

Hon. David R. Atchison's Reply to the Resolutions adopted by the Platte City Meeting, on the 4th of June, 1849.

PLATTE CITY, June 8th, 1849.

Hon. D. R. ARCHISON—Sir: In accordance with a resolution presented at a Convention of the citizens of Platte county, Mo., irrespective of party, held at the Court House in Platte City, on Monday, the 14th day of June, 1849, in "pursuance of public notice" for the purpose of giving an expression of the popular will in regard to the Appeal of the Hon. Thomas H. Benton from the 'Jackson Resolutions' of our last Legislature, and also to give an expression as to the principles contained in the Wilmot Proviso, and for such other purposes as may be connected with these questions." The undersigned herewith transmits a copy of the said Resolutions, respectfully requesting your attention to, and compliance therewith.

Yours Respectfully,  
J. MORIN, Pres't. Com.

Resolved, Inasmuch as Col. Benton has given, in an elaborate speech delivered by him in Jefferson City, on the 20th day of May last, his views on the Wilmot Proviso and the Legislative Resolutions, with his reasons therefor; and it is important on so grave a question, that the sentiments of our public servants should be known, the President of this Convention be directed to request the Hon. David R. Atchison to give at an early day, his opinions on this subject in writing for publication, with such reasons therefor, as he may deem expedient. And that the Hon. Willard P. Hall, the Representative in Congress from this district, be requested to do likewise.

Capt. J. MORIN,

President of the Convention of Platte Co.,  
Sir: Your note of the 8th inst., together with a resolution adopted by a convention of the people of Platte county, Mo., held at the Court House in Platte City, on the 14th of May, 1849, has been received. I am requested to give, at an early day, my opinions on the subject of the Wilmot Proviso and the Resolutions of the Legislature of this State, on the subject of Slavery, for publication, &c.

With this request, I do now most cheerfully comply. There should be a full understanding between the Representative and his constituents, on all subjects of public policy; especially upon questions of so grave and momentous a character, as those involved in the Wilmot Proviso and the Resolutions mentioned.

First, then, as to the Wilmot Proviso: It proposes "that the government of the United States shall, by law, prohibit slavery and involuntary servitude, otherwise than for the punishment of crimes whereof the party shall be duly convicted, from all the Territories of the United States, now in possession, or hereafter to be acquired." I have stated this proposition as it is understood by its friends and advocates.

I consider the principles contained in this Proviso, as "fundamentally wrong." 1st, Because "any attempt on the part of Congress to legislate on the subject, so as to affect the institution of slavery in the States, in the District of Columbia, or in the Territories, is, to say the least, a violation of the principles upon which the Constitution was founded." 2nd, "That the Territories acquired by the blood and treasure of the whole nation, ought to be governed for the common benefit of the States; and any organization of the Territorial government, excluding the citizens of any part of this Union, from removing to such Territories with their property, would be an exercise of power, by Congress, inconsistent with the spirit upon which our Federal compact was based, insulting to the dignity of the States thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion." 3rd, Because it tends to destroy the just balance of power between the free and the slave States.

Can it for one moment, be believed, that the slave States would have ratified the Constitution, if they had supposed the power to exclude slavery from all the Territories had been granted? The power of Congress to legislate for the Territories is admitted, but with many limitations and restrictions. Congress must keep itself within the spirit of the Constitution and its compromises. Congress can no more constitutionally prohibit the slaveholder of Missouri from settling in the Territories of the United States with his slaves, than the Rhode Islander with his machinery, or the Methodist, Presbyterian, Turk or Mormon with his religion. The one is as much out of its legitimate act of power as the other.

# DEMOCRATIC BANNER.

"UNITED WE STAND—DIVIDED WE FALL."

VOL. 5.]

LOUISIANA, PIKE COUNTY, MISSOURI, MONDAY, JULY 9, 1849.

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Such inequality in the rights of the citizens of the slave and free States, could never have been contemplated. Can it be supposed that the slave States would have ratified a Constitution giving the General Government the power to close the doors of the slave States upon the slave population, and thereby, in the process of time, to force the white population to abandon those States to the negroes? For such would be the effect of this dangerous power, could it be exercised.

Upon the principles of justice—even admitting the power to be in Congress without restriction—can that body without a total disregard of right, exclude the citizen slaveholder of Missouri, from emigrating to New Mexico with his slaves? Would it be just and proper to exclude the gallant soldiers, who conquered and held that territory, from settling there, with their slaves; and yet to permit men of all nations, of all languages and colors, without restriction? Congress has the power to make all needful rules and regulations for the government of the Territories, but those rules and regulations cannot violate the Constitution, or the principles upon which it was formed.

As to the resolutions of the Legislature, I will obey them: 1st. Because they express the will of my constituents. To the General Assembly of the State of Missouri am I indebted for my seat in the United States Senate, and I acknowledge their right to instruct, and my duty to obey or resign. 2d. I will most cheerfully comply with their instructions, because I concur in the principles avowed by them, and for the very reasons assigned in them.

I look upon the instructions contained in the resolutions passed by the Legislature of Missouri in 1849 and those contained in the resolutions passed in 1847 as substantially the same. Those of 1847 declare, "That the peace, permanency and welfare of our National Union depend upon a strict adherence to the letter and spirit" of the Missouri compromise. If the letter and spirit of the Missouri compromise is not strictly adhered to, the Legislature declares that "the peace, permanency and welfare of our National Union" is shaken, because it is made to "depend upon" it.

This language is equally as strong, if not stronger, than that contained in the resolutions of 1849. They declare that "for the sake of harmony and for the preservation of our federal Union they will sanction the application of the principles of the Missouri compromise." There is but little difference between them. I consider them as similar in every respect, and do not think any act could consistently be done under the one, which would be debarred by the other.

Prior to the instructions my action had been in accordance with the spirit of those resolutions; and I take this occasion to express my gratification, that my action on the agitating and dangerous question of slavery, has been approved of, even by implication; and I do not for a moment doubt, but that those resolutions substantially express the sentiments of a very large majority of the people of Missouri. They require me to oppose the Wilmot Proviso and all kindred measures. This I have done and will continue to do. I do not at all consider that I am instructed, by any thing contained in those resolutions, to do any act, having a tendency to dissolve the Union. A firm and manly resistance to the infringements of the Federal Constitution, cannot, with propriety, be construed into an act, looking to a dissolution of the Union. The Constitution is the bond of Union. When that is violated and thrown aside we have no guarantees left.

The fifth resolution, of the last Missouri Legislature, has my most cordial approbation. It is in the words following: "That in the event of the passage of any act by Congress conflicting with the principles herein expressed, Missouri will be found in hearty co-operation with the slaveholding States, in such measures as may be deemed necessary for our mutual protection against the encroachments of northern fanaticism." As a Senator, I am instructed by the Gen-

eral Assembly of the State of Missouri, to oppose all assaults upon the slaveholding States, and nothing more. But if Congress should adopt the Wilmot proviso, or abolish slavery in the District of Columbia, or do any other act contrary to the principles expressed in the resolutions, then, the resolutions declare the State of Missouri will be found in hearty co-operation with the slaveholding States, in such measures as may be found necessary for their mutual protection against the encroachments of Northern fanatics," and I, as a citizen will be found co-operating with Missouri, using every means to preserve the institutions of the States, and the rights of the citizens thereof, from violation; and at the same time using every effort to preserve the Union of all the States. Let the citizens of the slaveholding States be united and present an unbroken front, and the storm will soon blow over, and the sun will again shine. The Union of these States is in no danger, as long as the compromises and guarantees of the constitution are respected. Let the General Government refrain from the exercise of doubtful powers, and we will hear no complaints of violated rights or oppressive legislations. The only danger to the Union of these States now to be feared, grows out of the principles and action of the Abolition and Free-Soil parties—or I should rather say the Abolition party, for the Free-Soilers are only a sect of that party. They, however, have one and the same object in view; and that is, to restrict slavery within its present limits, and ultimately to abolish it wherever it now exists; and that through the agency of the general government or by any other means by which it can be effected.

There is this difference, however, between the parent and the child; for Free-Soil is the offspring of Abolitionism. The Abolitionists declare their object to be, the extermination of slavery wheresoever it exists, regardless of the walls and fortifications by which it is surrounded and protected. All means which can be used for this end are lawful with them; and one of those means is a dissolution of the Union. To establish this point I here insert resolutions adopted by the Abolitionists, in their Annual Convention, held in New York, not long since. They were introduced by a Mr. Edmund Quincy, and are as follows:

"Resolved, That that which is giving strength, extension, and perpetuity to slavery—to-wit, THE UNION—on being overthrown by a peaceful withdrawal from it by the non-slaveholding States, for conscience sake and self-preservation, must necessarily weaken, limit, and speedily extirpate slavery from the American soil.—Therefore,

Resolved, That the motto of every Christian and of every patriot should be—No Union with slaveholders, either religiously or politically."

Resolved, That this is not a question of expediency, on which action may be innocently deferred "till a more convenient season," but one of absolute morality—of obedience to God and fidelity to mankind—to be met and carried out to the letter without delay."

The Free-Soilers do not avow so much—they design more than they avow. They will prevent the extension of slavery, and abolish it under the semblance of the constitution and in due form of law. They do not propose to 'storm the citadel, but to blockade and starve the garrison.' They go about the work with method and skill. They first prohibit and exclude slavery from the Territories. This confines it to the States where it now exists. They propose to abolish it in the District of Columbia, and in all dock yards, navy yards, forts, arsenals, &c., and to prohibit the slave trade between the States; and ultimately by the admission of a sufficient number of free States, to be formed out of the free Territories, to amend the Constitution—investing the General Government with power to abolish slavery in the States—and finally to place the negro upon terms of social and political equality with the white man.

This Free-Soil party, with Martin Van Buren at its head, has already dissolved the union of the Democratic party in some of the free States, and the work of dissolution is rapidly progressing in the Whig ranks in the same States; and let both whigs and democrats beware lest this party should effect a dissolution of the Federal Union of the States.

It is contended that slavery cannot be carried into the territories of California and New Mexico, without a law of Congress authorizing the same; because it had been abolished by the Mexican government, prior to the treaty by which it was ceded to the United States. If this proposition be true, then is it not strange, passing strange, that a party should spring up in the United States, one of whose first and greatest principles is the prohibition by law, of the extension of slavery to those very territories from which it is already excluded? Is it not strange that the legislatures of every free State in this Union, should resolve in favor of the prohibition of slavery in territories from whence it is already excluded? If this doctrine be correct, is it not madness in northern members of Congress, year after year, and session after session, to propose and press this measure, and to refuse law and government to the people of the territories, without a clause expressly prohibiting slavery?

A bill was introduced and passed the Senate at the session of 1847-8, providing a Territorial government for each of the Territories, to-wit: Oregon, California, and New Mexico—leaving the question of slavery in the two latter untouched. Every effort was made by the Free-Soil men to incorporate their favorite proviso, but without effect. The Southern Senators, with few exceptions, if any, voting for the Bill—the Northern Senators, with but few exceptions, voting against it. This Bill went to the House of Representatives and was there defeated—a great majority of Northern Representatives voting against it; and the Southern Representatives, with great unanimity, voting for it.

The great object of this Bill, which was reported to the Senate by the Hon. John M. Clayton, at that time a Senator from the State of Delaware—now Secretary of State—was to submit this very question to the decision of the Courts. If the Supreme Court of the United States should decide that it could not exist, and that slaves could not be held to service by their masters in those territories, without a law of Congress authorizing it, then the Free-soilers had gained all they contended for. But if, on the other hand, the Courts should decide that the Territories of California and New Mexico, were open to the settlement of the slaveholder with his slaves, then the southern citizen had gained nothing more than his rights under the Constitution of the United States. For this we contend and nothing more. Non-intervention by the General Government, is all that we ask.

If it be true that slavery is now excluded from California and New Mexico, the Free-Soilers are guilty, not only of great folly, but of great wickedness. If this matter be an abstraction, why press it? Why press it with such zeal and violence, as to drive the Southern people to desperation, when all that they ask, is to let the question alone where it is?

But, Fellow Citizens, this question is no abstraction. It is a reality. A fearful reality.—The moment California and New Mexico became territories of the United States, they became subject to all the restrictions imposed by the Constitution of the United States, and none others.—The people of those territories are entitled to all the rights, privileges, and immunities guaranteed by the Constitution. All laws, ordinances, decrees, and institutions, existing and in force in those territories prior to the ratification of the treaty of Guadalupe Hidalgo, which are inconsistent with the Constitution of the United States, are null and void. Therefore, all restrictions upon the subject of slavery in those territories, derived from Legislation by the Mexican Government, are null and void by the very act of acquisition.

No shadow can bring with it such excitement, alarm and agitation, from one end of this Union to the other. The Legislatures of all the slave States, with one or two exceptions, have indignantly remonstrated against this abstraction—if it be one.

No abstraction can bring this confederacy to the very verge of dissolution. The best, if not the only way, to perpetuate the Union, is to administer the General Government in the same spirit of compromise, concession, forbearance, and fraternal feeling, in which it was formed.

This question has long been before the country in some shape or other, but never assumed its present aspect, until about the year 1835. The address of the Democratic National Convention of that year, repudiated the movements of the agitators. In 1838, the open and incendiary conduct of the Abolitionists caused every true friend to the Union to become alarmed at what was likely to be the result of their action. The Southern members of Congress, generally, remonstrated against their nefarious propositions. The friends to the Constitution and the Union, in Congress, from the North, seeing what it must inevitably lead to, if persisted in, also took the alarm. They determined to arrest the spirit of aggression, and to stand by the guarantees of the Federal Constitution. In that year, (1838,) Mr.

Atherton, a northern man, a member from the State of New Hampshire, introduced into Congress a series of resolutions which, after mature deliberation and warm discussion, were adopted by a large majority.—Upon the principles contained in these resolutions all that have since been put forth have been predicated. The Democratic party of that day were fully committed in their support, and to show what they were, I herewith give them:

1. Resolved, That this government is a government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the subject of slavery in the several States of this Confederacy.

2. Resolved, That petitions for the abolition of slavery in the District of Columbia, and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly destroy that institution within their limits.

3. Resolved, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the confederation.

4. Resolved, That the Constitution rests on the broad principles of equality among the members of this confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

5. Resolved, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia, or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the confederacy and another, with the views aforesaid, are in violation of the constitution, destructive of the fundamental principle on which the union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or to the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

These are the celebrated Atherton resolutions. They were recognized as good Democratic doctrine, at the time of their adoption. They were introduced by a northern man, and sustained by the south. There was no cry of disunion raised against them then. It was believed that the safety of the Union depended on arresting the high handed and unwarrantable conduct of the abolitionists. These resolutions did so for a time. So important and so just did they appear, that the principles they contained were adopted by the Democratic National Convention in 1844. It is contained in the 7th resolution of that body and is as follows:

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 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."

It was thought absolutely necessary to adhere to these principles at that day, and there has been no cause sufficient to change a principle, from that day to this. That which would "have an inevitable tendency to diminish the happiness of the people, and endanger the stability of the Union" five years ago, will have the same effect now.—We heard no cry of disunion then, for the reason, that no one had the hardihood to cast the firebrand of abolition in our midst. The South was unanimous at that time in defence of her rights. Seeing that she was resolute and determined, those in the north who were and are the true friends to the "peace, permanency and stability of the Union," came up to the support of the common cause—the constitution. The resolutions adopted by the whole Democratic party throughout the Union, fully endorse the principles contained in those of the Legislature of Missouri.

THE SOUTHERN ADDRESS.

Fellow Citizens: I deem this a proper time, and occasion, to say a few words in relation to the address of the Southern Delegation in Congress, to their constituents. It is well known to you, that I participated in the deliberation of the Southern members, preceding the adoption of that address; and that my name with many others is appended to it; and among them you will also recognize some of the oldest, and most distinguished statesmen and true patriots which our country can boast. The meetings were held in the Senate