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Interesting Correspondence.

Letter from Gen. Cass on the Proviso.

Washington, Dec. 30, 1847.
DEAR SIR,—I have received your letter, and shall answer it as frankly as I can. You ask me whether I am in favor of the acquisition of Mexican territory, and what are my sentiments with regard to the Wilmot Proviso. I have so often and so explicitly stated my views of the first question, in the Senate, that it seems almost unnecessary to repeat them here. As you request it, however, I shall briefly give them.

I think, then, that no peace should be granted to Mexico, till a reasonable indemnity is obtained for the injuries which she has done us. The territorial extent of this indemnity is, in the first instance, a subject of executive consideration. There the constitution has placed it, and there I am willing to leave it; not only because I have full confidence in its judicious exercise, but because, in the ever-varying circumstances of a war, it would be indiscreet, by a public declaration, to commit the country to any line of indemnity, which might otherwise be enlarged, as the obstinate injustice of the enemy prolonged the contest, with its loss of blood and treasure.

It appears to me that the kind of metaphysical magnanimity, which would reject all indemnity, at the close of a bloody and expensive war, brought on by a direct attack upon our troops by the enemy, and preceded by a succession of unjust acts for a series of years, it is as unworthy of the age in which we live, as it is revolting to the common sense and practice of mankind. It would conduce but little to our future security, or indeed to our present reputation, to declare that we repudiate all expectation of compensation from the Mexican government, and are fighting, not for any practical result, but for some vague, perhaps philanthropic object, which escapes my penetration, and must be defined by those who assume this new principle of national intercommunication. All wars are to be deprecated, as well by the statesman as the philanthropist. They are great evils; but there are greater evils than these, and submission to injustice is among them. The nation which should refuse to defend its rights and its honor, when assailed, would soon have neither to defend and, when driven to war, it is not by professions of disinterestedness, and declarations of magnanimity, that its rational objects can be best obtained, or other nations taught a lesson of forbearance—the strongest security for permanent peace. We are at war with Mexico, and its vigorous prosecution is the surest means of its speedy termination, and ample indemnity its sure guaranty against the recurrence of such injustice as provoked it.

The Wilmot Proviso has been before the country some time. It has been repeatedly discussed in Congress, and by the public press. 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; and that doubts are revolving themselves into conviction, that the principle it involves should be kept out of the national legislature, and left to the people of the confederacy in their respective local governments.

The whole subject is a comprehensive one, and fruitful of important consequences. It would be ill-timed to discuss it here. I shall not assume the important task, but shall confine myself to such general views, as are necessary to the fair exhibition of my opinions.

We may as well regret the existence of slavery in the Southern States, and wish they had been saved from its introduction. But, there it is, and not by the act of the present generation; and we must deal with it as a great practical question, involving the most momentous consequences. We have neither the right nor the power to touch it where it exists; and if we had both, their exercise, by any means heretofore suggested, might lead to results which no wise man would willingly encounter, and which no good man could contemplate without anxiety.

the word; which, by the way, is carefully excluded from the sentence.
And, indeed, if this were so, it would render unnecessary another provision of the constitution, which grants to Congress the power to legislate with the consent of the States, respectively, over all places purchased for the erection of forts, magazines, arsenals, dockyards, &c. These being the "property" of the United States, if the power to make "needful rules and regulations concerning" them includes the general power of legislation, then the grant of authority to regulate the "territory and property of the United States" is unlimited, wherever subjects are found for its operation, and in its exercise needs no auxiliary provision. If, on the other hand, it does not include such power of legislation over the "other property" of the United States, then it does not include it over their "territory," for the same terms which grant the one, grant the other. "Territory" is here classed with property, and treated as such; and the object was evidently to enable the general government, as a property holder—which, from necessity, it must be—to manage, preserve, and "dispose of" such property as it might possess, and which authority is essential almost to its being. But the lives and persons of our citizens, with the vast variety of objects connected with them, cannot be controlled by any authority, which is merely called into existence for the purpose of making rules and regulations for the disposition and management of property.

Such, as it appears to me, would be the construction put upon this provision of the constitution, were this question now first presented for consideration, and not controlled by imperious circumstances. The original ordinance of 1787, and which was the only act upon this subject in force at the adoption of the constitution, provided a complete frame of government of the country north of the Ohio, while in a territorial condition, and for its eventual admission in separate States into the Union. And the persuasion, that this ordinance contained within itself all the necessary means of execution, probably prevented any direct reference to the subject in the constitution, further than vesting in Congress the right to admit the States formed under it into the Union. However, circumstances arose, which required legislation, as well over the territory north of the Ohio, as over other territory, both within and without the original Union, ceded to the general government; and, at various times, a more enlarged power has been exercised over the Territories—meaning thereby the different territorial governments—than is conveyed by the limited grant referred to. How far an existing necessity may have operated in producing this legislation, and thus extending, by rather violent implication, powers not directly given, I know not. But certain it is, that the principle of interference should not be carried beyond the necessary implication which produces it. It 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 meantime, to the people inhabiting them, to regulate their internal concerns in their own way. They are just as capable of doing so, as any race, as soon as their political independence is recognized by admission into the Union. During this temporary condition, it is hardly expedient to call into exercise a doubtful and invidious authority, which questions the intelligence of a respectable portion of our citizens, and whose limitation, whatever it may be, will be rapidly approaching its termination—an authority which would give to Congress despotism, uncontrolled by the constitution, over the most important sections of our common country. For, if the relation of master and servant may be regulated or annihilated by its legislation, so may the relation of husband and wife, of parent and child, and of any other condition which our institutions and the habits of our society recognize. What would be thought if Congress should undertake to prescribe the terms of marriage in New York, or to regulate the authority of parents over their children in Pennsylvania? And yet it would be as vain to seek one justifying the interference of the national legislature in the cases referred to in the original state of the Union. I speak here of the inherent power of Congress, and do not touch the question of such contracts as may be formed with new states when admitted into the confederacy.

Of all the questions that can agitate us, those which are merely sectional in their character are the most dangerous, and the most to be deprecated. The warning voice of him who, from his right to warn us, proclaimed to his countrymen, in his Farewell Address—that monument of wisdom for him, as I hope it will be of safety to them—how much we had to apprehend from measures peculiarly affecting the geographical portions of our country. The grave circumstance in which we are now placed make these words, words of safety; for I am satisfied, from all I have seen and heard here, that a successful attempt to engraft the principles of the Wilmot Proviso upon the legislation of this government, and apply them to new territory, should new territory be acquired, would seriously affect our tranquility. I do not suffer myself to foresee, or to fortell the consequences that would ensue; for I trust, and believe there is good sense and good feeling enough in the country to avoid them.

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 be hereafter acquired, the right to regulate it for themselves under the general principles of the constitution. Because—

1. I do not see in the constitution any grant of the requisite power of Congress; and I am not disposed to extend a doubtful precedent beyond its necessary establishment. Territorial governments when needed—leaving to the inhabitants all the right compatible with the relations they bear to the confederacy. Because, to suppose this measure, if adopted, would weaken, if not impair, the union of

the States; and would sow the seeds of future discord, and harvest of calamity.
3. Because I believe that a general conviction, that such a proposition would succeed, would lead to an immediate withholding of supplies, and thus to a dishonorable termination of the war. I think no dispassionate observer at the seat of government can doubt this result.

4. If, however, in this I am under a misapprehension, I am under none in the practical operation of this restriction if adopted by Congress, upon a treaty of peace making any acquisition of Mexican territory. Such a treaty would be rejected just as certainly as presented to the Senate. More than one third of that body would vote against it viewing such a principle as the exclusion of the citizens of the slaveholding States from a participation in the benefits acquired by the treasure and exertions of all, and which should be common to all. I am repeating—neither advancing nor defending these views. That branch of the subject does not lie in my way, and I shall not turn aside to seek it.

In this aspect of the matter, the people of the United States must choose between this restriction, and the extension of their territorial limits. They cannot have both; and which they will surrender must depend upon their representatives first, and then if these fail them, upon themselves.
But after all, it seems to be generally conceded, that this restriction, if carried into effect, could not operate upon States to be formed from newly acquired territory. The well known attributes of sovereignty, recognized by us as belonging to the State governments, would survey before them any such barrier, and would leave the people to express and exert their will at pleasure. Is the object then, of temporary exclusion for so short a period as the duration of Territorial governments, worth the price at which it would be purchased?—or the discord it would engender, the trial to which it would expose our Union, and the evils that would result as the certain consequence, let that result be what it might? As to the course which has been intimated rather than proposed, of engraving such a restriction upon any treaty of acquisition, I persuade myself it would find but little favor in any portion of that country. Such an arrangement would render Mexico a party, having a right to interfere in our internal institutions in questions left by the constitution to State governments, and would inflict a severe blow upon our fundamental principles. Few, indeed, I trust, there are among us, who would thus grant to a foreign power the right to inquire into the constitution and conduct of the Sovereign States of the Union; and if there are any, I am not among them, and never shall be. To the people of the country, under God, now and hereafter, are its destinies committed; and we want no foreign power to interrogate us, treaty in hand, and to say—Why have you done this, or why have you left that undone? Our own dignity and the principles of national independence unite to repel such a proposition.

By there is another important consideration, which ought not to be lost sight of in the investigation of this subject. The question that presents itself is not a question of increase, but of the diffusion of slavery. Whether it is to be stationary or progressive, its amount will be the same. The rejection of this restriction will not add one to the class of a single being who is now placed therein. The same numbers will be spread over greater territory, and so far as compression, with less abundance of the necessities of life, is an evil, so far will that evil be mitigated by transporting slaves to a new country, and giving them a larger space to occupy. I say this in the event of the extension of slavery over any new acquisition. But can it go there? This may well be doubted. All the descriptions which reach us of the condition of California and New Mexico, to the acquisition of which our efforts seem at present directed, unite in representing those countries as agricultural regions, similar in their products to our middle States, and generally unfit for the production of the great staples, which can alone render slave labor valuable. If we are not grossly deceived—and it is difficult to conceive how we can be—the inhabitants of those regions, whether they depend upon their plows or herds, cannot be slaveholders. Involuntary labor, requiring the investment of large capital, can only be profitable when employed in the production of a few favored articles, confined, by nature to special districts, and paying largely returns than the usual agricultural products, spread over more considerable portions of the earth.

In the able letter of Mr. Buchanan upon this subject, not long since given to the public, presents similar considerations with great force. "Neither," says the distinguished writer, "the soil, the climate, nor the production of California, south of 30 deg. 30 min. nor indeed of any portion of it, north or south, is adapted to slave labor; and besides, every facility would be there afforded for the slave to escape from his master. South property would be entirely insecure in any part of California. It is morally impossible, therefore, that a majority of the emigrants to that portion of the territory south of 30 deg. 30 min., which will be chiefly composed of our citizens, will ever re-establish slavery within its limits."

In regard to New Mexico, east of the Rio Grande, the question has already been settled by the admission of Texas into the Union. "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 negro does not belong socially to a degraded race."

With this last remark, Mr. Walker fully coincides in his letter written in 1844, upon the annexation of Texas, and which every where produced so favorable an impression upon the public mind, as to have conducted very materially to the accomplishment of that great measure. "Beyond the Del Norte," says Mr.

Walker, "slavery will not pass; not only because it is forbidden by law, but because the colored race there preponderates in the ratio of ten to one over the whites; and holding, as they do, the government & 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."

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.

It argues well for the permanence of our confederation, that during more than half a century, which has elapsed since the establishment of this government, many serious questions, and some of the highest importance, have agitated the public mind, and more than once threatened the gravest consequences; but that they have all in succession passed away, leaving our institutions unscathed, and our country advancing in numbers, power, and wealth, and in all the other elements of national prosperity, with a rapidity unknown in ancient or modern days. In times of political excitement, when difficult and delicate questions present themselves for solution, there is one ark of safety for us; and that is, an honest appeal to the fundamental principles of our Union, and a stern determination to abide their dictates. This course of proceeding has carried us safely through many more, should many more be destined to assail us. The Wilmot Proviso seeks to take from its legitimate tribunal a question of domestic policy, having no relation to the Union, as such, and to transfer it to another, created by the people for a special purpose, and foreign to the subject-matter involved in this issue. By going back to our true principles, we go back to the road of peace and safety. Leave to the people who will be affected by this question, to adjust it upon their own responsibility, and in their own manner, and we shall render another tribute to the original principles of our government, and furnish another guaranty for its permanence and prosperity. I am, dear sir, respectfully your obedient servant,
LEWIS CASS.

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Nashville, Tennessee.

Letter from Mr. Van Buren to the Utica Convention.

LINDENWALD, June 20, 1848.

GENTLEMEN.—I have received your kind letter with feelings of no ordinary character. It comes from the representatives of a body of men who possess unsurpassed claims upon my respect and gratitude. My reception by the heart-felt democracy of your great city, after my defeat in 1840, was marked by circumstances, and displayed a depth of friendship, which I can never forget. It made impressions upon my heart which are as vivid now as they were then, and which will never leave their hold upon my affections until that heart ceases to beat. It is not my nature to decline a compliance with any request which, such men are capable of making except for reasons of the strongest character, and which they themselves will on further consideration, approve. The determination announced in 1844, in my letter to the New York Committee, advising my friends to unite in the support of Mr. Polk, to regard my public life as forever closed, was made upon the most mature reflection, and with an inflexible determination to adhere to it to the end. I beg of you to do me the justice to believe, that it was in no degree influenced by that spirit of resentment, which political disappointments are so apt to engender in the best regulated minds. Having been defeated during a highly excited, and as the result has shown, an unsound state of the public mind, I adhered to a financial policy, which I believed to be right, the Democratic masses everywhere, as soon as it becomes evident that the country had recovered from the delusions of the day, resolved, with extraordinary unanimity, that the policy which had been so successfully derided should be vindicated, and the justice of the people illustrated by my re-election.

This decision of the masses was reversed by their representatives in the Convention. More than compensated for any mortification which my discomfiture in 1840 had occasioned by these expressions of confidence and regard proceeding directly from the people themselves, and anxious above all things for the success of the measures for which I have been so unparagonably arranged, I forbore to scan either the motives by which my opponents in the Convention of '44 were actuated, or the means they resorted to for the accomplishment of their object, and united with zeal and alacrity in support of the Democratic candidate.

But while thus in good faith discharging what I regarded to be my duty, it did not fail to occur to me that the circumstances by which I was surrounded, presented the occasion I had long desired, when I could retire from public life, consistently with what was due to the country, to my friends and to my own self-respect. I embraced it with my whole heart. From that day to the present, my mind has not for a moment wavered in regard to the determination then announced. At an early period in the present canvass, and before the Democratic mind could be regarded as having taken anything like a distinct direction in reference to its candidate, I affirmed my resolution in this regard in a letter to a worthy citizen of Pennsylvania, which has been extensively published, and in many others with which it was not deemed necessary to trouble the public. A friendly application from our delegates to the last National Convention, for authority to use my name as a candidate, if they could do so under proper circumstances, made it as you appear to be informed, my unpleasant duty to refuse my consent to their doing so under any circumstances whatever. Having thus assumed and so long occupied this position, I trust to your friendship and past indulgence to be excused for repeating my unchangeable de-

termination never again to be a candidate for Public office. The fact of my having long since retired from public life, with the tacit approbation of my friends, gives me a right to say so. If whilst in the political field, willing to receive honor and advancement at the hands of my political friends, I did not show myself at all times ready to obey, without regard to personal consequences, their calls to posts of difficulty, I failed to make myself understood by those whom I was most anxious to serve.

The considerations to which I have adverted are not entitled to the same controlling influence in regard to the remaining subject of your letter. Whatever would be my preferences in such matters on ordinary occasions, I feel that I could not, under existing circumstances, refuse to comply with your request, without doing injury to my democratic friends in this State. I shall therefore give you my unreserved opinions upon the question to which you have called my attention, and in doing so I shall endeavor to observe that respect and courtesy towards the conflicting views of others, which it has always been my desire to practice, and which is now more than ever appropriate to my position.

To give the doings of a Democratic National Convention a claim upon the support of the democracy of any State, it is indispensably necessary that the democracy of that State should be fairly represented in such Convention, and allowed equal rights and privileges with their political brethren from other States in regulating its proceedings. Neither of these things, although perseveringly demanded, was conceded by the recent Convention to the Democracy of New York, and they are of course in no degree concluded by its decisions. But although their rights and their duties are thus clear, it is notwithstanding material to the fraternal relations which have heretofore existed between them and those who composed the Convention, that it should be distinctly shown at whose door lies the wrong of their exclusion; whether, at that of our own delegation or of the Convention. Upon this point both sets of delegates claiming to represent New York, although differing in almost everything else, appear to have concurred in the opinion, that the action of the Convention had been such as to put it out of their power to participate in its proceedings, without a total disregard of what was due as well to their own honor as to the honor and just rights of their State. It was therefore but reasonable to expect that here, at least, the objection against the slightest obligation on the part of the democracy of New York to sustain the doings of the Convention, would be universal. To find either set of the delegates who claimed to represent New York in that Convention, or their friends who approved of their conduct, casting reproach upon their opponents for not sustaining the decision of a body, of whose action in regard to their own State, they had respectively formed and expressed the opinion to which I have adverted, must it seems to me, be regarded as a very extraordinary occurrence in politics.

It was plainly the duty of the committees on credentials, to examine into the facts and report their opinion upon the conflicting claims referred to them. It is an indisputable fact that instead of doing so, they required an unqualified pledge from both sets of delegates from New York, that they would support the nominee of the Convention, whoever he might be, and resolved that without a compliance with this arbitrary exaction, they would not even look into the merits of their respective claims.

Now when it is considered that no such pledge was required at any previous National Democratic Convention from any person—that at one of them the Delegates from an entire State (Virginia) were permitted to announce their determination in advance not to support a certain nomination, if it should be made without causing a question to be raised in regard to their seats in the convention, and that they carried such refusal into full effect, without subjecting themselves or their State to the reproaches of their associates in other States—that this very convention contained, without dispute as to the eligibility, delegates from several states who could not enter into such a pledge without violating the instructions of their constituents and whose intentions not to enter into it were not concealed—that the convention itself had previously, and expressly refused to impose such a pledge upon its members and that the very committee, which so imperiously demanded it from the New York delegates, there were members who openly denounced their utter unwillingness to take it themselves, and who were nevertheless recognized as eligible and full members of the convention—when these things are considered, is it possible that any right-minded citizen among us can fail to regard this treatment of the New York delegates, as an indignity to them, and to their State of the rank character? If it is our misfortune to live in a community with whom it is necessary to resort to argument to prove this, whose minds do not rush to that conclusion at the mere presentation of the subject, it is of very little importance to us, what is said or done in a Democratic Convention. Others may think differently, and I have neither the right, nor the disposition to become their accusers. But speaking for myself, and myself only, I do not hesitate to say, that the representatives of the radical democracy of this State, were entirely right in their appreciation of the treatment they received, and in the course they adopted. Were I to advise them or those whom they represented to any step which would indicate the slightest incapability on their part, to the degrading distinction, that was applied to them, I should, in my best judgment, be counselling them to an act of political dishonor, by which they would justly forfeit the respect of all upright minds. God forbid that I should be induced, by any considerations, to leave my memory exposed to the imputation of having made so poor a return for a whole life of public favors received at their hands.

The committee carried out their designs to the extent of their power, and the question occurred, did the Convention itself relieve your delegates or yourselves from the injustice of their committee? Most sincerely do I wish that I could think so. But is that possible? That the differences between the two delegations were irreconcilable, was apparent to that body, nor was there room for a moment's doubt that at least one of the delegations would not attempt to represent the state; unless their right to do so exclusively, was examined and decided by the Convention, and it had not yet become too late for the Convention to do its duty, in the matter, when it appeared that the resolution not to take their seats was common to both delegations. There was no other way then in which the difficulty could be properly disposed of, than by examining into and deciding upon the conflicting claims before them. The unavoidable result of failing to do so, was to cause the proceedings of the Convention to be regarded as without authority in New York. The expediency of admitting both delegations might be well enough in a case where the difference between them was not one of principle, and where both parties finally assented to the arrangement, but was wholly inapplicable to the one under consideration.

The matter was nevertheless disposed of. New York was allowed a double representation with the inevitable and well understood consequence, that she secured a single effective vote upon the proceedings of a convention whose decisions she is now called upon to sustain. Your delegates claimed the exclusive right to represent the democracy of this state in the convention, and offered to maintain their title thereto before that body; by documentary proof. Their claim was rejected, and on what ground? Not certainly on the ground that they were unable to sustain it, for their credentials and proofs were returned to them unopened, and the convention itself did not profess to put the rejection of their demand on any such ground; and yet that was the only ground on which, if well founded, their claim could not be properly overruled.

It is not to be disguised, that the belief that your delegates were refused admission on the ground of the opinions entertained by their constituents upon the question of prohibition of slavery in the territories, is very general in this state. The course of proceeding adopted by the convention, renders it not a little difficult to define with precision for what particular reason the rejection of both sets of delegates by the nominal admission of both, was ordered. That many members were not influenced by the consideration referred to, I am well satisfied, while it is equally clear, that the number of those who were, was neither small nor unimportant in character. Those who feel themselves constrained to believe that their delegates were rejected for that cause, cannot indeed be regarded as an extraordinary spectacle in the political field, to find their votes demanded for the nominee of a convention, in the deliberations and discussions of which they were not deemed worthy of participation.

I cannot, under such circumstances, refrain from concurring with you in the opinion, that the decisions of that convention are in no degree binding upon the Democracy of this State, or entitled to any other weight in their estimation, than as an expression of the wishes and opinions of respectable portions of their political associates and friends in other States, qualified as their expression is, by the acts by which it has been accompanied.

You desire also my views in regard to the prohibition by Congress, of slavery in territories where it does not now exist, and they shall be given in a few words, and in a manner, which will not, I hope increase, if it does not diminish the existing excitement in the public mind.

The illustrious founders of our government were not inensible to the apparent inconsistency between the perpetuation of slavery in the United States, and the principles of the Revolution, as delineated in the Declaration of Independence; and they were too ingenious in their dispositions to attempt to conceal the impressions by which they were embarrassed. But they knew also, that its speedy abolition in several of the States, was impossible, and its existence in all without fault on the part of the present generation. They were too upright and the fraternal feelings which had carried them through the struggle for independence, were also too strong to permit them to deal with such a matter, upon any other principles than those of liberality and justice. The policy they adopted, was to guarantee to the states in which slavery existed, an exclusive control over the subject within their respective jurisdictions, and to prevent, by united efforts, its extension to territories of the United States in which it did not in fact exist.

On all sides the most expedient means to carry out this policy were adopted with alacrity and good feeling. Their first step was to interdict the introduction of slavery into the Northwest territory; now covered by the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. This may justly be regarded as being, in the main, a southern measure. This subject was first brought forward in Congress by Mr. Jefferson. Virginia made the cession of territory upon which the ordinance was intended to operate, and the representatives from all the slaveholding states gave it a unanimous support. Doubts have arisen in the minds of some whether the ordinance of 1787, was authorized by the articles of the confederation. A bill was introduced in the new Congress at its first session under the constitution, recognizing and adapting it to the new organization, and it has ever since been treated and regarded as a valid act. This bill received the constitutional approval of President Washington, whose highest and sworn duty it was to support the constitution under which it was enacted. Now was the north backward in doing its part to sustain the policy which had been wisely adopted. They assented to the insertion of provisions in the constitution necessary and sufficient to protect that interest in the states, and they did more.

The trouble apprehended at the commencement of the government from this source, seemed to show itself as early as the year 1790, in the form of petitions presented to Congress upon