my deposition. I recollect consulting the President on the propriety of rejecting receiving Mix's letter, I'do not distinctly recollect. If after receiving it, I presume I spoke of Christmas day.

JAMES BARBOUR.

Deposition of Mr. Johnson. Richard M. Johnson, a Senator of the United

States from the State of Kentucky, appeared before the committee, was sworn, and testified as

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 Mr. Mix; that I might see Mr. Calhoun, and, us 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 Havne 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 flouse on the subject. I stated to Mr. Calhoun that Gov. Barbour Irad 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 foul charge, to prove him unworthy of the confidence of the Department, and therefore, should not obtain a certain contract for which he was then the lowest bidder: Gratiot, and the parties concerned. The papers | 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 Nourse, that one or more copies of Mix's letter of Mix for the contract rejected—that he rewere in circulation, and I think he added, that | quested Mr. Clark to leave the letter with him, he had seen it, and had heard that the original that he might look over it, as he was also exhad been shewn to me. I explained to him to amining some other papers which made charges 11. And be it further enacted, That it what end it had been presented to me. About against dix, showing him unworthy of confi- to take up other business. hall be the duty of the several county at- 4 o'clock on that day, the Board of Commission- dence; that, in examining the papers alluded to, ers on the Navy Hospital Fund, composed of he found charges of such a character against Mix, table directing the Secretary of the Trea-Mr. Rush, Mr. Southard, and myself, being in that, connected with his charge against Mr. Calsession, in my office, a note was sent me from houn, he had no hesitation in rejecting his pro-Major Nourse, submitting the propriety of send- posals, although the lowest bid, as unworthy of ing Mix's letter to Mr. Calhoun. The idea of the confidence of the Department. Governor taking such a step had not occurred to me. Con- Barbour stated, that he understood that some sidering it an unfounded calumny, and the source | friends of his and Mr. Calhoun's thought that he from which it came as unworthy of notice, and ought to have retained the letter and advised the sentence which I myself had passed on the Mr. Calhoun of it, or, that he ought to have sent author, these considerations, when I was called the letter to Mr. Calhoun; upon that subject he to decide on the questions submitted, brought | 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 unwo thy of coufidence 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 all who know me, it is unnecessary to state, that | the charge of forgery; and he hoped Mr. Calhoun knew him too well to believe that he should bove, had been taken before the letter was put | for a moment suppose he was cap ble of acting in my possession, and that none were permitted in any way to give countenance to such a slander by me, and the fact is adverted to only to protect | 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 ac-

> tenance 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?

quitted him, as I understood, of any wish to in-

jure him in this respect, by giving the least coun-

lay, 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 houn, or to any other person he might think in the Phonix Gazette of the 28th of December? Answer .- I do not recollect of having any oth-

er 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 Gov. Barbour, did he speak on the some of the members; and, in consequence, he 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 farther conversation; in fact, I talked and said nearly all that was said; and that I have related as near-

Question by Mr. Wright. - Have you knowledge of any contract entered into in behalf of the United States by the War Department, while Mr. Calhoun was Secretary of that 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 Department : when, in truth, the letter of Mix or ever will fill it. I have had a great deal of to Clark never was among the records, nor was business with him during his whole term of ser vice, as the agent, or rather friend, of army con- and for repairs in other parts of the buildtractors; and I say, that I believe he is a man of ing \$500-the residue was for furniture. as much integrity as any on earth.

Question by Mr. Clarke. - Had , ou been informed by any person, before the publication of Mix's letter in the Phonix 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 Janu-RICHARD M. JOHNSON.

## NINETEENTH CONGRESS. SECOND SESSION.

SENATE.

THURSDAY, FEB. 22. The bill from the other House making appropriations for the military service of the United States, was read twice and referred.

Also the bill to establish certain post offices and post roads.

The unfinished business of yesterday was entered upon. viz : the bill to regulate the trade between the United States and

this amendment, an livision of the question was called for. that the first question was on striking out The Senate adjourned without

The bill from the other House making appropriations to defray the expenses of the Navy of the U. States for 1827, was

twice read, and referred. The consideration of the bill to regulate the intercourse between the U. States and the British Colonies, was resumed, Mr. Smith's amendment being still pending.

Mr. Holmes enquired of the Chair, who ther it would be in order while Mr. Smith amendment was under consideration (as substitute for the bill) to offer an amend

The Vice-President decided that it would Mr. Holmes then observed, that a restrictive system ought to be such in fact. The object of this measure was to coerse the British into a concession of what we thought our right, and yet it would give them all that they wanted, as the trade would go to the West Indies through Canada. The bill now restricted intercourse only "by sea," which would concentrate the commerce on the lines. Passamaquod. dy Bay would not come under the restriction, and Eastport would become the depo whence the produce of this country would be conveyed to the Colonies. Desiring that the bill should effect what it proposed he moved to strike out the words "by sea." which would make the restriction complete. After some debate this motion was can

ried, 32 votes to 12. The question being on striking out in order to insert the substitute offered by Mr. Smith, an adjournment was moved, which was carried by the casting vote of the V. President.

## HOUSE OF REPRESENTATIVES

THURSDAY, FEB. 22. Mr. Cocke, from the Committe on Inlian Affairs, made a report on the appropropriations necessary for the service of the year 1827, which was committed.

Mr. Houston proceeded with his remarks on Mr. Saunders' Resolution, until he was interrupted by the Chair, in order

Mr. Livingston laid a Resolution on the surv to inform the House whether the several Treaties between the United States and Denmark, and the Republic of Central America communicated by the President at the opening of the Session have gone into operation, &c. This resolution lies till to-morrow.

The House then went into a committee on the bill making appropriations for cerrain fortification's for the year 1827; which, after undergoing several amendments, was ordered to be engrossed for a third read-

The House next entered on the bill making appropriations for the Indian Department for the year 1827. After making sundry amendments in the bill, the coinmittee rose, and reported the bill to the house, and then adjourned.

FRIDAY, FEB. 23.

Mr. Everett, from the Committee on Foreign Affairs, to whom had been referred sundry memorials on the subject of claims on Foreign Governments for spoliations, &c. during the Continental System, the amount of which, it appears, is upwards of fifteen millions of dollars, 9,600,-000 of which is due by France. The Committee conclude a long report, expressing Answer .- 1 did. It was the morning of the their confidence that the measures within the competence of the Executive will eventually prove successful in obtaining re-

The bills making appropriations for For tifications, and for the Indian Department, were read the third time, passed, and sent to the Senate.

The House went into a committee on the bill making appropriations for the erection and completion of certain barracks, store-houses and hospitals. After some amendments, the bill was ordered to be engrossed for a third reading.

The House then took up the bill making appropriations for the Public Buildings, which underwent some amendments.

Mr. Carson having understood that the appropriation of \$25,000 appropriated for the finishing and furnishing the East Room in the President's House, had not yet been applied, owing to an omission in the bill which designated no person to direct the expenditure of the money, enquired of the Chairman of the Committee what portion of the money, was intended for furniture, and how much for repairing and finishing the President's House.

Mr. Everett replied, the sum required for finishing the Eastern Room was \$1200,

After some remarks on the subject, Mr. Everett moved to amend the second section, by reducing the sum of \$25,000 to \$6,000, which would be sufficient to cover the engagements already made; & that the President had no wish that this apartment should be furnished; that it was great injustice to expose him to invidious remarks on the score of extravagance, by voting for an expence in which he felt no interest. The amendment was adopted.

The same committee took up the bill making an appropriation for purchasing Books for the Congress Library. 85000, were appropriated. Both bills were reported, and then ordered to be engrossed.

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