AN

ADDRESS

TO

THE PEOPLE OF ALABAMA,

BY W. L. YANCEY,

LATE A DELEGATE, AT LARGE, FOR THE STATE OF ALABAMA,

TO THE

NATIONAL DEMOCRATIC CONVENTION,

Held at Baltimore, on 22d May, A. D. 1848.

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ADDRESS.

Fellow Citizens:

On the 14th day of February last, the State Convention of the Democratic party of Alabama, unanimously appointed me, to be a delegate for the State at large to the National Democratic Convention, which was called to assemble at Baltimore, on the 22d day of May, 1848. I attended that Convention, and made, according to the best of my judgment and ability, a strenuous effort to secure to the South, both in the nomination and in the assertion of the principles of the party, guarantees that our rights should be respected in the new administration, which the labors of that body were designed to place in power. Unsuccessful, on both points, and referring the Convention to the rigid and inflexible instructions under which I was sent to that body as a delegate, I refused to pledge the constituency, whose agent I was, to the support of the nominee; or to an approval of the principles put forth as the Democratic platform.

Acting as a citizen of Alabama, after the adjournment of the Baltimore Convention, and under the solemn pledge made to me by the members of the State Convention, and by me, as a member of that body, to my brother members and "to the country;" I have refused, "under any political necessity whatever," to support the Baltimore nominee for the Presidency, as long as he confines himself to his present position upon the rights of the South—a position which the State Convention of February last pronounced to be "alike in violation of the Constitution, and of the just and equal rights of the citizens of the slave-holding States."

Since I have returned to the State, I have felt it to be a duty which I owe to the democracy who had delegated me to speak its voice in the Baltimore Convention, to speak freely and without reserve of the proceedings in that body, and to call upon the democracy to stand firmly to that pledge made

"to the country," as well as to its delegates, by its regularly authorised representatives in the State Convention of February last.

That call has been answered by the great majority of the democratic press with such a torrent of contumely—of personal abuse—of vindictiveness: has been replied to in ratification meetings by resolutions of personal condemnation, and by speakers in such strains of bitterness and misrepresentation: that, were I not sustained by a perfect consciousness of being right—by a knowledge of my duty, and by a courage "to dare do no wrong" in this great matter—I should have yearned for that obscurity which is a protection from such assaults, and should have sought for peace by yielding the principles upon which I have acted, as a sacrifice to the angry passions of my assailants

A portion of my co-delegates have also joined in the "hue and cry" which has been raised to hunt down "the rebel"—to drive "the traitor" to his doom Their statements, too, exhibit the spirit of the crowd which they were designed to please. Their suppression in part of truth has given a false coloring to facts; while, in the instance of one delegate, that the democracy had chosen, as it vainly deemed, fit to represent its moral as well as political character, this petty feeling has exhibited itself in circulating a miserable caricature of my personal appearance.

These misrepresentations have force given to them by the studied attempt of the democratic press, with one or two honorable exceptions, to keep from the public even an account of my official acts as a delegate; while a portion of it, not satisfied with leaving me defenceless before the public, has assailed me with such gross misrepresentations as would need no other refutation than a simple statement of facts.

One of those honorable exceptions alluded to, thinking that bare justice, at least, was demanded at its hands, ventured to publish the speech made by me in explanation of my minority report in the Convention; and so rank is the spirit of injustice prevalent in the press at this time, that the editor is deliberately taken to task for doing so by one of his cotemporaries, and is gravely pronounced to "have a strange conception of what constitutes justice."

Three of my colleagues in the late Convention have published addresses to the people of the State, not so much in vindication of themselves as apparently still farther to misre-

present me; for by no other construction can I explain the studied suppression by all of important facts within their knowledge, and the statement by some of matters in connection with myself which first found existence in their own fertile brains. Those addresses have been extensively circulated: dare I expect that a sense of ordinary justice will induce the democratic press to give my reply to these misstatements, a place in their columns?

From an ungenerous, unjust and abusive press—from the mass of ill-informed speakers at ratification and cross-road meetings—from the wretchedly contemptible effusions of letter writers and anonymous correspondents—and from the misrepresentations of that portion of the delegation to the late Baltimore Convention, which has pretended to inform the public of the doings at Baltimore, and which has given but partial statements of those proceedings—I appeal to the people of Alabama; asking of that portion of them, which is styled the democracy, to give me a hearing as one of their delegates to the late National Baltimore Convention: asking of all, without distinction of party, to hear me as a citizen, alike interested with them in the weal or woe of our common country; and to hear me in the spirit demanded by the stern Roman patriot—"*for my cause*"—inasmuch as I have nothing to ask, nor to expect, *for myself.*

As necessary to a complete understanding of the question, I will first call attention to a brief history of the WILMOT PROVISO.

On the 8th of August, 1846, the two million bill being under consideration, Mr Wilmot moved the following amendment:

"*Provided*, That as an express and fundamental condition of the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the uses by the Executive of the moneys herein appropriated, neither slavery, nor involuntary servitude, shall ever exist in any part of said territories, except for crime, whereof the party shall first be duly convicted."

This *proviso* amendment was adopted by a vote of 83 yeas to 64 nays. And the bill, as amended, was passed by a vote of 85 yeas to 79 nays.—*(See Cong. Globe, pp.* 1217, 1218, *1st sess. 29th Congress.)*

In that Congress there was a democratic majority of about fifty votes, and a majority of democratic members of Congress from the North voted for that *proviso.*

The bill went to the Senate, and came up for consideration on the 10th of August. Mr Lewis moved to strike out this *proviso*. Mr. Davis of Mass. obtained the floor, and spoke until the hour of 12 had arrived, and it being the hour agreed upon for the adjournment of the Senate, sine die, that body adjourned, without taking a vote on the bill.—*(See Cong. Globe, 1st sess 29th Cong pp.* 1220, 1221.*)*

Mr. Rathbun of New York was a member of that Congress. In the Utica Convention, held February 16, 1848, he gave to the public this piece of the unwritten history of the opinions of all the Northern Democratic Senators on that *proviso*, on that day. "Mr. President. I know very well the views and feelings of that Senator (Gen Cass) in the month of August, 1846. I learned them from his own lips. On the day that Congress adjourned, and at the time that Senator Davis of Mass spoke up to the adjournment of the Senate, on the Wilmot proviso, I met the Senator at the railroad depot in Washington, and rode near to him, and conversed freely with him between that place and Baltimore. The Senator appeared somewhat excited, and spoke freely and with a good deal of energy on the subject of the "*proviso*." He stated to me, that every Northern Democratic Senator had agreed to vote for it He said, repeatedly, that 'he regretted very much that he could not have recorded his vote for it, before the adjournment.' " * * * * * * *

"When we met again at the capitol, I thought I discovered some symptoms of that change in the Senator's views on the subject of the *proviso*, which he has since, by his vote and letter, so clearly demonstrated. Mr. Brinkerhoff of Ohio, one of the ablest and firmest supporters of the 'proviso,' an honest and sincere democrat, I know was a warm friend of the Michigan Senator, and preferred him to all others as the candidate for the Presidency in 1848. I mentioned to him my suspicions. I told him the Senator was in the chrysilis state," &c. * * * * * * *

"Mr. President, at the suggestion of Mr. B. we proceeded at once to the room of the Senator. Mr. B. led off in some casual remarks about the 'proviso' and its prospects. The Senator 'thought it premature—better to give it the go-by this session—nothing to be gained by pressing it now—sufficient for the day is the evil thereof.' "

Mr. Rathbun went on to give an account of the views he then presented to Gen. Cass, shewing the necessity for press-

ing that question to a vote, &c. "The Senator replied, 'Oh, if it comes to a vote, I am with you, you know.' 'Of course, you are,' was the reply; and thus we separated. This conversation was some three weeks previous to the vote taken on the *proviso.*"

On the 1st of March, 1847, at the second session of the 29th Congress, Mr. Upham offered the Wilmot proviso, as an amendment to the Senate three million bill. Upon this amendment Gen. Cass addressed the Senate at length; and, in his own report of his speech on that occasion, summed up his views under six heads; all of which were directed against the time of its introduction—the bill to which it was offered as an amendment—and against the expediency of adopting it then, because, he said, it was destitute of any characteristic of "that permanence" which was called for by the free States which had memorialized Congress on the subject. *(See Cong. Globe, 2d sess. 29th Cong. pp. 550–1.)*

When Gen. Cass had taken his seat, Mr. Miller said—"At the last session, when a bill similar to the one now under consideration was before the Senate, it was generally understood here that the Senator (Gen. Cass,) was in favor of retaining in that bill the "Wilmot proviso"—the same as that now offered by the Senator from Vermont. It is true, for want of time, the Senator had not then an opportunity to give his vote; yet his opinions were undisguised, and he openly avowed his anxiety to vote in favor of the proviso. The position of the Senator upon this great question was not only understood here, but his friends throughout the North held him up as one of the great champions of human liberty; as the uncompromising opponent to the extension of the institutions of slavery into the territories where it did not exist."

These remarks made in the Senate, in the presence of Gen. Cass, were permitted to go to the world uncontradicted; and they establish the fact, charged and proven also by Mr. Rathbun, that at the first session of the 29th Congress, Gen. Cass was a leading advocate of the Wilmot proviso; and that, at the second session he voted against it, only because it was not *the proper time* to vote for it.

This charge has attracted some attention, and has been made against Gen. Cass in various forms by the press. Being uninformed as to the true manner in which he exhibited his disposition to vote for the Wilmot proviso at the first session, it has been charged by some to have been in a speech in the

Senate, and by others to have been by vote. It is true, as above alluded to, he made a lengthy speech at the second session against voting for it; but he was careful, in not a line, nor by a word, to denounce it, either as unconstitutional, or as an outrage.

This matter—that Gen. Cass was decidedly in favor of that provso at the first session—is set at rest by the uncontradicted testimony of Mr. Rathbun and Mr. Miller.

The manner in which he exhibited his disposition to vote for it, is thus described by Mr. Miller, a Senator from New Jersey, in a debate on adjournment in the Senate, on the 22d of June, 1848. He stated that "when the two million bill, in 1846, was brought into the Senate, with the Wilmot proviso, from the House, and was defeated by Mr. Davis of Mass. speaking to the hour of adjournment, Mr. Cass afterwards went over to the whig side of the chamber, and complained in terms somewhat discourteous, that Mr. Davis, by his speech, had defeated the bill. *as he (Mr. Cass) had determined to vote for the Wilmot proviso. Then, when he (Mr. Miller) travelled to the North with Mr. Cass, that gentleman held the same language.* At the next session, to his great surprise, Mr. Cass voted against the proviso, on the ground of *unfitness of the time for inserting it.*"

These remarks were made, let it be observed, in the Senate, in the midst of a partisan debate as to the opinions held by the great parties and their candidates; and were again permitted by Gen. Cass's friends to go to the world *uncontradicted.*

Another fact is thus established, by the concurring testimony of Mr. Rathbun and Mr. Miller, viz: that Mr. Cass was *indignant* at the act of Mr. Davis, which prevented his recording his vote for the proviso, and so much so, as to *complain to the whigs* of the act, and to speak freely of it in the railroad cars, on his way home!

In addition to this action upon the Wilmot proviso by Congress, ten of the Northern States, through their legislatures, and State conventions, endorsed the doctrine, and most of them petitioned Congress to pass "a fundamental law," which should forever exclude slavery from the territory of the United States.

EFFECT UPON THE SOUTH.

These events had the tendency to arouse, to some degree, the people of the South to the imminency of the danger pend-

ing over them. Southern democrats saw, in a Congress with an unusually large democratic majority, the passage through one of its branches, by aid of a majority of Northern democratic votes, of a principle, which if recognized would degrade the South and strip it of its just constitutional rights. They saw, too, that nothing prevented that flagrant outrage from passing through a democratic Senate, by aid of "every Northern Democratic Senator's" vote, but the trivial incident of the last moments of the session being spoken out by Mr. Davis, a Whig Senator from Massachusetts, who desired to defeat the two million bill to which this "proviso" was attached as an amendment!

Southern Whigs saw that their Northern allies, without an exception, had aided to pass this "proviso" through all its stages; and that the fact of its being finally defeated was solely owing to its not being acted upon, by reason of the opposition of Mr. Davis to the appropriation of two millions to enable Mr. Polk to buy a peace with Mexico!

The people, without distinction of parties, met in their primary assemblies to give voice to their feelings in this crisis. While yet the danger was fresh in their recollections—while yet the utter vanity of relying upon any "party" for support was impressed upon their minds by the remembrance of the recent recreancy, and union, in fact, in hostility to them of both the great parties of the North, these popular assemblies unanimously resolved that the principles of the "proviso" were unconstitutional, and dangerous to the very existence of the Union; and unanimously united in a pledge that the South would, as one of the most effectual modes of resisting the encroachment and crushing the heresy, withhold its votes from any one for the office of President of the United States, who would not oppose all such interference with its rights as the "proviso" contemplated. The State of Virginia nobly led the way, and her General Assembly unanimously adopted a series of resolutions, which declared "it to be the natural and indefeasible right of each and every citizen of each and every State of the confederacy, to reside, with his property, of whatever description, in any territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power."

EFFECT UPON THE DEMOCRATIC PARTY IN ALABAMA.

On the 3d of May, 1847, a State Convention of the Demo-

cracy of Alabama, met in Montgomery—presided over by the Hon. Wm. R. King. The President appointed a committee of six to draft and report resolutions on State and Federal policy. I was a member of that committee. It reported a series of resolutions to the Convention, which was unanimously adopted. The 9th and 10th were as follow:

"9. *Resolved*, That any territory which may be acquired will become the common property of all the States of this Union, and will be held by the General Government as their joint agent and representative; and having no right to make laws, or do any acts whatever, which shall directly, or by their effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in such territory.

"10. *Resolved*, That the amendment to the Three Million bill, authorizing the appropriation of that sum for negotiating a peace with Mexico, which provides as "a fundamental condition" to the acquisition of any territory from the Republic of Mexico, "that slavery shall be forever excluded" does make such discrimination, by depriving citizens of the slaveholding States of the right of emigrating with their property into such territory; and if the same should become a law, would, therefore, be a violation of the Constitution, and of the rights of those States—in derogation of their perfect equality as members of the Union, and tend directly to subvert the Union itself."

That Convention also unanimously endorsed the Virginia resolutions.

It will be seen, by an analysis of the resolutions, both of Alabama and Virginia that, while they were specifically aimed at the Wilmot proviso, as one of the means to be used to destroy the rights of the South to an equal participation in the territories, yet they also laid down broad and general principles, which denounced every means of effecting the end of the "proviso" principle, to wit: *"that it is the natural and indefeasible right of each and every State in this confederacy to reside, with his property, of whatever description, in any territory which may be acquired,"* &c.

Nearly every Southern State, like Alabama, adopted the Virginia resolutions. The South, as recommended by Virginia, did take "firm, united and concentrated action in this emergency."

EFFECT OF THIS UNION UPON THE NORTH.

The course adopted proved the truth of the assertion of Virginia, that it was "one of the most effective modes" that could have been devised to attain our object. The North had numerous candidates for the Presidency: among them, Gen.

Cass, Mr. Buchanan and Mr. Dallas. Virginia had supposed that the union of the South would be "effective" in this—that whichever of the candidates should receive the entire vote of the South would, with whatever of influence he had at the North, be certain of being elected; and that this would be "effective" in causing candidates to abandon views which the South condemned. Virginia was not mistaken.

Mr. Buchanan broke ground in August, 1847, against the North taking *all* of the new territory to be acquired, and expressed it as his opinion that "the harmony and even security of the Union itself, require that the line of the Missouri compromise should be extended to any new territory that we may acquire from Mexico." (This, be it observed, would give about four-fifths of it, absolutely, to "our natural allies") While, lest Northern cupidity should condemn the bold statesman for so large a concession to the South, he went on to advance the doctrine, that the inhabitants of that territory would have a right to prevent its settlement by slave holders; and declared that should we acquire territory from Mexico, it was "improbable that a majority of the people of that region would *consent* to re-establish slavery They are themselves, in a large proportion, *a colored* population; and among them *the negro* does not socially belong to a degraded race." To Mr. Buchanan, therefore, is due the credit of first giving the go-by to the Wilmot proviso, as a means of excluding slave-holders from our new territories, but, at the same time, of pointing out to the North how much more effectually the great end of the provisoists—*the keeping these territories exclusively for the settlement of Northern emigrants*—could be obtained by advocating the new doctrine, *that the inhabitants of a territory, while yet in its territorial state, could prevent the emigration thither of slave-holders.*

Lest this should startle the South, however, and thus leave him between two fires—one from the North, for opposing the Wilmot proviso, and one from the South, for throwing her rights upon the tender mercies of "the colored population" of these territories, Mr. Buchanan proposed to both the alarmed sections to unite on the Missouri compromise. A compromise which admits the power of Congress over the matter, and derives all its stability and force from an act of Congress!

Mr. Dallas, in a speech at Pittsburg, in September following, also took strong constitutional ground against the power of Congress, and boldly and most nobly denounced the Mis-

souri compromise, as a concession which the South had no right to make. and the North no right to demand.

In December following, Gen Cass followed suit in his famous letter to Mr. Nicholson, of Tennessee.

In that letter he says—"I am strongly impressed with the opinion that a great change has been going on in the public mind upon this subject—in my own, as well as others." He asserts, in that letter, that the interference of Congress "should be limited to the creation of proper governments for new countries, acquired or settled, and to the necessary provision for their *eventual admission into the Union; leaving, in the mean time, to the people inhabiting them to regulate their internal concerns in their own way.* They are just as capable of doing so as the people of the States; and they can do so, at any rate, as soon as their political independence is recognized by admission into the Union." Gen. Cass, in that letter, gave his views at great length, and quoted Mr. Buchanan (the passage already quoted by me on page 11) as presenting "similar considerations. with great force," and also quoted this passage from Mr. Walker, as expressive of the views urged, "*Beyond the Del Norte slavery will not pass; not only because it is forbidden by law,*" (the law of Mexico abolishing slavery in its limits,) "but because *the colored race there preponderates in the ratio of ten to one over the whites;* and holding, as they do, the government and most of the offices in their possession, "*they will not permit the enslavement of any portion of the colored race,*" &c. To this Gen. Cass added. "The question, it will be therefore seen on examination, does not regard the exclusion of slavery from a region where it now exists, but a prohibition against its introduction where it does not exist; and where, from the feelings of the inhabitants, and the laws of nature, 'it is morally impossible,' as Mr. Buchanan says, 'that it can ever re-establish itself.' "

This "firm, united and concerted action" on the part of the South, already described, was doubtless the most "effective" reason for the change which took place in the opinions of candidates for the Presidency and in the votes of the 29th Congress: for, whereas, the "proviso" had passed the House of Representatives, at the first session of the 29th Congress, it was rejected at the second session of that Congress: and whereas. "every Northern Democratic Senator had agreed to vote for it" at the first session, several Northern Democratic

Senators voted against it at the second section of the same Congress.

These results may be thus briefly summed up.

1. Mr. Wilmot, and his co-adjutors, had sought to obtain the aid of Congress to establish this principle, viz: "that there shall be neither slavery nor involuntary servitude in any territory on the continent of America which shall hereafter be acquired or annexed."

2. The provisoists succeeded in passing it through the House of Representatives at the first session of the 29th Congress, and Gen. Cass. and "every Northern Democratic Senator had agreed to vote for it," but "very much" to the regret of Gen. Cass, he was deprived of the privilege, by Mr. Davis speaking out the last moments of the Senate.

3. The South, without distinction of party, through her primary meetings, and in the legislature of the States, took "firm, united and concentrated action" against the "proviso," and declared our territories to be common property, in which the citizens of each and every State can reside, with his property, as long as such territories remain under the jurisdiction of the United States.

4. The majority of the democracy of the North, with Cass, gave up the idea of using the power of Congress to effect the exclusion of slavery from the territories, but took two new positions, shewing how the end could be more surely attained, to wit:

1st. The Mexican law, abolishing slavery, will remain in force until repealed by Congress.

2d. The inhabitants of the territories we may acquire will have the right "to regulate their internal concerns in their own way," and as "the colored race there preponderates in the ratio of ten to one over the whites; and holding, as they do, the government and most of the offices in their possession, they will not permit the enslavement of any portion of the colored race, which makes and executes the laws of the country;" for "among them," as we are assured by the letters of Gen. Cass and Mr. Buchanan, "the negro does not belong socially to a degraded race."

5. These views, first suggested by Mr. Buchanan and Mr. Walker, were only compiled, endorsed and promulgated *as one complete basis of political action on this issue, by Gen. Cass,* in his letter to Mr. Nicholson, dated 24th of December, 1847, from which I have freely quoted.

EFFECT OF THE NEW ISSUE UPON ALABAMA.

On the 14th of December, 1848, a State Convention of the Democracy of Alabama convened at Montgomery. Forty-four of the fifty counties of the State were represented in that body. One hundred and eighty-eight delegates were in attendance, composing, it has been said, a larger assemblage of the talent of the democracy of the State than ever before assembled for such purposes. It may not be considered invidious to mention that it was composed in part of such men as Walthall, L. P. Walker, McClung, J. A. Elmore, Terry, Heydenfelt, Cottrell, H. Rose, Creagh, Sanford, Beckett, Erwin, and McCormick; and perhaps, in mentioning leading men, (as the idea of "a leader for the old fashioned matter of fact democracy of Alabama" seems to be a leading one in his head at this time,) I should not fail to mention as being there a gentleman that has received the appellation of "the father of the Alabama democracy," (from a delegate, in a speech made before the Convention at Baltimore,) and therefore certainly entitled to have mention made of him, when such young democrats, as I have alluded to, are named, to wit: Mr. J. A. Winston.

The Convention having organized, a committee of seven were appointed by the President to prepare resolutions, late at night of the first day. The committee consisted of "John McCormick, T. Sanford, J. M. Beckett, L. Wyeth, S. Haydenfeldt, G. R. Evans, and L. F. Cottrell." That committee did not report until the next evening. It then reported a series of eighteen resolutions—the first six of which related to general party policy, and to Gen. Taylor. The seventh read thus:

"7th. *Resolved*, accordingly, That we will support for the Presidency and Vice Presidency the candidates nominated by a Democratic National Convention, to be held in Baltimore, on the fourth Monday in May next,—as recommended by the democratic members of Congress; and that we do appoint delegates thereto, to represent the democracy of this State. Subject, however, to one special instruction, not as necessary for them, but as a notice, in all frankness, to our brethren elsewhere, that they do not concur in, nor pledge our support to the nomination of any candidates who shall not be explicit in the renunciation of all claims to federal interference with slavery in the territories."

The eighth exhibited the contrast which exisied between Northern whig and democratic statesmen on the slavery issue, as being favorable to the democratic statesmen. The

9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th resolutions were upon the war questions.

The 17th, 18th, were as follows:

"*Resolved*, That any territory which has been, or may be acquired by the United States, either by purchase or conquest, of right belongs to the people of all the States and that they have the constitutional right to migrate to any of such territories, with their property of every description, and to be protected therein; and no power exists in Congress, *or elsewhere*, to deny to any of the people of any of the States the right to remove into and occupy, with their property of whatever description, any portion of such territory.

"*Resolved*, That no cession of territory to the United States by the authorities of Mexico will be acceptable to the people of this State, unless for the territory ceded south of 36 deg. 30 min. it is distinctly provided in the treaty of cession that such territory shall be, and shall remain, so long as it remains a territory of the United States, free and open to all the people of the United States, together with their property of every description."

Knowing how deep an interest a large number of the Convention felt in the nomination of Mr. Buchanan for the Presidency, solely with a view to the success of Col. W. R. King to the Vice Presidency, I had felt somewhat anxious to have our declarations of principles made so decided, that Southern rights should not be compromised, merely to secure the personal advancement of any individual. I had no fears that the committee would willfully lend itself to such a purpose; but thought it not amiss rigidly to scrutinize the resolutions, and see how far they would bind the delegates selected. The seventh resolution reported, contained the weak point apprehended by me. While the 17th and 18th resolutions, in clear and explicit terms met and denounced the new form in which the provisoists had presented their great issue "free territories"—while those resolutions (strangely placed by some means at the tail of the report, which I did not then understand as fully as I do now,) pronounced that "no power exists in Congress, *or elsewhere*, to deny to any of the people of any of the States the right to remove into, and occupy, with their property of whatever description, any portion of such territory," and demanded that the treaty should provide that such territory should "be free and open to all the people of the United States, together with their property of every description," it was a most remarkable fact, that the committee had reported "*but one special instruction*," and that was, in the seventh resolution, that the delegation "do not concur in nor pledge our support to the nomination of any candidate

who shall not be explicit in the renunciation of all claims to *federal interference with slavery in the territories*"—thus leaving the delegation, if it suited them, to vote for any one who held that *the Mexican law* could exclude us from the territories, and that "the inhabitants of these territories" could exclude us from going there, they "being a colored population, among whom the negro does not belong socially to a degraded race."

While preparing some resolutions I had with me, to offer in the shape of an amendment to the resolution of instructions, Mr. Semple offered an amendment, which, while it had the same object in view that I had, took grounds which were thought to be impracticable, and perhaps unjust. Mr. Semples resolution was discussed by J. A. Elmore, Esq in favor of the end sought to be accomplished by Mr. S. and opposed by Mr. J. A. Winston and Mr. McCormick At this stage of the discussion, when the Convention was fully aroused to the matter at issue, and when too, as far as I could observe, there was the largest attendance of members and audience, both in the hall and lobby, I offered the amendment which appeared in the published report of the proceedings of that body, striking out all of the seventh resolution, which dictated the "one special resolution" inclusive, and inserting the preamble and 9, 10, 11, 12, 13 and 14th resolutions. As important to a correct understanding of the matters at issue, I insert that amendment at length.

THE ALABAMA PLATFORM.

"Whereas, opinions have been expressed by eminent members of the democratic party, and by a Convention of the party in New York, assembled for the purpose of selecting delegates to the Baltimore Convention, that the municipal laws of the Mexican territories would not be changed in the ceded territory by the cession to the United States, and that slavery could not be *re-established*, except by the authority of the United States, or of the legisiature of the territorial government—that no doubts should be allowed to exist upon a subject so important, and at the same time so exciting. Be it further

"9. *Resolved*, That the treaty of cession should contain a clause securing an entry into those territories to all the citizens of the United States, together with their property of every description, and that the same should remain protected by the United States while the territories are under its authority.

"10. *Resolved*, That if it should be found inconvenient to insert such a clause into the treaty of cession, that our Senators and Representatives in Congress should be vigilant to obtain, before the ratification of such a treaty, ample securities that the rights of the Southern people should not be endangered during the period the territories shall remain under the

control of the United States, either from the continuance of the municipal laws of Mexico, or from the legislation of the United States.

"11. *Resolved*, That the opinion advanced and maintained by some, that the people of a territory, acquired by the common toil, suffering, blood and treasure of the people of all the States can, in other events than in the forming a Constitution preparatory to admittance as a State into the Union, lawfully or constitutionally prevent any citizen of any such States from removing to, or settling in such territory, with his property, be it slave property or otherwise, is a restriction as indefensible in principle, and as dangerous in practice, as if such restriction were imposed by act of Congress.

"12. *Resolved*, That the democratic party is, and should be, co-extensive with the Union; and that, while we disclaim all intention to interfere in the local divisions and controversies in any of our sister States, we deem it a solemn duty, which we owe to the Constitution, to ourselves, and to that party, to declare our unalterable determination neither to recognize as democrats or to hold fellowship or communion with those who attempt to denationalize the South and its institutions, by restrictions upon its citizens and those institutions, calculated to array one section, in feeling and sentiment against the other; and that we hold the same to be alike treason to party faith and to the perpetuity of the Union of these States.

"13 *Resolved*, That this Convention pledges itself to the country, and its members pledge themselves to each other, *under no political necessity whatever*, to support for the offices of President and Vice President of the United States any persons who shall not openly and avowedly be opposed to either of the forms of excluding slavery from the territories of the United States mentioned in the resolutions, as being alike in violation of the Constitution and of the just and equal rights of the citizens of the slaveholding States.

"14. *Resolved*, That these resolutions be considered as instructions to our delegates to the Baltimore Convention, to guide them in their votes in that body; and that they vote for no men for President or Vice President, who will not unequivocally avow themselves to be opposed to either of the forms of restricting slavery, which are described in these resolutions."

After reading my amendment I spoke upon it for forty-five minutes, when I was stopped by the chairman of the committee, who said he was authorized to accept of the amendment. Before this, Mr. Semple had withdrawn his, and also accepted mine. In my remarks, I spoke of the "one special instruction" called for by the report of the committee. I drew attention to the fact that it only called upon the delegates to vote against any one who was in favor of "federal interference with slavery." I remarked that no prominent candidate, that I knew of, was then in favor of that doctrine—that it had been killed, as far as the democracy was concerned, by the "firm, united and concerted action" of the South. I then read to the Convention extracts from the letters of Mr. Buchanan and Gen. Cass, and endeavored to show the unconstitution-

ality of the views advanced by them, in favor of permitting settlers in a territory to exclude slaveholders. I then read from a letter in my possession, (stating it to be "reliable authority,") Judge Woodbury's views. I then read Mr. Bagby's views, and pointed out their great similarity to those held by Judge W.; and called upon the Convention to take high ground—that it never would be taken from us by office-seeking politicians—but that when united and determined, we had ever been able to force them from a hostile position, and I doubted not we should succeed in doing so again

When I concluded, I was asked to read my amendment again for information I did so, and handed it up to the clerk's desk. Mr. Cottrell remarked that the 17th and 18th resolutions of the committee advanced pretty much the same doctrine, and therefore, to avoid a repetition, he moved that they be struck out. This was agreed to. I was again called upon, the third time, [as I could read my writing better than the clerk could do,] to read the resolutions composing my amendment at the clerk's desk. I did so. The question was then put, and they were adopted *unanimously*—not a voice being raised against them in discussion, nor in the vote!

Mr. Winston says—"for the sake of harmony, and the hour being late, they were permitted to pass!"

The editor of the State Gazette says—"the instructions came not from the *people*, but from *himself* (Mr. Yancey,) and a slippery politician of Mobile, long since gone over to Gen. Taylor! This is the source whence came these *famous "instructions"* that were smuggled into the Democratic Convention on the very eve of its adjournment."

Par nobile fratrum! The one, an excise officer, whose duty it was to prevent smuggling; the other a spy, in a thicket!—seeing the whole plot concocted thus to cheat the democracy of the privilege of voting for Buchanan or Cass; and the two doubtless, from having a common object, in full communion; and yet be so recreant to their trust as to permit it all to pass *"for the sake of harmony, and the hour being late!"* Verily this is a capital reason for a delegate in a Democratic Convention to assign for not opposing the adoption of "a South Carolina heresy," and its incorporation into the democratic creed! *"For the sake of harmony,"* he permitted a matter to pass which was to guide the entire vote of Alabama in the councils of the great democratic party of the Union; and *"the hour being late,"* was of course no time to oppose an

error! And all this from that noted lover of "harmony" J. A. Winston!

The editor of the Franklin Democrat, in an editorial in his paper of the 21st June, 1848, presumed to be written by a member and delegate from Franklin, thus discourses of the writer of this address. "Then we find him, at the very close of the Democratic State Convention, when the members were dispersing, and none suspecting his design, urging, and unfortunately securing the adoption of two resolutions, in which were adroitly inserted clauses claiming for the President and Congress the right to provide that slavery *shall* be introduced into the territory acquired of Mexico. The absurdity of these resolutions we exposed at the time, and dissented from the position they assumed, as not being in accordance with the feeling and opinions of the democracy of Alabama."

The journal of the proceedings of that body show that *after* the adoption of these resolutions, a resolution recommending Mr. Polk for re election was offered in Convention (was discussed by the mover and by Col. Rose) and was amended at my instance. That a resolution recommending Col King to the consideration of the Convention, as a candidate for the Vice Presidency, was introduced. That a resolution was offered, giving to the delegates power to fill vacancies—was discussed, and voted down; and a resolution denying to them the power was adopted. That a resolution was offered, giving to the body of the electors power to fill vacancies. That a resolution was offered, discussed and rejected, calling for a committee to prepare an address, &c. That a resolution was offered, considered and passed, recommending to the counties to hold primary meetings and appoint sub-electors. That a resolution as to printing the proceedings, and raising money, was considered at some length before being adopted; and then the usual resolutions of thanks, &c. were offered!

"*None suspecting his design!*"—When every member of that body listened for three quarters of an hour to an exposure of the unsoundness of Cass and Buchanan, and to reasons why we ought to leave no room for our delegates to vote for any such men!

"*The absurdity of these resolutions we exposed at the time!*" It is believed that "we" was a member of that convebtion, but that he kept whatever of "absurdity" he had about him "at the time" to himself, is well known. Not a voice was raised against them! The authorized representa-

tives of the Democracy of Alabama sent them forth to the world, as sound in theory and wise in practice; and pledged themselves "to each other and to the country, under no political necessity whatever," to recede from the position taken on that night.

ACTION OF THE GENERAL ASSEMBLY ON THE NEW PROVISO-ISSUE.

Joint resolutions were afterwards passed by the General Assembly of the State, declaring the territories of the United States to be "the common ground of all the United States"—that the Constitution "does not authorize it (Congress) to deprive a citizen of any of the United States of his property, whatever it may be, in any such territory except for 'public use,' and upon making 'just compensation' therefor: That if it is the duty of the Federal Government to protect such property from seizure or confiscation on the ocean, which is common to all nations, much stronger is the duty to afford that protection in our territory, which is the common ground of all the States," &c.

The sixth section pledges the State to support no man for Presidency "whose known political opinions do not give assurance that he will exercise the powers of his office to protect and maintain the constitutional rights of the slaveholders," &c. *(See Acts of Alabama, p. 450.)*

ACTS OF GEORGIA, FLORIDA AND VIRGINIA, ON THIS ISSUE.

This view of the new issue was not confined to Alabama. The legislature of Georgia, as we are informed by the press, adopted, among others, the following:

"*Be it further resolved, by the authority aforesaid,* That any territory acquired, or to be acquired, by the arms of the United States, or by treaty with a foreign power, becomes the common property of the several States composing this Confederacy; and whilst it so continues it is the right of each citizen of each and every State to reside, with his property of every description, within such territory."

The Democratic State Convention of Florida also adopted the following, among other resolutions:

"*Resolved,* That our delegates to the Democratic Convention, proposed to be held at Baltimore, on the 4th Monday in May next to nominate candidates for the Presidency and Vice Presidency of the United States, are hereby instructed to support no persons for those offices who will sanction any attempt to interfere with or control the equal right of the citizens of each and every State, with their slaves or any other property, to remove

to and occupy territory which now belongs to the United States, or may hereafter be acquired by them, whether such interference or restrictions are imposed by Congress, *directly*, through its own acts, or *mediately*, through powers conferred on, or *conceded to, the inhabitants of each territory.*"

On the 29th of February 1848, a State Convention of the Democracy of Virginia adopted a series of resolutions, endorsing fully the proceedings of our own Convention, and among them appear the following:

"7th. That, as republicans and citizens of one of the free and equal States of this Union, we do most earnestly protest against the Winthrop and Wilmot provisos, as wanton violations of the Constitution and wilful assaults on the rights and interests of one portion of our Confederacy, and do most solemnly declare that there is no power either in Congress, or a territorial Legislature, which is its creature, nor any where else, save only in the people of a territory in the adoption of a State Constitution preparatory to admission into the Union, to prevent the migration of any citizen of any State, with his property, whether it be slaves or any thing else, to any domain which may be acquired by the common blood and treasure of the people of all the States.

"8th. That this Convention heartily responds to the noble Resolutions of the Alabama State Democratic Convention, and will "under no political necessity whatever," support for the Presidency, any person who shall not be the firm and avowed opponent of any plan or doctrine, which in any way interferes with the right of citizens of any one State to possess and enjoy all their property in any territory which may be acquired by the Union, as fully, completly and securely as citizens of any other State shall enjoy theirs—except so far as, that being unwilling to disturb the Missouri compromise, we are content with adherence to its principles.

"9th. That, subject to the indispensable condition already stated, we will support any democrat who may receive the nomination of the National Convention which will assemble in Baltimore on the fourth Monday in May next."

OPINION OF THE PRESS UPON THIS ISSUE.

Soon after our State Convention adjourned, the set of politicians in this State, (whose machinations the resolutions of instructions to our delegates to the Baltimore Convention "to guide them in their votes in that body," were designed in part to prevent,) put their heads together to concert some scheme by which they might break the meshes of those instructions, and attain their favorite object—the nomination of Mr Buchanan—which they preferred "chiefly for the reason, that they thought there was a better prospect of getting Col. King nominated on a ticket with him, than with any of the rest." (See Mr. A. J. Saffold's letter.) The result was a systematic and continued attack upon the late State Convention, and the resolutions adopted by it, both by the editor of the State Gu

zette (a subsidized paper of a very recent existence in our State) and an anonymous correspondent—"Giles."

The resolutions were pronounced—to have "been written in haste, as they were adopted without consideration"—they were said to "have been regarded as a trick to commit Alabama against all Northern aspirants for the Presidency, except Mr Woodbury"—"it is certain they were received, at the time of their adoption, as laying down *abstractions*"—they "will be justly received as a string of abstractions, calculated only to do mischief"

The editor said, that "it was a thorough conviction that the amendments to the original Alabama resolutions embraced principles which the Convention, on proper reflection, and the people of the State, would not really approve," &c. that led him to discuss the matter. "As they (the original resolutions reported by the committee) originally stood, they were free from all abstractions, new tests, and other objections, with which the amendments are chargeable." "The resolutions submitted by the able committee were certainly not intended to throw difficulty in the way of either aspirant, and had no such tendency."

It will be observed, by comparing the principles laid down by my amendment with those laid down by the 17th and 18th resolutions reported by the "able committee," that there is not the shadow even of a difference between them, as far as applicable to an aspirant for the Presidency" What "difficulty" then did my amendment throw "in the way of either aspirant for the Presidency," not thrown there by the "original resolutions" of "the able committee?" Simply this, and no more, (and it tells the tale on these schemess)—the resolutions of the "able committee" laid down sound principles, and announced that the right to interfere with the migration of slaveholders to our territories, and to reside there, did not "exist, either in Congress *or elsewhere*," but *they expressly and purposedly refrained from imposing those sound views upon the delegates as instructions*, and gave them "*but one special instruction*,"—and that was not to vote for any one for President who was not opposed to "all claims to *federal interference with slaves* in the territories" My resolutions, in fact, as far as the Presidency was concerned, only made the entire resolutions of the Committee instructions to the delegates—only instructed them to vote for no man who did not believe that the power to prevent our citizens from migrating

to the territories, with their slaves, did not *"exist, either in Congress, or elsewhere."* The matter then, that pinched so hard, and made "the galled jades wince," *were the instructions—not the principles avowed!* Those they cared not for, as long as they were not made *to play too conspicuous a part in restricting them in selecting a President!*

The editor of the State Gazette and "Giles" called lustily upon "the democratic papers of Alabama" to "republish" the communications of the latter. What said the democratic press?

The Montgomery "Flag and Advertiser," one of whose intelligent editors was chairman of the Committee, said—"Giles should have known that the report submitted by the able committee' to whom he refers, embodied resolutions which cover the whole ground of the 9th and 10th resolutions submitted by Mr. Yancey;"—"he ought to know, further, that the resolutions of Mr. Yancey were agreed to, because they were understood *to elaborate* merely the resolutions submitted by the committee." The editor said that Giles had "fallen into a palpable error, in supposing that Mr. Yancey's resolutions covered something which is obnoxious to censure, and which the committee and the Convention would have repudiated." "If there be any objection to the 9th and 10th resolutions the objection must be that they are *too bold—too explicit in their declaration of Southern rights*."

The Tuscaloosa "Observer," in reply to the positions assumed by the "State Gazette" and "Giles," said—"It is too plain for argument. The resolutions (as amended) accorded strictly with the Constitution, in spirit and letter."—and the editor, went into a spirited defence of them, and of the mover.

The "Democratic Watchtower," April 10, said—"A communication, signed 'Giles,' appeared in the last 'State Gazette,' with the endorsement of the editor, which has struck us with some astonishment. It is nothing less than an effort to absolve the delegates to the Baltimore Convention from the obligation to carry out the will of the democratic party adopted at our late Convention. What evidence is there for the reckless assertion, that some were designed for a *"trick,"* while others laid down cardinal principles? The members were men of intelligence, of tried political worth, and would not so far forget their position, as to vote for senseless abstractions, with a design of palming a *trick*, upon those who had

entrusted them with authority. We look upon the attempt of 'Giles' as disorganizing, and it is the duty of the honest democrats to frown it down.

"It is nonsense in the extreme, unaccountable to those who have read the proceedings, to pretend that the Convention desired to pledge an uninquiring acquiescence, in whatever *might* be the action of the Baltimore Convention."

The Democratic Watchtower, April 26, said—"We had occasion, last week, to make some strictures upon a communication, which appeared in the 'State Gazette.' The same writer, cherishing an inveterate propensity for errors of fact and false conclusions, follows his first batch with a second, which we only wonder could have found a publisher in Alabama.

"He assumes, that the territory acquired by Mexico must be free. * * * * * * * *

"Again, with the same recklessness, and forgetfulness of facts, while exhibiting his northern predilections, and anti-southern feeling, he says that the South is 'fearful of harmless factions,' and by inflammatory action, 'has done the institution of slavery more harm than the abolitionists can ever do it.' We repeat our astonishment, that such slanders have found a press to publish, and a tongue to approve, at the South. Hitherto it has been our proud boast, that we acted on the defensive—that the North has ever committed the first aggression, and we only asked to be *let alone*. But 'Giles' has discovered that we are worse than abolitionists—that our unmanly fears and premature alarms endanger the institution we most desire to protect. Wise man, brave man, proud in his own security!"

The "Florence Gazette" said—"The resolutions adopted (by the Convention) were submitted by Messrs. McCormick and Yancey—the latter of whom is well known throughout the State, as the able representative of the third district in the last Congress. They advance, in substance, the views that have been so ably urged upon the consideration of our readers by our talented correspondent "W." in relation to the prohibition of slavery in the territories," &c. And at a subsequent day, in reviewing the character of the electoral ticket, the editor said—"The proceedings of the Democratic State Convention, recently held at Montgomery, seem to have given general satisfaction to the party throughout the State—indeed the resolutions of the Convention seem to have re-

ceived the commendation of our friends throughout the country"

The "Dallas Gazettee" published an article, from which the following is an extract—"The resolutions in regard to the slavery question have elevated, and will continue to elevate, the party in the just estimation of the great public. They take the true and safe ground upon the *lion question* of the age—the Wilmot proviso," &c.

The Augusta (Geo.) Constitutionalist, said—"No event in the political movements of the day is fraught with more vital importance, than the passage of the resolutions of the late Alabama Democratic Convention. They are of great intrinsic importance; for they set forth the true Southern position, in a bold, clear, and decisive manner. They are of practical importance, and will lead to practical results; because they will be sustained by the people of the South. They appeal directly to the sense of justice, which tells any Southern man that his rights are co-equal with those of a citizen of a free State in acquired territory. They appeal to his instincts of self preservation, in arousing him to resist any attempt to place the South and her institutions in a position of social degradation, as compared with the rest of the Union." "If the South will act unitedly and promptly, she will triumph in this struggle, in defiance of the combined forces of political profligacy and abolition fanaticism."

The Macon (Geo.) Telegraph said—"We point the democratic reader's attention to the resolutions adopted by the Alabama State Convention, recently held at Montgomery, which will be found in another column of to-day's paper. These resolutions breathe the right spirit. They speak the language of a proud and spirited people, who understand their rights and are determined to maintain them. They cannot be too generally adopted, nor too highly commended by the South," &c.

The South Carolinian said—(and as this paper is now freely quoted from by the Cass-ites, to show a spark of practical good sense in South Carolina, I trust I may venture to quote it as authority)—"We publish below the resolutions of the Democratic State Convention of Alabama. They breathe the true spirit of Southern democracy, and may be set down as the rallying principles of that party at the South. We seek no alliances, and will submit to no compromise for the sake of party on the question of slavery. We will never occupy a

degraded position in the Union, by suffering ourselves and our property to be excluded from territory won by the common valor and watered by the common blood of the people of all the States. And whether this is to be effected by the open and undisguised provisions of the Wilmot proviso, or by the more dangerous and insiduous, but equally effectual method of allowing the Mexican inhabitants of the conquered territory to retain their present municipal regulations and thus to exclude Southern slaveholders and their property, is immaterial to the South."

In fine, if a single press in Alabama responded favorably to the assaults made upon "the Alabama platform." I am not aware of it; while the Southern Banner (Athens, Geo.) was the only Southern democratic paper out of the State, that I could learn, took a similar view of that platform with the "State Gazette." To show more completely how universal was the approbation given to these resolutions, and the condemnation of the factious course of that paper, I will here give a part of an article, devoted to my humble self, in that paper of 19th June, 1848.

"MR. YANCEY.

"It is with no little regret that we feel compelled, by the duties of our position, to place at the head of an article, in which some severity of animadversion is designed, the name of a gentleman to whom, a few brief months since, we took pleasure in frequently alluding, as a public man and a democratic of acknowledged abilities, in terms of warm commendation. Foreseeing what his course in the Alabama Democratic Convention would *necessarily* lead to, unless disclaimed by the democracy of the State, we, after mature reflection, called upon the party to repudiate his amendments, which the Convention, at a late hour of the night, at the very heel of the session, and under an erroneous impression as to their real tendency, permitted to pass without any demonstration of open opposition. Instead of obtaining the co-operation of our contemporaries, we, with few exceptions, received nothing for our pains but their opposition and abuse. Our motives were misrepresented and we were denounced as "disorganizers," when we expressly stated that our object was to "*prevent* disorganization at the Baltimore Convention," and to rescue the State from the "false position" which, in our judgment, Mr. Yancey's amendments placed it. Time has now proved our apprehensions to have been well founded and fulfilled all our predictions; and the papers that then condemned us have all now suddenly come to the right-about face, and are crawling out as fast as possible (as we predicted) from the "awkward position" in which we warned them they were placing themselves."

The above article shows two facts.

1st. That the press, "with few exceptions," sustained my resolutions and the acts of the late State Convention, and de-

nounced the views taken of both by the "State Gazette" and "Giles."

2d. That the "State Gazette" still maintains the same position, as when he was "then condemned;" and the press which condemned, without a single exception I believe in this State, "have suddenly come to the right about," and the greater number are now, in conjunction with "the State Gazette," heaping upon my head loads of obliquy and invective, which nothing but a sense of being right—a consciousness that I stand now upon the same principles which were once pronounced by this same democratic press throughout the State to be sound, and in accordance with the spirit and letter of the Constitution could enable me to endure with any degree of equanimity and that, if I have erred, it has only been from asserting principles which one of them frankly stated could only be said to be "too bold—too explicit in their declaration of Southern rights"

A review of these facts and occurrences will establish these conclusions.

1st. There was a real, palpable danger hovering over the South.

2d. That our fellow citizens, without distinction of party, in their primary meetings, and in their legislatures, denounced those who were advocating the doctrines in which the danger lay, and pledged themselves to vote for no one for the Presidency who upheld those doctrines.

3d. That the Democracy of Alabama, in two State Conventions, and by their representatives in the General Assembly, boldly and unequivocally denounced all interference with the right of our fellow citizens to migrate to, and reside in, the territories of the United States, as unconstitutional and subversive of that equality to which we are entitled in the Union—and that, as an "effective mode" of maintaining this right, they would vote, neither in a National Convention, nor at the polls, for any man who was in favor of the right of such interference.

4th. That the democratic press of Alabama, with a singular degree of unanimity, sustained the positions thus taken by the people in their primary assemblages, and by the democracy in its Convention; and denounced as "disorganizers" all who opposed those positions and acts.

5th. That the States of Virginia and Georgia, in their legislatures, endorsed these positions; and the democracy of

Virginia and Florida, in their State Conventions, boldly sustained them, and pledged themselves to vote for no one for the Presidency who opposed them.

Such was public sentiment, when I startedfor—

THE BALTIMORE CONVENTION.

On the 22d May, 1848, the Democratic National Convention assembled and organized at Baltimore. At a conference of the delegates from this State, it was agreed that the vote of each congressional district, and the two votes from the State at large, should be cast as those representing each of said votes should judge best.

At one of these conferences, an attempt was made to get at such an union of sentiment as would produce common action on the vote for the Presidency. In that conference, the following facts were elicited.

I had written to Gen. Cass, Mr. Buchanan, Mr. Dallas, and Judge Woodbury, inclosing copies of the resolutions of the State Convention, and requesting their opinions upon the points involved Gen. Cass replied, merely enclosing his letter to Mr. Nicholson, and referring me to it for his views. Mr. Dallas replied, that "having, on several occasions, scrupulously abstained from any defence or elaboration of certain political views long entertained and heretofore publicly expressed, he did not feel at liberty, just then, to pursue a different course." Mr. Buchanan replied thus:

WASHINGTON, May 18, 1848.

HON. WILLIAM L. YANCEY:

Sir,—I have received your favor of the 2nd instant, requesting answers to the different propositions contained in the 9th, 10th, 11th, 12th, 13th and 14th Resolutions of the late Alabama Democratic Convention on the subject of slavery.

On the 26th August last, after much reflection, I addressed a letter to the Democracy of Berks County, Penn. on this important and exciting question, in which I expressed a strong opinion in favor of the extension of the Missouri compromise to any territory which we might acquire from Mexico. I had entertained and freely expressed this opinion from the time the question was first agitated; and every day's experience, since the date of my letter, has but served to strengthen my conviction that the Missouri compromise is the best, if not the only mode, of finally and satisfactorily adjusting this vexed and dangerous question.

Under these circumstances, I cannot abandon the position which I have thus deliberately and conscientiously taken, and assume any other that can be presented.

I have the honor of transmitting you a copy of my Berks County letter.

With sentiments of the highest respect, I remain yours, sincerely.

JAMES BUCHANAN.

Judge Woodbury replied thus:

Boston, Mass. 15th May, 1848.

Dear Sir,—On my arrival here to hold a Court to day, your letter of the 2nd instant was placed in my hands.

It has not hitherto been deemed advisable, by the great mass of my friends, for me to write letters for publication on any of the political questions, that have for some time agitated the country.

Two reasons have existed for this, which still remain in full force. One is, that my views are already well known to most people on these questions, without a publication of them in this mode. And the other is, that such a publication, and especially in my present official position, and on constitutional points, is of doubtful propriety.

In connection with the first reason, permit me to remark, that it will be a matter of lasting regret, if any of my friends cannot now feel satisfied what are my constitutional opinions, when they have been made known, on so many occasions, during a public life of more than a quarter of a century. When, in brief, they stand on record, again and again, unvarying, as the opinions which belong to the school of strict construction, and as the opinions which hold firmly to all the compromises of the Constitution; and which through evil, no less than good report, have always led me earnestly to vindicate such an administration of the General Government, and such a support of our sacred Union as the fraternal spirit which formed that Government and Union seemed to demand.

In respect to the application of these principles to any new cases or new questions, where no such application has yet been required from me in the discharge of official obligations, the second reason before named for not going into speculative discussions on such topics while in my present position, still does not leave any persons, desiring information, without general guides and reasonable assurances as to my future course. Thus if my public life hitherto has given any pledge of respect to the reserved rights of the people and the States, and of fidelity to the whole Constitution and the whole country, it furnishes in the same way, it is believed, the strongest guarantee of what will be done hereafter in any exigency in any part of duty that may be assigned to me.

Unfortunately, if under these circumstances, this should not prove satisfactory, I must despair of saying any thing for publication, in the excitement of the present canvass, which ought to be more satisfactory.

Allow me to add, that should the Democratic National Convention adopt any declaration of principles, or pass any resolutions about them, which are intended as their platform, or a guide to those persons recommended by them for office, I certainly would not permit myself to be their candidate for any situation, unless agreeing in the correctness of those principles.

With much respect and regard, your ob't serv't.

LEVI WOODBURY.

To Hon. Wm. L. Yancey, Washington.

After the receipt of those letters, however, at the request of a portion of the Alabama delegation, Mr. Dallas consented to give them an interview. The hour being late, (the adjournment of the Senate) I alone, of the delegation, was present at it. Mr. Dallas, in a full and frank conversation, such as he

would cheerfully hold with any citizen who desired to learn his political views, gave me to understand, (without now going into his reasoning,) that he was opposed to all interference by Congress with slavery in the territories, and that the people of a territory could derive no legislative power from Congress to interfere with it in any way—that the territories of the United States were open to emigration from the whole Union. At a previous conversation had with him, as we were given to understand by Mr. Solomon, a delegate from the Mobile district, Mr. Dallas advanced the same views. I afterwards also had an opportunity of reading similar sentiments in a letter written by Mr. Dallas to a gentleman from Pennsylvania.

The following singular developements were also made as to Mr Buchanan's views. One of the two Mr. Moores, I believe Mr. Sydenham Moore, was understood to state, that he had met Mr. Buchanan, on Pennsylvania Avenue, who told him "he had written a reply to Mr. Yancey's letter"—that Mr. B. said further, "that he could not come up to, or endorse, the Alabama platform."

Mr. Sanford stated—that he had held an interview with Mr. Buchanan, and that Mr. B. amongst other things "expressed surprise to find, in my letter to the editor of the State Gazette, that I had put such a construction upon his views. Mr. Sanford said that Mr. B. in that interview, fully endorsed the Alabama platform—that Mr. B. believed Congress had no right to interfere with slavery in the States and territories—and that the inhabitants of a territory had no right to do so, until they met in Convention to form a State Constitution."

I stated, that previous to the receipt of Mr. B's letter, Mr. Buchanan had told me that he could not approve of the views expressed in our resolutions—that he had taken his position on the Missouri compromise, and could not now change it.

There was also this additional information given at that conference relative to the opinions of Judge Woodbury. I read a part of a letter, written by Judge Woodbury's son, C. L. Woodbury, Esq. in Boston, where Judge W. then was holding the U. S. Circuit Court, and after a conference with his father upon the subject. The part read was thus: "There is no objection, that can be reasonably made to you, or our friend Yancey and others, stating what they believe to be the views of Judge W. on the subject, (slavery)—such as Yancey's account of the proceedings of the Alabama Convention,

for instance, in the Union." That account I believe all the delegation had seen, and I re-stated it at the conference. It was as follows: "I read extracts from a letter in my possession, which I averred to be 'reliable authority,' stating Mr. Woodbury to be opposed to both Federal and popular interference with slavery in the territories; and that he, Mr. Woodbury, believed that the people of a territory could only legislate upon the subject when they met to frame a State Constitution, preparatory to admittance as a State into this Union." In addition to the above, I also offered to read to the delegation an elaborate argument by Judge Woodbury on that issue, which had been written in January last, and which I was authorized, by the gentleman who had handed it to me, to shew to any gentleman desirous of learning what were any 'unequivocal' opinions he entertained on the 'slave question, with a view to supporting him, if he came up to our instructions; but that no one could read it, who desired to do so merely to make a blowing horn of it among northern men to scare them from the support of Judge Woodbury in that Convention. That if nominated there was no doubt that Judge W. would at once make public avowals of his opinions on all questions; and that if not nominated, I also said, (Messrs. Salomon and Winston to the contrary notwithstanding) that every one who read that letter and voted for him, would be authorized to refer to its contents, though not to publish the letter, in explanation of his vote. Some of the delegation (those gentlemen who voted for Mr. Buchanan) refused to receive the letter as delegates. Others (the majority) received it—read it—considered it sufficiently "unequivocal," and cast *five* of the nine votes of the State for Judge Woodbury. Those gentlemen, as well as myself, are now arraigned by Salomon, Winston, Sanford & Co. as violators of our instructions for giving those votes!

Mr. Salomon opens the ball, and says—"It is for the democracy of Alabama to decide whether Judge Woodbury could be voted for by any delegate, who regarded as binding this resolution adopted by the State Convention:

"14. Resolved, That these resolutions be considered as instructions to our delegates to the Baltimore Convention, to guide them in their votes in that body; and that they vote for no men for President or Vice President, who will not unequivocally avow themselves to be opposed to either of the forms of restricting slavery which are described in these resolutions."

"Did Judge Woodbury 'unequivocally avow himself op-

posed to either of the forms of restricting slavery,' &c. If so, where is that avowal to be found? Where is the public justification for the votes that were recorded in his favor from Alabama?"

If Mr. Salomon had read the letter offered to him, he would have been sufficiently well informed not to have sought elsewhere for the information he asks: he would have been enabled to answer that Judge W. was "unequivocally" opposed to both forms of restricting slavery: he could have even shown where that avowal was to be found: and, if he can understand the resolution he has quoted, he can see that a "public justification" was not required by it for votes cast in Convention.

I will ask some questions, also. Why did Salomon, Winston and Sanford suppress the fact, that Mr. C. L. Woodbury, in the name and by the authority of Judge Woodbury, indorsed *the publication* of the views of the latter by me in my letter to the editor of the State Gazette? Why did Winston, Salomon and Sanford suppress the fact, that at the conference of the delegates, it was also in evidence before the delegates, that Mr. Buchanan had, on two different occasions, to two of the delegates, expressly said that he could not endorse or adopt the principles of the Alabama platform; and that all that could be said in reply by one of his friends (if remembered aright, Mr. Winston) was—"perhaps he don't put the same construction upon it that you do."? Why has Mr Sanford in his address endeavored to palm off upon the public that the delegates were instructed to vote in Convention for no "candidate for President or Vice President who was not *openly and avowedly* opposed to the restriction upon slavery," &c.? His colleague, Mr. Salomon, has published the resolution of instruction to the delegates, and that is—that we vote for no men "who will not *unequivocally* avow themselves, &c.." The resolution as to voting against any who "shall not openly and avowedly be opposed," &c. relates solely to our action in the canvass after the nomination, if it should prove to be bad.

Mr. Salomon with less of cunning, but more frankness (however little intended) has placed "the guide" to the votes of delegates in the proper resolution; but Messrs. Winston and Sanford differ with him, and attempt their attack from bolder, though less tenable grounds.

They, *Messrs. Winston and Sanford*, it seems, are so hard pressed for want of materiel with which to crush me, that *for*

that purpose they are disposed to regard the Alabama resolutions as binding upon the delegates! What a pity this idea never entered their heads when a matter of far greater importance was before them—the nomination of a President! For this purpose then, they quote the 13th and 14th resolutions, as binding upon the delegates in voting in convention to make a nomination. It will be observed that the 14th makes "these resolutions" (to wit, the whole series) "instructions to our delegates to *guide* them in their votes in that body; and *that they vote for no men for President or Vice President who will not unequivocally avow themselves, &c.*" What is the plain meaning of that resolution? Clearly this,—*the principles* laid down in the previous resolutions shall "be considered *as instructions* to guide them in their votes *in that body*"—(the Convention)—and in reference to those principles—the resolution emphatically binds the delegates to vote for no one "who will not *unequivocally* avow himself, &c." The 13th resolution was designed, and that design is plain upon its face, to bind, *not the delegates*, for their names or office are not alluded to even by implication in it—but was designed, *as it reads*, to bind "*the Convention*" *as a body*, and "*its members*" *individually*, by a pledge "*under no political necessity whatever, to support* for the office of President or Vice President any person who shall not openly and avowedly be opposed, &c."

It is clear then that by the 13th resolution "the Convention" as a body and "its members" individually pledged themselves to the country and to each other not to support *a bad nomination at the polls or in the canvass!*—and that by the 14th *the delegates* were bound not to vote, in the Baltimore Convention, to nominate any one who did not "unequivocally" avow himself to be in favor of "those resolutions."

The Convention recognized *two stages or periods* at which those resolutions were to be considered as solemn pledges—1st in the Baltimore Convention, *on the delegates*—2d, in the canvass and at the polls, on the members of the State Convention.

The difference between Messrs. Salomon, Winston, Sanford, & Co. and myself then, in reference to these two resolutions, is simply this—they obeyed neither in the Convention and are obeying neither, in the canvass.—I strictly followed the 14th resolution in the Convention, and am now obeying the 13th in the canvass. The only use to which they have

have ever put them is to pervert their meaning, in order to assail me. I have acted upon them in my vote as a delegate, and will do so in the Canvass as a citizen.

Again, the 14th resolution made the whole series of the resolutions adopted "*a guide*" merely to our votes in the Convention—that is, left us to choose the man who came nearest to us on all such issues as Tariff, Bank, Internal Improvements and War questions. Will it be contended that we could vote for no one who did not come up fully to all these positions? If so, how can these gentlemen excuse their vote for Buchanan, whose single vote enacted the Whig Tariff of 1842? or for Cass, who voted for the Internal Improvement bills vetoed by Mr. Polk? If theirs is the proper construction they are in a bad dilemma! But this is not the construction. The resolutions made all those principles "a guide" to us, leaving us to get one as near to us as we could; but on the slave question, it left us no discretion, for it went on to say in addition—"and that we vote for no men for President or Vice President who will not unequivocally avow themselves to be opposed to either of the forms of restricting slavery mentioned in the resolutions."

We were thus told, that while we must be guided by all those resolutions in our selection of a candidate, yet we must make it the main point—"to vote for no men who will not *unequivocally*" avow themselves on the slavery issue to be with us. We were in effect told, that if we found one, not altogether sound on other issues, yet sound on this one issue, to take him—and this is the only construction under which the delegation could have made such a choice.

The resolutions again recognized the difficulty of finding one fully up to the mark with us on the slave issue, in print—and while they permited us to vote for such an one in convention, they demanded of such a nominee, before we voted at the polls, to avow himself "openly." It was known that Woodbury was our choice and that he was a judge on the bench. We had severely condemned McLean for publishing political letters to get the Whig nomination, and we did not expect our favorite to do so. But though satisfied to nominate him, if he gave to the delegates "unequivocal" assurances of his soundness, we felt bound to declare that "under no political" necessity whatever would we vote at the polls for any man who "did not openly and avowedly" come out on our side. If he had been nominated therefore,

Judge Woodbury to get our support would have been compelled to publish his opinions.

Mr. Sanford in his address, expects to sustain his argument by alledged isolated remarks of mine. I never did say in the State Convention that Mr. Woodbury's views would be published to the world, *before* the Convention met. I had then in possession a letter shewing the impropriety of his doing so, while a Judge of the Supreme Court. If I said anything about publishing, it was that "*at the proper time*" those views would be made public; for I could only have stated what I knew to be Judge W.'s views—and that was: that *if nominated*, he would be in a condition to make public his views without impropriety.

In his address, in order to convict me of personal inconsistency Mr. S. says, "in reply to my remark, that unless Mr. W. was open and explicit in his avowal of hostility to both federal and popular interference with slavery in the territories, we were forbidden to support him, Mr. Yancy answered 'certainly; and in that event we must look farther.'"

My own recollection of that conversation is, that I said, "unless I received something more satisfactory relative to his opinions I should look farther." I did in fact, on the very next day, receive the two letters, which I laid before the delegates!

Why has Mr. Sanford endeavored to lug in the name of C. M. Jackson as an aider and abetter in this attempt to throw the vote of the State to Buchanan?—when it is a fact that C. M. Jackson voted against Buchanan upon every vote given; first voting for Dallas and afterwards for Woodbury, though overruled by his delegation, each time.

Why also is Mr. Sanford making this violent attack upon me, for not sustaining Gen. Cass?—when in Washington long after the nomination was made, and on the last day we passed together there on my return south, he told me, in the reading-room of Coleman's Hotel, with no asseveration, of secrecy, that he would sell his Press in Mobile at a a great sacrifice, if he could get an offer, to avoid supporting Gen. Cass—that he knew the up-hill work which it would entail upon him to do so—that it was the worst nomination that could have been made—that he knew the men who were around him in Mobile that would oppose it—that to support the nomination he would have to fly in the face of long cherished principles, both on the slave question and the

money power of the government! Language which I there learned Mr. Sanford had uttered to others also. What "change has come o'er the spirit of his dream?"

The answer might possibly be found in the old adage—"like master, like man." Gen. Cass has ingeniously confessed to "a change," somewhat similar, having been wrought in his own mind, as one became evident in that of the sovreign public—that public that was so soon to act in conclave upon a nomination for the Presidency. Now "Giles"—that noted correspondent of the "State Gazette," who so vehemently upheld the pretensions of Buchanan before the nomination [and now as vehemently upholds those of Gen. Cass!] after a calm review of the various positions of Gen. Cass, it is presumed, pronounced him to have been actuated, as was "too evident" he said, in making this change, "*with a hungry ambition.*" That hunger, doubtless, has since been greatly appeased by the nomination being given to him.

Might our friend Sanford *have been* in any degree at that time a hungry "expectant of place?" Could it be that it *was* considered wise to invest *a little* impracticability in the speculation? [a bold game to be sure—but then somewhat of success had attended it in the person of one of his particular friends.] I do not charge that such *is* the case with the editor of the Register; for I believe he is now considered as one of the best satisfied men in Alabama. Unlike his great friend Gen. Cass, he does not live *in expectancy;* as we are informed by his Cass brother, the editor of the State Gazette, who in a recent number says—"We rejoice to learn that the senior editor of the Mobile Register and Journal has been appointed to a lucrative office under the General Government."

But I would ask Mr. Sanford, if he entertains the views of our instructions embodied in the following extract from his address, where are the evidences that Mr. Buchanan was "openly and avowedly opposed to the restriction of slavery. &c."?

"The amendments to the report of the committee on resolutions in the Alabama convention proposed by Mr. Yancy, and adopted by the convention, prohibited its delegates from casting their votes in favor of any candidate for President or Vice President who was not openly and avowedly opposed to the restriction of slavery in the territories either by federal or popular authority."

As he charges those who voted for Woodbury with violating their instructions, and claims the merit of observing them for those who voted for Buchanan, I will extract from his address the main item of proof upon which he rests it :

"Happening to meet Mr. Buchanan at the President's levee on Friday evening, I called his attention to this letter, and asked him if he intended to be understood as claiming that the population of a territory in an unorganized capacity had the right to control the question of slavery in such territory. He declaimed that no such idea had ever been entertained by him—that the construction put upon his language by Mr. Yancy was a perversion of its plain and obvious meaning—that in his opinion the inhabitants of a territory, as such, had no political rights, that they had no power whatever over the subject of slavery—and that they could neither interdict nor establish it, except when assembled in convention to form a State constitution. He further authorized and requested me to make any public use of these declarations that I might think proper to correct any impression which Mr. Yancy's construction of his language in the Berks letter might have made."

If the reader will remember that but a day before this alledged conversation Mr. Buchanan had written the letter published on page 28 of this address, in reply to one requesting his opinion upon the principles embodied in the Alabama resolutions, and which he knew was to be laid before the delegation—in which letter Mr. B. deliberately refuses to abandon his former position to assume any other thatmight be presented, and in which he had a fair opportunity of correcting any wrong construction put upon the Berks letter by me, but in which he does not even allude to such a thing; and will also bear in mind, that in separate and distinct conversations, with Mr. Moore and myself in the same week, Mr. B. expressly refused to assume the Alabama position; and then compare that letter and his Berks letter, and those conversations, with the above statement of Mr. Sanford, he will conclude that an unworthy, dishonest. double-dealing game was played upon the delegation, either by Mr. Buchanan or Mr. Sanford. The letter written by Mr. B. is in full accordance with the Berks letter and with the conversations held with Mr. Moore and myself, but they all are opposed to the statement of Mr. Sanford.

Let the reader remember too that the editor of the "Union" had but a week previously published my "letter" containing the construction which I put upon Mr. B.'s views, and that neither Mr. Ritchie nor Mr. B. accompanied it with any disavowal of that construction; and that Mr. B. was a candidate for the Presidency, and that such a publication, unan-

swered or explained, would be taken to be the true one by all the delegates to the Baltimore Convention, and it will aid him still farther to come to a correct conclusion as to the character of the game attempted to be secretly played off upon the Alabama delegaton.

For one, entertaining for Mr. Buchanan a high personal respect I deeply regret that the singular course of one of his political friends should have made it necessary in me to place him [Mr. B.] *even seemingly* in a doubtful attitude before the public.

But is it true that Mr. B. did say to Mr. Sanford, what is attributed to him in the above quotation? Did not Mr. S. really jump to conclusions desirable to him; and in fact have no solid ground upon which he could really have reached them? I think he did; and submit to the intelligent reader if the same conclusion cannot be drawn from Mr. Sanford's account of that interview between Mr. B. and himself, given at the conference of the Alabama delegates. I extract from the address of Mr. Sanford—

"I urged upon the delegates the conviction impressed upon my mind that in placing himself upon the principles of the Missouri Compromise and leaving the subject of slavery below thirty-six and a half degrees of north latitude, untouched by either federal or popular authority, he was to all practical purposes within the scope and spirit of our resolutions."

Here then is the key—at least the only key yet found, which will relieve Mr. B. from the "durance vile" in which Mr. S. has placed him. Mr. Sanford himself sums up the views of Mr. B. and himself locates that statesman *on the Missouri Compromise!* Mr. Sanford, after relating to the delegates how Mr. B. agreed with us that neither Congress, nor the inhabitants of a territory, had any "power whatever over the subject of slavery, and that they could neither interdict nor establish it except when assembled in convention to form a state constitution," still "urged upon the delegates," that Mr. B. would only permit those sound constitutional views to operate between 32° 30′ and 36° 30′—and that Mr. B. "was to all practical purposes, within the scope and spirit of our resolutions," though in favor of Congress passing a *proviso* that north of 36° 30′, that is between 36° 30′ and 49° a breadth of 12° 30′, slavery should be forever excluded! The latter views thus summed up by Mr. S. are the true and oft expressed views of Mr. B. to be found in his Berks letter and his letter to me, and in his conversations with Mr. Moore

and myself; and are all in the very teeth of the conversation alledged by Mr. S. to have been held between Mr. B. and himself at the President's levee!

Now I freely admit that Mr. B. has "placed himself upon the principles of the Missouri Compromise," which forever excludes slavery, *by an act of Congress*, from all territory north of 36° 30'; but I ask Mr. S. in what line of our instructions will he find the delegates authorized to vote for one for President who was in favor of the Missouri Compromise? In what line will he find a direction to the delegates to vote for one who believed that Congress could, by act or otherwise, exclude slavery from a foot of our territory? In what line is the "spirit" breathed, that out of a territory of the United States running on the Pacific from 32° 30' to 49°, it would be just, or constitutional to exclude slavery "for ever" by act of Congress, from 12° 30' of it; and leave it an open question in the 4° south of that line, whether free or slave holding states should be formed out of it?

Refer to the "Platform" Mr. Sanford—you have a paper at your service and a cute and pliant editorial colleague. Both may try your ingenuity upon this proposition; and when you succeed in perverting the language and the meaning of that Platform into an endorsement of the Missouri Compromise, as one of the principles which were to guide the delegates in their votes for President, you will be each fully entitled to bear the appellation of "The Prince of Artful Dodgers."

The "second" in this sweet band of choristers says with great *naivette*:

"We make no objection to the fact that Mr. W. was nominated in the convention by an open and avowed abolitionist and to the support he received from the New England States; yet under all the circumstances Mr. Yancy was singularly associated."

Oh no!—certainly not. It would be *a strange objection* to be made by a man who now stands on a platform recognized to be "sound" on this issue by the Barnburners—who ratified the Cass nomination in conjunction with *every* northern Abolitionist in that body—and whose voice was raised to make it unanimous, and to drown that of the State of Alabama's speaking through her instructions, with that of *this very* "open and avowed Abolitionist;"—and who is now working to palm off that nomination upon the South, side by

side with that very Abolitionist and all his colleagues from those very "New England States!"

Certainly Mr. J. A. Winston, even "though born and raised" here as he is pleased to inform us, will not make any *such* objection, while he is a co-worker to advance the interest of Gen. Cass with those who "pull the wires" for the General, and who have stooped so low as to send a mission of members of the Senate of the United States to the great State of New York "*to beg those ultra factionists of the North,*" the Barnburners, not to disturb "the harmony of the Party"—and who are straining every nerve to *excommunicate as "ultra factionists of the South"* all who dare stand up for the very land he was "born and raised" in, against those very Barnburners and their *would-be Cass allies!* I think I may be allowed to say, that Mr. Winston, "*is singularly associated,*" AND WOULD BE MORE SO, *if he could!*

It being understood that the vote of the State would be divided—and it being considered by some very desirable that the vote should be unanimous, in order to be effective, a proposition was made that the friends of Mr. Woodbury would vote for Mr. Dallas, if the friends of Mr. Buchanan would do so—there being no controversy as to the views of Mr. Dallas—and our instructions allowing us to vote for him. All the Woodbury men and some of the Buchanan men were ready to do this, but the delegates who controlled the vote of the Huntsville district, and of the Dallas district refused. One delegate, Mr. A. J. Soffold, was understood to object to doing so, "*chiefly* for the reason, that I [he] thought there was a better prospect of getting Col. King nominated on a ticket with him [Mr. Buchanan] than with any of the rest," though stating at the same time that—"I [he] had no objection to urge Mr. Dallas"—but that for the reasons mentioned I [he] could not consent to the proposed arrangement." As this is a delicate and grave matter, and Mr. A. J. Saffold particularly sensitive as to the precise words in which his thoughts shall go before the public and to the conclusions to be drawn from them, I have given his own language.

This proposition failed therefore; and one of the reasons advanced for it will tend to throw some light upon the character of those secret springs which controlled the Baltimore Convention, and which led to an abandonment of the true interests of the South in the nomination which was afterwards made.

The statements of Mr. Salomon and Mr. J. A. Winston as to his matter can be appropriately noticed here. They both setup a man of straw, and with great coolness and self-possession knock it down. Mr. Salomon says: "It [my minority resolution] was voted down by the South, and when Mr. Yancey asserts that the delegation from Alabama was influenced in its final vote on the platform of principles by a desire to secure a nomination of one of her sons, as vice President, to use a mild term, he must have forgotten that the voting on the resolutions did not take place until the day after the nomination for President and Vice President had been made, and therefore there could not have been any influence of the character he describes."

Mr. J. A. Winston says—"Mr. Y. accuses us, with nearly all the South, of sacrificing our rights for the Vice Presidency, forgetting in his zeal of censure that the resolutions adopted by the convention did not come up for consideration until after the nomination for Vice President had been made."

These persons will find that I have not "forgotten" as much of these proceedings as it appears convenient to them, either to forget or to suppress: for instance I have not forgotten that these gentlemen and the entire delegation voted for my minority resolution! A full relation of all the facts, it does not seem to have entered their heads, was at all necessary to the making up a correct judgment, in the premises, by the public—and it so happens that the facts "forgotten" or suppressed by them, are those most likely to shield me from the verdict of being a "traitor," and most calculated to induce such a verdict against them.

Preferring that men, so much interested as are Messrs. Salomon & Winston in the result, should not state my case, I will do it for myself. All that I have said on this point is the following at Charleston—"There were delegates even from Alabama, who made the Vice Presidency paramount to the Presidency, and held both paramount to their *instructions*—in fact that a nomination was held by perhaps a majority of the South as of more importance than any guarrantee of principles."

The first part of this statement is admitted to be true by at least one. The fact that four votes were given to Buchanan, and that all the delegates but three pledged the vote of Alabama to Gen. Cass, before the Convention had declared its platform, contrary to our instructions, and in which act of

treason to those instructions Mr. J. A. Winston led the way, proves the second branch of it to be true—and that the third is true is made conclusive by the ratification of the nomination of Gen. Cass, and the refusal of the convention to adopt a resolution embodying the true Southern creed, by a vote of 36 to 216.

The matter is again alluded to in remarks made by me at Wetumpka. There I said—"that the Convention finding the South entering eagerly into the Vice Presidential scramble, took advantage of it to snatch away the principles which we had so boldly asserted, as it gave encouragement to each portion to hope that its candidate for Vice President would be elected." Was it not snatching away our principles when Southern delegates were induced to vote for such men as Buchanan and Cass?—"chiefly for the reason that they could thus secure votes for the Vice Presidency." Was it the only way in which the interests of the South could be attacked, the voting down resolutions embodying her principles? When Gen. Cass was nominated the great deed of wrong and injury to the South was consummated; and could only have been alleviated by a bold and decided expression of constitutional principles on the part of the Convention. And, when the nomination of Gen. Cass was confirmed by seven-ninths of the Alabama delegation, before a platform was laid down which might have corrected the evil, the second great error was committed by them; for they thereby impliedly said to the Convention—we are satisfied with your nominee and with his principles; and one—Mr. Winston expressly denounced the advocates of the Alabama doctrines as the "ultra factionists of the South."—Our demands [the North were thus told] were as much to be dreaded and despised as those of "the ultra factionists of the North!" What inducement pray had the Convention to adopt our principles after they had been thus wantonly and openly abandoned by the very men who were delegated to uphold them in that body, and many of whom were members of the very Convention that adopted them, and imposed them upon themselves as "instructions"?

The fact alluded to by Messrs. Salomon & Winston, that the voting for the Vice Presidency took place before the voting upon the resolutions proves nothing against my charge. Before any voting was done in Convention I have charged that *the basis of an abandonment of our instructions by a part of the delegation* was laid; and it has been since con-

fessed that the hopes of securing the Vice Presidency "chiefly" controlled "a part" in the votes afterwards given for the Presidency: while the confirmation of that nomination had a powerful effect, eventually, in the adoption and rejection of principles!

Such are the facts, and influences in part, under which the votes from Alabama were cast. My colleague, for the State at large, voted for Mr. Buchanan. The votes of the Huntsville, Dallas and Mobile district were also cast for Mr. B, Gen. Jackson of the Dallas district being overruled in his opposition to it. The votes from Lauderdale, Greene, Talladega and Montgomery districts, with my own, were cast for Judge Woodbury.

On the 4th ballot Gen. Cass was nominated. On the 1st ballot he proved to be much the most likely to be nominated. This fact ascertained, and the result was the usual one.—An expected President is not likely to lack devoted friends!

After the nomination was made, the States were called upon to ratify it unanimously. When Alabama was called, I stated—that, Alabama had three times voted for Andrew Jackson, twice for Martin Van Buren, and once for James K. Polk—never for a whig, and never had she been a whig State. She will still adhere to principle, and when the principles of the platform upon which the nominee of this Convention is to go before the people, have been laid down by the Convention, if those principles are in accordance with the instructions which Alabama had given to her delegates, Alabama will support that nominee.

"Mr. Winston of Alabama (delegate at large with Mr. Yancy,) said the delegation from that State had come into the Convention, as Delegates and as honorable men were bound to support its nominee. He understood, he thought, the State of Alabama, well, and as one of the thirty States of the Union, she would not set up herself as a dictator to the rest of the Union. He belonged to no ultra set of factionists at the South, who do as much harm as do another ultra set of factionists at the North. He believed that Alabama would give her vote to the nominee of the Convention."

And I desire these words may be remembered, as spoken to a mixed body of delegates from slave and non-slaveholding States; as spoken by an instructed delegate —who himself was a member of the very convention that adopted our instructions without a dissenting voice—as

words placing on the same objectionable footing a defender of the South and an Abolitionist. And supported as he was by seven-ninths of the vote of Alabama—with such weight given to his words as Mr. Porter King could give by his emphatic endorsement immediately after—that "*Mr. J. A. Winston was the Father of the Democracy of Alabama!*"—[an assertion, which *let us down somewhat*, I humbly suggest, from our heretofore proudly assumed position—that Jefferson was the father of our Democracy!] it had the effect, which I have heretofore suggested, of freeing the Convention from all obligations to adopt the rigid principles laid down by Alabama. Her delegates had expressed themselves satisfied with the nominee, and the venerable "father of the Democracy" himself hinted to the Convention that those who claimed to be the supporters of the Alabama instructions were no better than "ultra factionists!"

Were the delegates "as honorable men bound to support the nominee" of that Convention" at that stage? This will depend upon what is meant by honor; for unfortunately as the world goes, that word has its degrees according to the company in which it is used, and the character of him who uses it. It is said there is "honor among thieves." I presume from the expression used by Mr. J. A. Winston, there is too a sort of honor among politicians of his stamp. Let the delegates opposed to Cass be judged by that standard, and he may make out his case; but in no other way.

Mr. J. A. Winston was a member of the State Convention and present, when the resolutions and instructions were introduced, spoken upon, and unanimously adopted. Those resolutions laid down certain cardinal principles, and not only instructed the delegates to vote in the Democratic National Convention for no man for President who was opposed to them, but, as will be seen by reference to the 13th resolution, they pledged the Convention "to the country, and its members to each other, *under no political necessity whatever*, to support for the office of President and Vice President of the United States any person who shall not openly and avowedly be opposed to either of the forms of excluding slavery from the territories of the United States, mentioned in the resolutions."

Here then is a recorded personal pledge, given by Mr. J. A. Winston to the country and to the other members of that convention, that if the nominee of the Baltimore Convention

did not hold the principles Alabama had laid down, he would not support the nominee in the canvass! And yet Mr. J. A. Winston says, "as honorable men we were bound to support its nominee!"—Why? "because the delegation from that State [Alabama] had gone into the convention as delegates!" If it is honorable to violate personal pledges at will—to break political pledges, at one's political convenience—to misrepresent the constituency, which clothes one "with a little brief authority," then is the remark true—but under no other code of morals.

Besides, Mr. J. A. Winston knows that the Baltimore Convention had three times positively refused to endorse the principle—that all who participated in the proceedings of the Convention should be bound by its decision; and as the fiat of that body appears to have far more weight with him than did the unanimous voice of "the old-fashioned matter of fact democracy" of his own state while at Baltimore, I will rely upon it as good authority against his position. I have not the proceedings before me, but know that they will sustain my statement. A resolution, declaring that all who kept their seats in that Convention were bound by its decision, was three times, I believe, [I know full well was twice] brought forward in that body, by Hannegan, and by Judge Cone of Georgia, and at my instance was each time laid upon the table; I declaring it to be improper, and that the Alabama delegation were so instructed, that we would not vote for it, and would not be bound by it. Gov. Toucey, of Ct. (now the Attorney General of the United States) also declared emphatically, "that were such a test proposed to him, he would button up his coat and leave the hall!"

Mr. P. King was followed in his eulogy upon Mr. J. A. Winston, (but really in his caricature of the Alabama Democracy) by Gen. C. M. Jackson, who took a somewhat similar ground to that advanced by me. "He desired that as in 1844, the convention should lay down its platform of principles, and if in conformity with the views expressed by his State, he would pledge her vote for the nominee of the Convention."

Mr. P. A. Wray of Montgomery sustained the same position.

APPOINTMENT OF THE COMMITTEE UPON RESOLUTIONS.

This matter through, a committee was raised to report

resolutions to the Convention. I was selected by the delegation to represent Alabama in its deliberations. Before that commtttee was even named, it appeared to be the prevailing sentiment of the Convention, receiving its cue from the Union, which had urged the idea long before the assembling of that body, and which continued to enforce it, that the resolutions of 1844 should be re-adopted—*unaltered.* Knowing this, and that if the South obtained anything at this juncture—so different in many respects from that of 1844, (when this issue was not prominent and in fact when the idea, that the inhabitants of a territory could exclude slavery, had not been broached,) it would only be after a severe struggle, I drew up and presented to the delegation for their opinion, the resolution afterwards introduced, and which I informed them I should urge before the committee. *It is conceded that it received their unanimous assent.* Mr. Winston says in his address, that "Mr. Bowden came to the delegation and made a feeling appeal to have Mr. Yancey put on the Committee upon resolutions, and presented a slip of paper with the resolution, *or something* similar to it. I objected as the resolution was complex and subject to too much difference of construction. After much objection, delay and dissatisfaction, and Mr. Y. had paid us a visit, he was permitted to go on the committee, with the expectation on our part that in case the committee did not adopt that particular resolution, there would be an end of it."

I cannot pretend to say what occurred between Mr. Bowden and the delegation. What I know of this matter is this: Mr. Bowden, acting on the idea that I, as the author of the Alabama resolutions, according to parliamentary usage and courtesy, should be the member of the committee, from our State, to sustain the principles embodied in that platform before the committee, undertook to place my name before the delegation with that view. Of this I was fully aware; and have no hesitation in saying that I desired to be upon the committee for the purpose, if possible, of obtaining its assent to our doctrines.

Observing, from where I sat, apparently some wrangling amongst the delegation, I at once left my seat and went to the delegation, and paid the "visit," so disingeniously alluded to by Mr. Winston. All that I said there was to beg of them not to permit my name to be the least cause of discord—that I confessed to have entertained a desire to be on the

committee, being the author and therefore more appropriate advocate and defender of the Alabama resolutions—but that if any of the delegation did not desire it, I at once withdrew my name and would cheerfully agree to the appointment of any one they desired. I was turning to leave them, when Mr. Sanford informed me there was no difficulty—that all had agreed to appoint me.

I afterwards learned that a portion of the delegation had desired Mr. S. Moore to consent to serve on that committee, and that that gentleman, with characteristic generosity and sense of right, declined in my favor.

The true cause of this opposition to my being put upon that committee may be searched for, and most probably found, in the origin of the "Giles" assaults upon the State Convention, and in the reasons for the unqualified commitment of the State to the nomination of Gen. Cass, before the platform was adopted. It was doubtless very desirable that the resolutions of Alabama should be quietly consigned to the tomb of the Capulets, and never again rise in judgment against the "deep damnation" of that astonishing defection.

Without pretending to know what occurred between the delegation and Mr. Bowden, (if indeed anything did occur,) about the resolution afterwards submitted by me, I know very well what occurred between it and myself. I presented the resolution, after I was appointed upon the committee. If Mr. Winston objected, his objection escaped my ear, as it certainly has my memory. Of this I am sure, no "expectation" of the kind spoken of by Mr. Winston was expressed to me, either by him or the delegation. I read to them the resolution—it was unanimously agreed to. I did not ask the consent of the delegation to present it. I asked only their opinion upon it, as an exposition of our principles. I told them I should present it—and asked their *assent to the doctrine.* Had any such "expectation" been expressed, I should very frankly have asserted my right, to pursue in Convention such course in relation to it, as my own judgment dictated—without going even to a reputed "father of the Alabama Democracy" for advice and permission.

As to Mr. J. A. Winston's considering the resolution "too complex and subject to too much difference of construction" —I think that very probable and yet not very strange, if we consider the cast of his mind in connection with the fact that he did not even know *precisely what was on the "slip of*

paper" which was presented by Mr. Bowden, and on which he has, nevertheless, offered so critical an opinion!

It may not be amiss for the reader to refer to the official proceedings of that Convention. If he does so, he will be somewhat surprised, (considering the horror which the presentation and advocacy of this minority resolution has excited among the faithful, and that Mr. Winston had "objected, as the resolution was complex and subject to too much difference of construction"—and that there was an "expectation" on the part of the delegates," that in case the committee did not adopt that particular resolution, *there would be an end of it*) to find that *this same Mr. Winston—together with the entire Alabama delegation voted, for it in Convention, after the committee had refused to adopt it, on its presentation by the minority!*—and after I had addressed the Convention in support and explanation of it; and of course after all had an opportunity of knowing the construction put upon it by the minority of the committee; and after I had declared that without some additional guarantee of our rights in this matter, Alabama would not support the nominee! But who would suppose so, after reading the addresses of Messrs. Salomon, Winston & Sanford?

DOINGS OF THE COMMITTEE ON RESOLUTIONS.

The committee met early after its creation, and sat until near midnight. There was much harmony in its deliberations, until we reached the 7th resolution. It was proposed to adopt the 7th resolution, as it stood in the series of resolutions adopted in 1840 and 1844. I proposed to amend it, by adding thereto the following—

"*Resolved further*, That the doctrine of non-interference with the rights of property of any portion of the people of this confederacy, be it in the States or Territories, by any other than the parties interested in them, is the true republican doctrine recognized by this body."

In support of it, I held that the state of politics on the slave question was very different at that time from what it had been in 1840-1844.—That a new issue was presented, which required a corresponding movement on the part of a party, which styled itself "the progressive party"—and that instructed as I was by my State, I felt it to be my duty to urge the adoption of the resolution which, I believed, embodied the great principles we contended for.

The resolution had no "complex" meaning to the mem-

bers of the committee. All seemed readily to understand it. The vote upon it in committee stood—*yeas*, Pennsylvania, Virginia, South Carolina, Georgia, Florida, Mississippi, Texas and Wisconsin—9. *Nays*—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, North Carolina, Louisiana, Arkansas, Tennesee, Kentucky, Ohio, Indiana, Illinois, Michigan, Iowa, Missouri.—20.

It may also be worthy of remark that Mr. Glenn, the member of the committee from Tennessee, was decidedly in favor of the resolution, but voted against it under instructions; and that Mr. Slidell of Louisiana, argued that the committee should not adopt it—"inasmuch as the Convention had already nominated Gen. Cass, who entertained opinions directly the reverse of the resolution; and therefore, if the Convention should adopt the resolution, it would rebuke the opinions of Gen. Cass, and be inconsistent with itself!"

That speech exhibited in all its force, the very dilemma which at a previous stage of the Convention I had struggled to avoid when I moved to adopt a platform of principles before we made a nomination. Had we adopted our platform first, if either gave way, it would have been the candidates for the nomination and not our measures. But having made a nomination first, the Convention was actually called upon not to adopt a principle, because forsooth the nominee did not entertain it! *The nomination thus controlled the resolutions!*

Another attempt was made to amend the 7th resolution as reported, by adding after the words—"the several states," the words—"or territories." This too was voted down, by a vote of 10 to 17.

Before we adjourned, on the first evening of our meeting, at my instance the committee gave its unanimous assent to the amendment of the resolution of 1844 on the veto power, as it now stands in the report—an amendment which was designed, though the design was not avowed, to thank President Polk for his vetoes of "a corrupting system of general internal improvement"—and to condemn the votes of Gen. Cass for those measures. When the committee met next morning some member got up, and moved a reconsideration of that amendment—"*on the ground that Gen. Cass had voted for the very bills which James K Polk had vetoed*; and if that amendment was left there it would look like a thrust

at him, and be good capital for the whig orators. The move was seconded, and with apparent manifestations of approval. It was only defeated by an indignant exposure of the iniquity and humiliating baseness of such a proceeding. A precedent had been set, nevertheless, for his course; and the mover was only unsuccessful, inasmuch as the committee had, as I honestly believe, voted on the internal improvement amendment, the night before, without at all remembering Gen. Cass's votes on that question!—and it was rather too barefaced to reconsider it.

Unable to obtain from the committee a recognition of the rights of Southern citizens to emigrate to the territories with their slave property—and finding that the committee would not in their report take higher ground, than that which the Barnburners yielded, and which even Joshua R. Giddings does not now dispute, I deemed it my duty to make an appeal to the Convention—and once again to make an effort to obtain the assent of that body to the principles which I was instructed to maintain. I made that report in conjunction with the representatives of Florida and South Carolina, and insisted upon a vote upon the resolution. The vote was as follows:

Yeas—Maryland 1, South Carolina 9, Georgia 9, Florida 3, Alabama 9, Arkansas 3, Tennessee 1, Kentucky 1—36.

Nays—Maine 9, New Hampshire 6, Massachusetts 12, Vermont 6, Rhode Island 4, Connecticut 6, New Jersey 7, Pennsylvania 26, Delaware 3, Maryland 6, Virginia 17, North Carolina 11, Mississippi 6, Louisiana 6, Texas 4, Tennessee 12, Kentucky 11, Ohio 23, Indiana 12, Illinois 9, Michigan 5, Iowa 4, Missouri 7, Wisconsin 4—216.

This resolution, thus summarily voted down, has been declared less satisfactory than that adopted by the Convention, and also as putting forth different doctrines from those of the Alabama resolutions.

It may appear so, and also "complex" to those who are ignorant of the checks and balances of our government, and who content themselves with looking to find the track a party is taking without at all inquiring into the propriety of the course. It is true the resolution could have been framed so as to have been more specific or more particularly applicable to the South, and in stronger language. But had it been so, it would have savored of being entirely sectional without conveying a better principle. Considering the character of the

body in which it was offered, the majority of which was against the Southern section, it was considered best, so to frame it as to cover *a general constitutional principle* applicable to every portion of the country, and also to exclude from it any phraseology, which had become offensive to the ears of Northern men by long connection with the agitation of this question. In the shape in which it was offerred, (and which was given to it under the counsel of an able man and keen observer of passing events, in that Convention,) it had reasonable and well grounded expectations of receiving a much greater western support than it did receive.

In the committee the votes of two Northern States were given to it, which which were withdrawn in Convention. In the committee too, *Virginia*, *Mississippi* and *Texas* voted for it, but voted against it in Convention! Who could expect a Northern state to be true to us to the last, when so large a portion of the South flinched upon an assertion of her own interests!—when that portion of the South did not dare to stand up in Convention in defence of her course in a committee room! What in secret they asked for, in public they denied!

ANALYSIS OF THE RESOLUTION OF THE MINORITY.

That resolution recognizes a distinction to exist between the political condition of a State, and of a Territory of the United States. It is indeed based upon that distinction. A State is sovreign as to its domestic affairs, within its own limits—there is no other power that can interfere with them. Even the legislature of a State cannot destroy the rights of property of any of its citizens—It may take property "for public use," but must give a just recompense for it. It may make *police* regulations as to property, and may tax it—but it cannot destroy it. So high is the right of property regarded in our State, that the Supreme Court has recently decided that the law of our legislature placing a tax on the property, within our limits, of citizens of other States, higher than is placed upon the property of our own citizens, is unconstitutional. The only power in a State that can abolish slavery in a State—or in other words prescribe what shall, or shall not be property in that State, is the people, met in sovereign Convention, and speaking through the constitution which they may form. Every people, who agree to band together in political society, for the more perfect protection of

life, liberty and property—the three great aims of society, are of course interested in every constitutional provision, which is to effect either; and each member in such Convention has the fullest liberty to propose and to vote upon anything which may seem to him to be most conducive to his happiness in the State, which he is aiding to form. There is no higher tribunal which can check him—no sovreignty greater than his own. And, in the case of the formation of a State, with a view to admittance into our Union as a State, there is but one single check upon this perfect liberty of thought and action, and that is—the constitution to be framed shall be "republican." Hence it follows, that the only parties constitutionally interested "in the rights of property" of any citizen in a State, are—

1st—The supreme power—the people in convention—who abolish, or exclude them, or provide for regulating them through the action of the legislature.

2d—The citizen himself, who can exercise his own pleasure in relation to them, either to give them up or dispose of them, under that State Constitution. It also follows, that Congress having no other power in regulating the institutions of a State than "to guarantee to each State a republican form of government," has no power over or interest "in the rights of property" of the citizen of any State.

A Territory of the United States, it is conceded, is but property held by the United States in trust for the people of the States—and is only recognized as such by the federal constitution. There are only two clauses in the federal constitution which relate in any degree to "territory." In Art. 1, sec. 8, it is specified that Congress shall have power "To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other useful buildings."

Art. 4, sec. 3—"The Congress shall have power to dispose of and make all useful rules and regulations respecting *the territory, or other property belonging to the United States;* and nothing in this constitution shall be so construed as to

prejudice any claims of the United States, or of any particular State."

It will be perceived that there is a recognized distinction made by the framers of the Constitution, between the territory of the District of Columbia and "the territory *or other property of the United States.*"

In the case of the District of Columbia, it is clear that the framers of the Constitution designed to give to Congress the power of *legislating* for that district. Proper terms were used to convey such a power. It was designed that the district should be a political community—and that Congress should be its law-making power. Not so, however, with "the territory" of the United States. The Constitution no where speaks of "the territory" of the United States, save in the 4th Art. quoted, and in that which gives power to legislate for the District. In the 4th Art. it speaks of it as of "*other property*," and gives Congress power only to make "*useful rules and regulations.*" This is vastly different from a general power of legislation. Legislation is based upon the idea of there being a political community to legislate for—to make "useful rules and regulations," is a more restricted power, applicable solely to the preservation, police, and sale of territory as "property." Else why use such peculiar terms by which to express that Congressshould exercise powers of legislation, "exclusive" or otherwise, if it was designed to grant such a power? When the framers of the Constitution wished to grant such a power they used the clear and unequivocal terms "to exercise exclusive legislation, in all cases whatsoever over such district" as might be ceded. When they desired to grant a more restricted power, and to express for what purpose, and with what view such power was given, they used different and more appropriate terms—"needful rules and regulations respecting the territory, *or other property* of the United States."

Again to show that is the true meaning, the same clause goes on to put in a proviso—that "nothing in this constitution should be so construed as to prejudice the *claims* of the United States, or of any particular State." Thus clearly evincing the design to grant a power solely relative to property and yet not to prejudice *the claims* to such property, of of any State.

Those who have carefully read the proceedings of those able statesmen who framed the Constitution, know what

skilful philologists they were, and know how thoroughly they weighed each word in the instrument, and with what care the committee appointed, *revised it*, after its principles and grants were agreed upon. Different language in that instrument gives different power.

If it may be considered established that Congress can only make "needful rules and regulations" for the territory as property, and holds it in trust for the people of the State, it is clear that Congress has no power to make discriminating rules and regulations which will prevent the citizens of any state from settling on property in which they have a joint interest; that Congress has no power to define what shall or shall not be held in such territory as property—has no power to say that slavery shall not exist there.

Is there any power to govern a territory apart from the limited power granted to Congress? None. The Constitution, by granting a limited power to Congress excludes the idea that there can be any other source, under the Constitution, from which a greater power can be derived. Our Constitution recognizes no "*imperium in imperio.*" The people who go there and settle, do so as mere land-holders, subject to the limited authority already described. They are not sovreign. If they were, the territory—the eminent domain as it is called, would not be in Congress, but would be in them. If they were sovreign, the territory would belong to them exclusively—that is the right to govern it—and to control it. If sovereign, it is conceded they would undoubtedly have the right to prevent slaves from being brought there. This would destroy, however, that community of interest in the territories, which all agree, the people of all the States have. While in that condition, they can have no senators, no representatives in Congress—if sovereign, they would have. They can pass no laws, which are not subject to revision and rejection by Congress—if sovreign they could do so. They cannot elect a Governor: the Governor is appointed by the President. If sovreign they would not be compelled to receive a magistrate appointed by a superior power.

The people then who remove to, and reside in, a territory have no government and no right to make one, save such as Congress prescribes for them. Congress has heretofore prescribed territorial governments under that clause of the Constitution which authorizes it to make "needful rules and regulations for the territory, or other property of the United

States." Thinking that the citizens could be the better judges of what "rules and regulations" would be best for them, Congress has, (as I contend, unconstitutionally) delegated to them the power of a territorial government—has granted a territorial legislature—and the President has appointed a territorial governor. My idea is that a trustee cannot delegate his powers to another, in such a case. But the fact that Congress has done this, does not at all affect the argument I now make. But conceding the action of Congress as to territorial governments heretofore to have been constitutional, what powers do the citizens receive from Congress? Is it an unlimited power to pass any law, which they may see fit to pass? Certainly not. They cannot receive from Congress any greater power than Congress could have exercised in relation to them itself. Congress, it is agreed at least at the South, could not, for instance, exclude slavery from a territory. It follows then, that Congress could not grant to its agents—the citizens of a territory, a power which it could not exercise;—the territorial legislature, therefore, cannot exclude slavery from the territory, for that reason. The creature cannot be stronger than the creator. The agent cannot have a greater power, as to the matter of his agency—than the principal.

What may the citizens do then? The answer is, under the territorial government, even as has heretofore been granted by Congress, they can do all things "needful" for their condition, which Congress could have done for them—all which is not inconsistent with the rights of the peopleof each and every State in the territory, and with the Constitution of the United States. Under my idea of the Constitutional restrictions imposed upon Congress, it can only make such "rules and regulations," as will secure the sale of the territory to the citizens of the States. To do this, Congress would necessarily have to survey it—plot it—clear it of Indians—provide offices of sale, and protect the settler in the property thus purchased, both from Indians and white depredators—secure to him a peaceable possession of his premises, as long as the government held control of it, as a trust for the States, and until the settlers were ready to frame a State Constitution and to come into the Union as a State. The citizens, in a legislature granted by Congress, can do no more. Hence I conclude that the parties interested in the rights of property of a citizen in a territory, are not those who exercise a limited

territorial government under Congress, or who do not own those rights, but are the individual possessors of those rights. Congress, therefore, could by no act deprive a citizen there of his slave: the territorial legislature, therefore, could not do so. If the legislature of a State cannot take away the slave of a citizen, or prevent his owning one, or even tax the slave of a non-resident higher than that of a resident, how monstrous the proposition that the legislature of a territory, having no single attribute of sovreignty, can do so! The legislature of a State cannot do so, because the constitution of the State does not permit it. The legislature of a Territory—the property of the States, cannot do so, because the only constitution which controls it, that of the United States, does not permit it.

The owner then, as I have said, is the sole party interested in his "rights of property" in the territory—and no power, but his own will, can prevent him from removing to, and residing in a territory with those privileges. This condition of things continues, as above intimated, until the inhabitants desire to come into the Union. Then they can come in, on the same terms as the original thirteen States came—deciding this question for themselves. Then they meet in convention—then they assume the sovreignty of the territory for the first time—then each citizen, for the first time, becomes interested in the great question—what shall be held by us as property and what not, and the decision of that body is conclusive, and becomes binding on the admission of the new State into the Union.

Such is the character of the resolution voted down by a Democratic National Convention. In lieu of it the following was adopted:

"7. That Congress has no power under the constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the constitution; that all efforts of the abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

What does that resolution assert? Simply that Congress has no power to abolish slavery *in the States*. Does it even deny a branch of the great question of the day—"*the power*

of Congress to do so *in the territories*"? It does not—though the names of eminent gentlemen in that Convention are quoted to prove that it does. The people of the South, however will certainly be excused if they ask for some more tangible and enduring evidence of it than the ipse-dixit of every Bailey and Strange in Virginia and North Carolina. It is true the resolution says all efforts to "*induce Congress* to interfere in the questions of slavery," "are *calculated* to lead to dangerous consequences,"—but that is a mere statement of *an hypothesis!* It neither asserts, nor negatives *any power* in Congress—it does not deny to Congress *the power* to "interfere with questions of slavery" in the territories. It is true too that the resolution closes by denouncing such efforts as having "an inevitable tendency to diminish *the happiness* of the people—and endanger the stability of the Union, and "*ought not to countenanced!*"

But *where, in what part of it*, does it deny to Congress the right and the power to "interfere with questions of slavery" in the territories? *It is no denial of it*, to say that "dangerous consequences" will follow *the exercise* of such a power. It is no denial to say that *its exercise* will "diminish the happiness of the people." It is no denial to say that "all efforts to induce Congress" to exercise it *ought not to be countenanced.* All this is but an expression of the inevitable *dangers* which will follow the exercise of such a power—nothing more.

That resolution too can be indorsed as far as its assertion and denial of *a principle* is concerned, by Joshua Giddings. He admits Congress has no power to abolish slavery in a State, but contends that *it can do so in territories. The Barnburners have endorsed it.* At their great meeting, in the Park, New York City, after the Baltimore Convention had adjourned and at which John Van Buren, B. F. Buttler and C. C. Cambreling were present, they passed the following resolution:

"8 Resolved, That on account of its peculiar prominence at this time we renew and re-assert our concurrence in, and our adhesion to, the seventh proposition, included in the declaration of principles of 1840 and 1844, in which it is affirmed: "That Congress has no power under the constitution to interfere with or control, the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the constitution: that all efforts of the abolitionists, and others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in

relation thereto are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions." That we receive this proposition now as we received it when first promulgated, and in the sense, and for the purpose contemplated by its framers, namely, as designed to protect the citizens of the several states in their property and domestic institutions of such States, against all extraneous interference, and as not at all touching, or intended to touch, the question of the power of Congress to prohibit the establishment or introduction of slavery in free territory thereafter to be acquired by the United States—which question was not before the country, either in 1840, when this proposition was first adopted, or in 1844, when it was renewed and reiterated."

The Baltimore Convention then did not assert as much constitutional truth, as it is freely admitted Gen. Cass had done. Gen. Cass was willing to say that Congress could not interfere with questions of slavery in either States or Territories. Why then did not the Convention assert as much? Simply because it found the South in a temper to recede—Simply because Northern men will go no further on this issue than they are driven, or compelled to go, by the unity and nerve with which the South demands it. In this case a Southern man—editor of the leading Democratic press of the Union—Mr. Ritchie, proposed that this should be all the Convention should say—and in the Convention, the editor of the administration paper, in the nib of whose pen lay so many political deaths or fortunes, could muster a goodly number of Southern followers to enforce his wishes; and in the Convention too, the belief which the North had a long time entertained that Virginia and Alabama would stand up to their resolutions, had vanished before the action of a large majority of the delegates of both States.

THE VICE PRESIDENCY.

During the session of the committee on resolutions, the ballotings for Vice Presidency took place. I had deputed my friend and firm co-operator, Mr. P. A. Wray, to cast my vote on the 1st ballot for Col. King, in deference to the desire of the State Convention to have his name presented "for the consideration of the National Democratic Convention," and if he found him to stand a reasonable for an election to continue to do so; but if not, then to vote for Col. Jefferson Davis. Mr. Wray gave my vote for Col. King on the 1st ballot, and finding him to have no earthly chance of success,

changed it to Gen. Quitman,* on the 2d ballot. Mr. Wray found Col. Davis not at all likely to succeed, and, acting in the spirit of my instructions to him, voted for Gen. Quitman—a vote which met. for the reasons assigned, my cordial approbation; though I had a strong desire to evince by my vote my approbation of the great merit of Jefferson Davis as a true republican and a gallant soldier, and my esteem for him as a high toned gentleman.

I have been charged with violating my "instructions" in having my votes cast for Quitman on the 2d ballot.

A reference to the official proceedings of the Convention will show that the delegates received no instructions as to the Vice Presidency.

In the first place they will show, that if there is the least truth, in the miserable apology given by some for not considering the instructions binding—that they were passed late at night, when most of the members had left, it bears with double the force on the resolution recommending Col. King; as that was introduced more than two hours after the resolutions of instructions were! I only mention this to show the dilemma into which the tergiversations of the opponents of these instructions will lead them.

The resolution giving instruction to the delegation was a part of the series reported by the committee and amended by the Convention, and referred to no other resolution adopted by the Convention. After that was disposed of, and other matter also, Mr. Terry introduced the following resolution:

"*Resolved*, That this Convention do unanimously and earnestly recommended to the consideration of the National Democratic Convention at Baltimore, the name of our distinguished fellow citizen, Hon. W. R. King, as eminently qualified, by his abilities, by his experience, and his services to the country, for the office of Vice President of the U. S."

It will be seen that there is *no instruction* attached to it. It was not a part of that series which was made instructions. It is a mere *recommendation*—that the name of Col. King *be considered*. It was so considered; and when he was receiving the pitiful support of *but* eight votes out of 294 on the 2d ballot, and had been abandoned by all his friends from other States but one, Mr. Wray and myself did not conceive

* In the official account of the balloting, eight votes are put down as given to Col. King on the 2d ballot—all from Alabama. This is an error, Alabama had but nine votes—and the votes of Mr. Wray and myself were given to Gen. Quitman on that ballot.

that we were bound to continue "the consideration" of a matter which we were not instructed to press—and which had no chance of success; hence we voted for one, of whom Alabama had, through her press, expressed a decided approval. Gen. Butler was nominated on the 2d ballot.

This statement, sustained by the record, exhibits the true estimate to be put upon the remarks of Mr. M. A. King (one of the delegates) upon my course, made in a recent public meeting in Madison, in the official account of which it is stated that he "assailed Mr. Yancey's position with great severity"—and among other charges of a kindred stamp, asserted that I was guilty "of refusing to vote for Col. Wm. R. King, *throughout* the balloting for the Vice Presidency."

I submit that "the great severity" which characterized the charge is a matter to be felt more by the speaker than by any one else.*

It is perhaps due to candor to say that I cast a vote for Col. King with some reluctance. I did so entirely in deference to "the recommendation" of the Convention. I knew in the first place, that the Terry resolution, recommending Col. King,

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* Since the report of what Mr. King said on that occasion appeared in the Huntsville Democrat, a card from the gentleman has appeared in the same paper—giving this *correction*—

"I distinctly said and regret under the circumstances, I was misunderstood by the reporter, that Mr. Yancey disobeyed the spirit of the resolution, unanimously adopted by the State Convention, instructing the delegation to vote for Col. Wm. R. King, for the Vice Presidency, and to use all honorable means to secure his nomination. It is true Mr. Yancey voted for Col. King on the 1st and 2d ballots, and I so stated; but Mr. Wray, his colleague, arose in the Convention and asked leave to withdraw his and Mr. Y.'s vote; and neither of them ever afterwards voted for Col. King."

The above may be *a correction* of such remarks of Mr. King as the secretary of the meeting had reported—but it is as little entitled to credit as a statement of facts, as the report made by the secretary.

It is not a fact, that there was a "resolution, unanimously adopted by the State Convention, *instructing* the delegation to vote for Col. Wm. R. King for the Vice Presidency."—It is not a fact that I "voted for Col. King" on the "2d ballot." On that ballot my vote was cast for Quitman.

It is not a fact that "Mr. Wray asked leave to withdraw his and Mr. Y.'s vote." Some one, unauthorized as I am assured by Mr. Wray, cast our votes for Col. King on the 2d ballot—and Mr. Wray merely *corrected the vote*. Neither is it a fact (as Mr. King would have it to be deduced from his statement) that there was *any other balloting* for Vice Presidency—And yet Mr. King says—"neither of them *ever afterwards* voted for Col. King!" The 2d was the last ballot!

had been carried about to different members of the convention—and that the main ground upon which its friends advocated its passage was, that Col. King had been signally defeated by Mr. Lewis a short time before in his canvass for the Senate, and that this resolution was intended to be a salvo to his feelings—and nothing more.

The matter was so spoken of to me, and my opposition was deprecated on that ground. I at the time refused to vote for the resolution. Afterwards, however, the resolutions of instructions having been unanimously adopted, many gentlemen who had determined to oppose it, in common with myself, agreed to permit the resolution to pass, unopposed.

In the second place, I felt confident that Alabama would be throwing away her vote, if cast for Col. King; and the result proved upon what good grounds the conviction was based—Col. King receiving but 26 votes on 1st ballot and but seven on the 2d, out of the 294 votes in that body!

THE NOMINATION OF GEN. CASS CONSIDERED, APART FROM THE INSTRUCTIONS OF THE STATE CONVENTION.

But considering the nomination of Gen. Cass apart from instructions, is he entitled to my support? I have considered that part of the issue, with all the deliberation and candor which the opinions of so very large a portion of my Democratic fellow citizens in the State, who support Gen. Cass, are entitled to at my hands, and I have come to the conclusion that, simply in the light of Democratic issues, Gen. Cass is one of that class of statesmen which has heretofore been repudiated by our National Conventions.

On the doctrine of Internal Improvements by the general government, no man could be selected out of the list of statesmen, Whig or Democratic, aspiring to the Presidency, who holds views more antagonistic to those so long promulgated by the Democratic party—both of this State, and of the United States in their National Conventions. Since 1828, this State has ever held opposition to the system of internal improvements by the general government, to be one of the cardinal points of the Democratic faith. Our General Assembly has repeatedly passed joint resolutions against the enactment of such laws. Our State Conventions have repeatedly adopted resolutions condemning it in no measured terms. The Democracy has ever held—that no man could be unsound

upon any one of the great points of the Democratic creed—to wit: 1. The raising of revenue; 2. The keeping of the revenue; 3. The distribution of revenue—without being unsound upon *all*. If he was for high taxes and large revenue, it has been well contended, he would rear up an interest which would struggle for a Bank, which would keep and use that revenue, and pay it out in its own bills—and also an interest which would demand the expenditure of the surplus, which existed after the paying the expenses of government, in improving certain sections of the country—by building roads, canals, harbors, &c. And, *vice versa*, if he was an advocate of internal improvements, they would necessarily bring in their train increased taxes to meet the extra expenditure; and a craving vitiated appetite for more money, which would grow and increase, as its demands were complied with. Holding these views, the National Democratic Convention has ever passed, at all its sittings, the following resolution:

"That the Constitution does not confer upon the general government the power to commence and carry on a general system of internal improvements."

And, acting in good faith to the principle, the Democracy have heretofore invariably, without a single exception since General Jackson vetoed bills of this character, selected candidates for President sound upon it, and who have vetoed all bills of the kind. It is true that the Western Democracy have not acted in good faith to the principle; and the consequence has been that bills for internal improvement, by the combined forces of Whigs and recreant Democrats, have been passed through both houses of Congress, and our sole protection has been the soundness and firmness of our Democratic Presidents who have vetoed them.

It was in reference to this state of things, that the late State Convention unanimously adopted the following—(a part of the 2d resolution) as congratulatory of the defeat of these unconstitutional schemes—

"*Resolved*, That the fruits of the great political triumph of 1844, which elevated the present chief magistrate to the Presidency, have fulfilled the hopes of the Democracy of the Union, * * * * * through the veto of the President firmly executed, against an enormous pressure of interests, in checking the tendency of Congress to enter upon a lavish system of unconstitutional Internal Improvements."

And it was particularly in reference to this, that at my instance, the usual resolution passed by the National Dem-

ocratic Convention relative to the veto power, was amended by the addition of the last clause. I insert it here:

"*Resolved*, That we are decidedly opposed to taking from the President the qualified veto power, by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interest, to suspend the passage of a bill whose merits cannot secure the approval of two-thirds of the Senate and House of Representatives until the judgment of the people can be obtained thereon, and which has saved the American people from the corrupt and tyrannical domination of the Bank of the United States, and from a corrupting system of general internal improvements."

President Polk, by his firmness in the exercise of the veto saved the country from the vast expenditure contemplated by the "River and Harbor Bill." Gen. Cass voted for that bill —(*See Con. Globe*, 1 *ses.* 29*th Con.*, *p.* 1186.

Mr. Polk sent in his veto of the bill, to the house in which it originated, on the 3d of August, 1846. He argued at great length, and with great ability the unconstitutionality of the bill. He also presented another objection, which not having been regarded by its friends, shows how bent they are upon carrying out this system, at all hazards—a disregard of all reasonable obstacles. Mr. Polk said, "It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed at a time when the country is engaged in a foreign war, and when Congress at its present session, has authorized a loan, on the issue of treasury notes, to defray the expenses of the war, to be resorted to, if the exigencies of the government shall require it. It would seem to be wise, too, to abstain from such expenditures with a view to avoid the accumulation of a large public debt; the existence of which would be opposed to the interests of our people, as well as to the genius of our free institutions."—*See Con. Globe*, 1 *ses.* 29*th Con. p.* 1181-2.

Opposed to the principles laid down by President Polk, and not deterred by the fact that the government was at war, and that it had been compelled *to borrow twenty-three millions to carry on the war*, and therefore could not, in justice to itself, without referring to the constitution, appropriate millions of dollars for purposes for which, as Mr. Polk said "there was no pressing necessity," Gen. Cass at the very next session of Congress voted for a similar harbor and river bill, appropriating *over half a million of dollars* for their improvement!—(*See Con. Globe*, 2 *ses.* 29*th Con. p.* 571.)

Mr. Polk again had the nerve "against an enormous pres-

sure of interests," to veto the unconstitutional measure.—(*See Con. Globe*, 1 *ses.* 30*th Con. p.* 30.)

It will thus be seen that Gen Cass has voted for these bills, which our State Convention has denominated "a lavish system of unconstitutional internal improvements"—and which the National Democratic Convention denounced as "a corrupting system of general internal improvements," as well as unconstitutional. It will be seen too that he has voted for them in utter disregard of the condition of the treasury—when there was not only no money there, but when we were driven to the necessity of borrowing "twenty-three millions of dollars" (see Mr. Polk's 2d veto)—and therefore when, the appropriation if made, would have to be paid out of the loan. Well indeed might I say that he "advocated the doctrine in its wildest and most unconstitutional sense;" and well indeed might my venerable friend Chancellor Clarke, say—(though not intending it in that light!)—that "this doctrine, at this time, when the country has no money to spare for such purposes, may be considered as nothing but *an abstraction.*" Had it not been for the veto, it would have been *an abstraction* from the people's treasury to the amount of *over two millions of dollars!*

For the first time then in the history of the Democratic party, it has selected a man unsound on this great cardinal principle—*the only one of the three cardinal points, which that party has not yet successfully carried out in all the branches of government, both legislative and executive*—the only open one therefore of the three. If he shall be elected, we shall be at the mercy of men, on this point, who would not regard the necessities of the country in their eager desire to break into the treasury: for not only is Congress, as it has always been against us, on that principle, but we have a candidate, who if elected will not veto such bills—but will cordially approve them.

I have been told however, that Gen. Cass has accepted the nomination, and in his letter said—"I have carefullly read the resolutions of the Democratic National Convention, laying down the platform of our political faith, and I adhere to them as firmly as I approve them cordially. And while thus adhering to them, I shall do so with a sacred regard to "the principles and compromises of the constitution."

His approval then is qualified by his views "of the principles and compromises of the constitution," What are

those views which will actuate him, "while thus adhering to them"?

It will be well worth the attention of the voter, not to confine himself to the above single, general, paragraph, but to look at other significant sentences in the same letter—for instance this:

"This letter, gentlemen, closes my profession of political faith. Receiving my first appointment from that pure patriot and great expounder of American democracy, Mr. Jefferson, more than forty years ago, the intervening period of my life has been almost wholly passed in the service of my country, and has been marked by many vicisitudes and attended with many trying circumstances both in peace and war. *If my conduct in these situations and the opinions I have been called upon to form and express from time to time in relation to all the great party topics of the day, do not furnish a clear exposition of my views respecting them, and at the same time a sufficient pledge of my faithful adherence to their practical application, whenever or wherever I may be required to act, anything further I might now say would be mere delusion, unworthy of myself, and justly offensive to the great party, in whose name you are now acting.*"

We are thus told by Gen. Cass himself, not to notice "any thing further he may now say"—It "would be mere delusion," if in conflict with his "conduct" and his "opinions" for more than "forty years." They furnish, as he well says, "a clear exposition of his views" respecting "the great party topics of the day"—and to them will every voter look, who desires to vote for his country and his principles—and not to cast a mere party vote. That "conduct" and those "opinions" qualify his letter upon the Baltimore resolutions—and that "conduct" and those "opinions" he tells us, give "sufficient pledge of his faithful adherence TO THEIR practical application."

HOW WESTERN MEN CONSTRUE "THE PLATFORM."

It may serve to illustrate the great practical convenience which distinguishes the conscience of a western politician to state a little, but quite significant, occurrence in committee on resolutions. As soon as the resolution on internal improvements and that on the veto power were finally adopted, some one observed to a western member—"How can you and Cass get over that?"—"Oh!" said he "there is no difficulty—we are not in favor of "a corrupt" or of an "unconstitutional system of internal improvements. The thing don't apply to us at all!"

I have before me, the 12th number of Mr. Medary's "Cam-

paign Statesman" of Ohio, devoted to the election of Gen. Cass. He is defending the General from the charge made by the Whigs—that Cass, by his letter showed himself to be opposed to internal improvements. In the article the editor says:—

"The first bill, for this object, vetoed by Mr. Polk, was voted for by Gen. Cass. The next session Gen. Cass, again voted for the bill which passed, but which was again vetoed by the President. No man has been more consistent—no man has shown more interest in this matter, than the very man now charged to be hostile to the improvement of the waters of the west."

In the same paper is an account of the reception of Gen. Cass at Cleavland.—A blunt-spoken Democrat received the General, and told him that his enemies were slandering him, and circulating that he was in favor of the extension of slavery—and opposed to internal improvements. The frank-spoken voter demanded of the General to give the lie to those slanders, at that time. These were posers. But the General knew how to get round these matters. He replied with great dignity:

"Sir: The noise and confusion which pervades this vast assembly will, I apprehend, prevent me from being distinctly heard by all present. I can do but little more, sir, at this time, than return my thanks for the very warm and flattering reception which the citizens of Cleveland have given me. * * * You have made some allusions, sir, to principles and measures which agitate the public mind. I can but refer you to my votes as recorded and sentiments as heretofore expressed, upon these questions. My acts for the last forty years are before the people, and if these are not sufficient to satisfy the public, all that I can advance now will be mere delusions."

Gen. Cass does not refer the enquirer in Ohio to his *letter* but to his *votes!* We must take the General at his word—judge of him by his "votes as recorded, and sentiments as heretofore expressed"—Anything else would indeed "be mere delusions."

THE SLAVERY QUESTION.

Gen. Cass must be judged as to this issue by his letter to Mr. Nicholson, already freely quoted from, and not by the Baltimore resolutions—for he goes further in the assertion of correct principles than those resolutions do; though at the same time he premulgates unsound opinions, which those resolutions do not. The positions taken by him in that letter are:

1. Congress has no power to interfere with slavery in the States.
2. Congress has no power to interfere with slavery in the territories.
3. The duty of Congress "should be limited to the creation of proper governments for new countries, acquired or settled, and to the necessary provision for their *eventual admission into the Union;* leaving, *in the mean time, to the people inhabiting them to regulate their internal concerns in their own way.*"
4. In the territory (which we have acquired) beyond the Rio Grande, and east of the Rocky Mountains—the Mexican law, which abolished slavery in those limits, is recognized by him to be the law of the inhabitants, until repealed by Congress.
5. He recognizes the mixed race of inhabitants of that territory, who under Mexican rule held "the government and most of the offices in their possession," and who are a "colored race" which "preponderates in the ratio of ten to one over the whites," as citizens under the rule of the United States: and that this "colored population, among whom the negro does not belong socially to a degraded race," will have the right and power to permit or "not permit the enslavement of any portion of the colored race."

The first two opinions it is conceded, by both sides, that he clearly expresses in his letter.

The others are disputed. The third opinion attributed to him, is in his own language—a part of his own letter—and is so precise, that it would be exceedingly difficult, it seems to me, to doubt its meaning. He says Congress must confine itself to certain acts, and must provide for the admission of these new countries, "*eventually*" into the Union. It is clear that he speaks of them before that event has occurred—while yet they are territories and under the limited jurisdiction of Congress. But having laid down the limited sphere in which Congress may act, he in the next sentence proceeds upon the idea, that there are powers, which being denied to Congress, may be exercised by others—"*Leaving in the meantime,*" he says—What is the "*meantime?*"—The interim—the interval of time, certainly, between the first "ea-tion of proper governments for new territories," and that "*eventual* admission into the Union," spoken of in the sen-

tence—"Leaving in the meantime, *to the people inhabiting them,* to regulate their internal concerns in their own way"—leaving to them, while yet inhabitants of a territory, power, which he concedes Congress cannot exercise—the power of excluding slavery from their limits; [for that is the issue upon which he is arguing—those the "internal concerns" which he leaves "to the inhabitants" to regulate.] This is rendered clear and indisputable by the very next sentence.—"*They* are just as capable of doing so *as the people of the States;* and they can do so, *at any rate,* as soon as their political independence is recognized by admission into the Union."

In that sentence he compares the power of the people in two of their stages of existence—to wit: when *people of a territory* and when *people of a State;* and he lays down that the *former,* on this subject, "*are just as capable*" of regulating it as the latter.

But *who* are these "*inhabitants,*" who are thus to be empowered by Gen. Cass, "to regulate their internal concerns—(that of the new territory) *in their own way.*"

This is a serious question, because our people have so much confidence in their own indomitable energy that they, like Jackson's Kentucky Riflemen, "are not scared at trifles"—and might not mind an ordinary obstacle.

Gen. Cass, in the same letter, defines who those "inhabitants" will be—

In speaking of "any new acquisition" of territory by us, and the prospect of the extension of slavery" over it, he says—"But can it go there? This may well be doubted, &c. *The inhabitants of those regions,* whether they depend on their ploughs or their herds cannot be slaveholders." He continues his views thus: "In the able letter of Mr. Buchanan, upon this subject, not long since given to the public, he presents *similar considerations with great force.*"

"Should we acquire territory beyond the Rio Grande, and east of the Rocky Mountains, it is still more *impossible* that a majority of *the people would consent* to re-establish slavery. *They are themselves a colored population,* and among them *the negroe does not belong socially to a degraded race.*"

This, with the extract from that portion of the letter to be found on page 12, shows clearly that the fifth opinion attributed by me to Gen. Cass is correct. He calls this "colored race"—"*the people.*" He endorses "similar considerations" urged by Mr. Walker and Mr. Buchanan—that these "*people*"

—this "*colored population*," who do not hold "the negroe" to be of a degraded race, "*will not permit the enslavement*" of negroes—that in fact *they* hold "the government and most of the offices." No where in that letter is the power denied to such a race to sit in jurisdiction over what shall or shall not be the institutions of the territory, which Southern blood has enriched and sanctified to the uses of Southern citizens—which Southern blood and treasure has secured as property, which belongs to them, in common with other free white citizens of this Union; but, on the contrary, the principle is laid down, and contended for as an argument in favor of his position—that "slavery will not pass the Rio Grande!"

It is said in excuse, however, for this opinion of Gen. Cass, that, who will be *the people* there, is a matter of *law* over which Gen. Cass can exercise no control! Grant it; and it leaves him in this position—

Knowing who these people are—and that *law* will give them the right to citizenship,* he advances opinions, which, if generally adopted, will throw all our rights of removing to and residing in those territories upon the good will or otherwise of such a race!

While he denies to Congress the right to sit in judgment on our rights, *he yeilds that right to "these colored races" of the new territories!*

It is of this we complain. It is bad enough for our people to have the prospect of contending with such a race in a convention, if *law* shall so decree it: it is too bad to throw us into contention with them at the moment they are ceded to us—and when, if Gen. Cass' opinions prevail, they shall have Mexican law as their ally in the contest.

The practical application of such principles would show this state of things:—

California and New Mexico are now territory of the United States—"The inhabitants of them," would meet to consider about a "regulation," that slavery shall not be permitted in those territories—"The colored population," who in those territories hold most of the offices and "preponderate in the ratio of ten to one over the whites," will have an overwhelming majority. They do not look upon a negroe as belonging to a degraded race, and consequently they will vote in favor of the regulation and carry it. The territory then, though of

* The Treaty for which Gen. Cass voted secures to them that right.

vast extent, sufficient to form twelve States as large as Alabama, and rich in mines of gold and silver---though abundant in productions of wheat and oats and covered with herds of cattle, will thus be sealed forever against the emigration thither of any southern man, with his slave property. And in time, when they become sufficiently populous to be carved into states, non-slaveholding states will be carved out of them; and the South be thus surrounded by that terrible "cordon of free states" which is looked forward to with so much hope by the Northern politician and so much anxiety by the Southern---the time, when the non-slaveholding states will number two-thirds of the states of the Union, and can alter the constitution to suit their sectional purposes.

The fourth position which I have said Gen. Cass had assumed in his Nicholson letter is, that the municipal law of Mexico abolishing all slavery, throughout that republic, will remain the law of California and New Mexico until repealed by Congress. He puts forth this doctrine in quoting, with great approval, the remarks of Mr. Walker.

There are many others, even at the South, who entertain that opinion. Nothing can be more erroneous; at least as far as applicable to this subject.

The decisions of our supreme courts are in reference merely to individual rights of property. Whatever was property in California and New Mexico before the treaty according to these decisions, will remain so after the treaty. What was a good title to land, will still be a good title. If a negroe there was free, no one can now enslave him. What was law will remain law, as far as those inhabitants are concerned who lived there before the territory became ours, *if not inconsistent with the sovreignty of the States of this Confederacy*. Our courts have merely acted upon the question, as a property one---not as a high political question. Gen. Cass asserts the doctrine to be true as a political one. He says "Slavery wil not pass the Rio Grande: not only because it is forbidden by law," but because the inhabitants there "will not permit the enslavement of any portion of the colored race."

The question then is—"Shall the Mexican law, abolishing slavery, be the law of California and New Mexico?" Clearly not.

1. Because this would recognize the doctrine that Congress can have jurisdiction over the question---Congress having power to revise and veto the laws of a territory---and

if Mexican law is to prevail until repealed, Congress must interfere to restore the territory to a constitutional condition---a territory open to every citizen with his property of every kind.

2. Because this would be in conflict with the constitutional doctrine---that a treaty is the supreme law of the land, and that the territory is property, held by the United States, in trust for the citizens of the States, who have equal rights there. If Mexican law, forbidding slavery, remains the law, the territory is at no single moment, the common property of the States open to every citizen to settle in with his property; but it is shut up against the citizens of one half of the States; and thus would their constitutional rights be made subservient to a law of Mexico—which they had no part in framing; and thus would the treaty, which is supreme law by our constitution, and which under the constitution acquires territory as the common property of all, be divested of its supremacy and be made to yeild to the law of the conquered power.

3. Because this principle would allow of the introduction into our confederacy of varied political privileges and disabilities at war with the constitution and our bill of rights. For instance—the law establishing the Catholic religion as the only mode in which God may be worshipped, would prevail there—military despotism would be in the ascendant there—the writ of *habeas corpus*, and trial by jury, so necessary to the protection of the liberty of the citizen, would be unknown; for there are Mexican laws, prescribing the administration of justice there, with which these rights are inconsistent.

It has been urged however, that Gen. Cass cannot entertain these opinions, which are so much at war with our constitutional rights, because, in summing up his views he says:

"Briefly then, I am opposed to the exercise of any jurisdiction by Congress over this matter; and I am in favor of leaving to the people of any territory, which may hereafter be acquired, the right to regulate it for themselves, *under the general principles of the Constitution.* 1. Because I do not see in the constitution any grant of the requisite power to Congress; and I am not disposed to extend a doubtful precedent beyond its necessity—the establishment of territorial governments where needed—*leaving to the inhabitants all the rights compatible with the relations they bear to the confederacy.*"

The above clauses are seized upon by his friends as settling

the matter that Gen. Cass will not give to the people of those new territories a single unconstitutional privilege—whereas in truth they only settle this, that he will not give to them any privilege which *he thinks* would be wrong "under the general principles of the constitution."

The very same gentlemen who quote the above as conclusive will sneer and laugh heartily at a similar assertion made by Gen. Taylor—to wit: that "if elected President, he will administer the government solely according to the constitution!" They ask a whig, whenever he repeats this general and really unmeaning declaration of General Taylor—"Yes—but what does Gen. Taylor think is constitutional? How does he construe that instrument? He may think one thing to be constitutional---and we may not think so---and in that event Gen. Taylor only says to me, that he will administer the government according to his own views of the constitution, and not according to mine."

Let us apply this well-considered reply to Gen. Cass. "What do you consider to be the rights of the inhabitants of a territory, compatible with the relations they bear to the confederacy?" Gen. Cass could only answer---that in "his lengthy and elaborate letter to Mr. Nicholson, he had laid down what rights the inhabitants had, according to his views of the constitution." So that at last the faithful enquirer after his true meaning would turn from the generalities of the summing up of his views, to the mass of particular views which he had reasoned out in the body of the letter. There he will find that Gen. Cass thinks "under the general principles of the constitution"---the inhabitants have "the right to regulate it [slavery] for themselves"---have the right to permit or "not permit the enslavement of any portion of the colored race." There he lays it down, as a physical and political truth, that "Beyond the Del Norte slavery will not pass" on account of the Mexican law forbidding it, and on account of the colored race not permitting it; and "besides [see his quotation from Buchanan] every facility would there be afforded for the slave to escape from his master," even granting that an emigrant could triumph over the law, and prejudices, and power, of "the people" there!

The simple truth is that this celebrated letter, which has been thrown into the political arena, is like the apple of discord in the midst of Democracy.

The friends of Gen. Cass at the North think it advances a

proper way in which to settle the "free territory" question and claim for it, the merit of pointing out the most peaceable and effectual method of keeping them free. The contest there is not as to the great aim and end of the Provisoists, but as to the most effectual way of accomplishing it. The Barnburners demand the interposition of Congress—Cass denies that power, but admits the right of interposition upon the part of the colored races who occupy the territories—and precludes all further argument as to the effectiveness of his plan, by asserting that *Mexico, by law, has already abolished slavery in those regions—and that the law will remain in force until repealed by our Congress!* Or, briefly to contrast their views—the Barnburners claim that *the American Congress* can and should prevent the admission of slavery there; Cass says—*the Mexican Congress* has already done it. *He denies to the American Congress the right to abolish slavery there. He claims validity for an act of the Mexican Congress, doing the same thing!*

At the South the friends of Gen. Cass are more divided in their construction of his meaning. The leading paper in the State that advocates the Cass interest, the "Flag & Advertiser" of Montgomery, claims that Gen. Cass advocates the views of the late State Convention, to wit: that Congress cannot interfere with slavery there, and that the people there cannot do so, until they meet in convention to frame a State Constitution; while the "State Gazette" has wavered between two opinions, at one time seeming to take the same view—and then again acknowledging it had been *rather* "obscure," and taking the opposite, and in my opinion only sensible view of the letter—that Cass denies to Congress the right to interfere, but gives that privilege to the inhabitants while under a territorial government. The Gazette and its correspondent "Giles" are consistent. They support Gen. Cass's nomination on his own views—and they adopt his views. The "Flag & Advertiser" is inconsistent with Cass—though consistent with itself and the State resolutions.—It supports the nomination on its individual view and on Southern ground—but to do so it actually repudiates the views entertained by Gen. Cass!

The "Union" of Washington has placed the matter fairly before the public—that sagacious editor has taken the bull by the horns—his paper circulates North as well as South. It is placed in its position as an organ to give consistency to the

party. He has given the key-note—the lesser organs must all "tune up" or be ruled out of the choir as discordant. The Union of the 14th June, in an article headed "The two Parties at the South"—thus gives its cue:

"The Democrats, respecting the obligations and compromises of the Constitution, have laid down in open day a platform of conciliation, on which they are willing to unite, both at the south and at the north, in the full maintenance of the rights of all portions of the Union. The ground of that platform is to regard slavery as a domestic and municipal institution—belonging not to the jurisdiction of Congress, *but to the jurisdiction of the local communities both of the States and of the Territories* which are to become States. It is for these, and these alone—*the people of the locality*—to determine whether or not slavery shall exist among them."

Now if the supporters of Gen. Cass cannot agree as to what views that gentleman really entertains about our rights, even in a single State---and in a single town, it must be evident that "there is something rotten in Denmark;" and these gentlemen should exercise a little charity towards others disagreeing with them—particularly should those do so, who have themselves within the last two months entertained two separate and entirely distinct views as to his opinions!

Since these pages were placed in the hands of the printer the debate in the United States Senate on this subject has taken place, which resulted in the passage through that body of the new compromise bill. In its formation, discussion and in the vote, every Southern Senator placed himself distinctly upon "the Alabama platform." That part of the bill, which is considered as the Southern part, is based on the principles I have contended for: And on the evening before this sheet was published "the Democratic Association" of Montgomery *unanimously* adopted the 11th resolution of the Alabama platform, which is the *pivot* of the series!

Discussion is all that is necessary to unite the South upon them and to drive Cass-ism out of every Southern State! Should this discussion cause Gen. Cass to review his opinions, and to coincide with the principles so ably maintained in the Senate, none will rejoice at this result more than myself. It certainly has already caused some of his adherents here to prepare a way for receding from his position—and it would not be at all astonishing if some of them should, after all, claim to have always entertained the principles recognized by the Senate committee and by our State Convention!

But as things now stand, the question arises—"What shal we do? Cass is unsound—and Taylor refuses to commit

himself, while Fillmore is a Wilmot Provisoist." The question may be asked, and I have reason to know, is honestly asked by many loyal friends of the constitution. But I have as good reason to know too that the great masses at the South have already committed themselves. I had at one time thought I "understood the State I represented at Baltimore." I have since seen in a Gorgia paper the sneer—that "I was mistaken in the State I represented." It seems that I was. I did think that so bold and unequivocal assertion of constitutional rights, as was made last winter by the Alabama democracy, would have at least been followed by considerate reflection and consultation, after that right had been so unequivocally denied by the Baltimore Convention. I did think too so solemn a pledge to the country and to each other, as was made by the Democracy of Alabama, through its representatives in State Convention—"*under no political necessity whatever*, to support for the offices of President and Vice President of the United States, any person who shall not openly and avowedly be opposed to either of the forms of excluding slavery from the territories of the U. S. mentioned in the resolutions, as being alike in violation of the constitution, and the just and equal rights of the citizens of the slave-holding States"—would not have been broken in such "indecent haste"---but that at least a call would have been made for re-assembling the Democracy in convention to consider, under such trying circumstances, what we should do in behalf of our country and ourselves. I did think---that for an honest stand upon the solemn instructions of the State Convention---a refusal to budge an inch from the position which I was instructed to occupy, which I had the pledge of the Convention "under no political necessity whatever" would be abandoned, I should not be hunted down with "hound and horn" as a traitor to the Democracy of Alabama; and that if even I had struck an injudicious, or an indiscreet, blow for the South, something might have been pardoned to the spirit of an honest independence and a desire to preserve in their purity and integrity all our rights!

In all this, as has been sneeringly said, "I misunderstood the State I represented;"---And the press and the people of that State now sing hosannahs to the Moloch, at whose shrine *they* are, unconsciously to themselves, being prepared to be sacrificed; and on whose altar they are determined to offer, as the first victim, him, who dared to raise his voice singly

amidst hundreds, for their rights, and to advise his countrymen to stand upon their defence.

This being the state of public opinion, it is hopeless to attempt to stay the tide. Every man, however, who accords with the sentiments contained in these pages, can refuse to throw himself into that tide---can "bide his time," and preserve his individual integrity, even though unable to preserve that of his party. Every such man will act strictly as his principles demand. He cannot, therefore, vote for a man unsound on a cardinal Democratic principle. He cannot vote for a man, so eminently unsound on the great and paramount question of Southern rights as is Gen. Cass. To do so would be to stultify himself, and aid in corrupting, by his example and influence, that public opinion, which must eventually be our safe-guard. All who vote for Cass must in doing so, tell the people that the views of this question entertained by Gen. Cass are sound; and if that effort shall be successful, the irretrievable evil will befall the South—of having public opinion here so corrupted, that hereafter when events shall make it necessary to make a united stand, it will be found impossible to undeceive the people—to un-learn them, what this canvass will have learned them. No man who supports Cass now, can hereafter tell the people that his views were unconstitutional, without being held by them as a demagogue and traitor. They will not be able to understand the morality which allowed such a one to vote for Gen. Cass.

It is said however, if such a course is pursued to any extent, Taylor will be elected! It is true this would be an evil. But would we be responsible for it? Certainly not. No man is responsible for an evil ensuing, by his doing right. That is a matter which we may safely commit to the Arbiter of events. He however is responsible who does wrong, that a right may ensue. If we act right, consistently with our principles, the responsibility for the ensuing of any evil will fall on those who forced us so to act—who departed from the usual path of correct action which we had heretofore followed with them—and who have no claim upon our company or support, when they do so. If the course indicated elects Gen. Taylor the responsibility rests on those who nominated an unsound Democrat and a foe to the South, and not on those who refused to support him!

Again, the election of Gen. Taylor will be a less evil than the election of Gen. Cass. The Democratic party is the

ruling and controlling party in this country. It is defeated only occasionally. Nothing can give it permanent defeat but the adoption of a great error.

The occasional election of its opponents is not so much on their merit as upon their de-merit. Whenever our party becomes united from the healthful influence of a minority state, it acquires new strength and rises in a more vigorous condition. It is like the Grecian giant, whenever he was thrown to the earth, he acquired new vigor from the contact.

The election of Gen. Taylor then, by the refusal of a large body of the Democracy to endorse the error committed in the nomination of Gen. Cass, would not be decisive of a single principle—would be a mere "hurrah" upon the part of the Whigs, and no permanent evil to us. The Bank question is settled. The Tariff question, under the enormous debt hanging ever us by reason of the war, cannot be materially affected during the next four years. The internal improvement question cannot be worse under any President than under Cass. The slavery question cannot be put in worse condition under Taylor than under Cass. Nothing would be decided therefor, even granting that such a result would follow the course prescribed, but that the hero of Buena Vista should administer the government for four years—and that the majority of the great Democratic party shall not perpetrate gross outrages on the South with impunity. The election of Cass with his present opinions, would be a permanent evil—The election of Taylor a temporary evil. It is the duty of every good citizen, so thinking, to be guiltless of bringing either upon his country.

One of the main replies to any such statement as I have here submitted—is an attempt to prejudice the minds of the people, by the cry of "disappointed politician!"—"disappointed office-seeker!" How totally inapplicable these are to me is well known in Alabama. I have never sought to obtain an office that I did not get it. I have never asked, either of the people or the legislature, an office of profit—I have twice resigned posts of high trust and honor, when it was conceded that I was in the zenith of popularity—and when I resigned my seat in Congress, I publicly announced that I did so to devote myself exclusively to the pursuit of my profession. I removed to one of the strongest Whig counties in the State, and to a Whig district; and so far from seeking office since, it could be established that I have repressed the

efforts of partial and influential friends to run me for offices of greater dignity than I have heretofore aspired to.

If I am in any degree "a disappointed politician" my disappointment is not personal—but has relation to the great interests of my native land.

I now leave this matter to the "sober, second thought" of the people of Alabama. Bold assertion—loud and unreturned abuse, may for a while keep the ascendant. The principle upon which I have planted myself will survive both; and reflection will bring with it in its train that sense of justice which never long deserts the breasts of a free, intelligent, and virtuous people. To that sense of justice I now make this appeal.

Your fellow-citizen,

W. L. YANCEY.

Montgomery, 5th Aug., 1848.

To the People of the State of Alabama.

Fellow-Citizens:

It is known that I was a delegate to represent the Democracy of the Second Congressional District in the Baltimore Convention held in May last.—It is also known that I have been assailed for the course I pursued in that Convention. Now it is not my intention to go into all the details of the history of that Convention.

I know I represented you according to your written instructions, and for the proof of the assertion I refer you to your own resolutions passed by your representatives in the State Convention held on the 14th of February last, the most of which will be found in the address of Col. Yancey contained in this pamphlet. I have carefully read it, and as a history of the Baltimore Convention it is correct. It is also correct in its report of my action, and the feelings which prompted me to take the course which I did. I should be happy to know that that course met with your approbation. I have at least yet to learn that you will condemn him who acted conscientiously in representing you.

Very truly your obedient serv't.

P. A. WRAY

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