

JUDGE CLAYTON'S LETTER.

Messrs. Editors ;—An article, in the shape of a letter, published sometime since in the "Augusta Sentinel," and since echoed by other prints of consonant tone, bearing the signature of a distinguished citizen of Athens, giving his "opinion upon the course of certain politicians in Congress, relative to the abolition question," is calculated if not designed, to give a misdirection—a prejudicial warp to southern popular sentiment, upon a question which now absorbs almost the entire public mind. For the purposes of those who have an immediate stake in the great game of opposition, that is now playing at the south, the agitation of this delicate question is most admirably adapted.—*Excitement is the soul of their scheme!*—The jealous susceptibilities of the slaveholding portion of the Union, upon the subject of their peculiar institutions, are acute to morbidity. Any measure, therefore, were, the slightest indication of a disposition, proceeding from what source it may, to interfere with their interests, will be met with the promptest rebuke and determined opposition. All are aware, and certainly none better than the author of the letter, that the discussion of no question will more surely brood discord among us, and alienate the affections of the southern people, and withdraw that confidence that now anchors them firmly upon the patriotism of Congress, and the wisdom of our constitutional Union. However strong our attachment to a political favorite; by whatever distinguished services he may have recommended himself to our affection, if a suspicion can be induced that he is opposed to us upon that particular interest, no law of nature would operate an event more certainly than that he should be discarded as unworthy of our confidence.

It may not be difficult, then, to discover the motive which prompted the production of that article, and what end it was designed to subserve. It looks above and beyond the subject upon which it exercises its constitutional jurisdiction. It strikes a blow for him whose hands but recently were reeked in the blood of the "force bill," and who carried about him the leprous plague of the "proclamation," but now stands redeemed, "*White*" and immaculate! It is designed to feed and foster that excitement which is to be wielded to the prostration of a prominent aspirant to the presidential chair: or, bold alternative, to rend this government into its original atoms! Ay, this abolition excitement, which jules the very corner stone of this government, is to be seized upon as a propitious engine to defeat the election of the republican candidate, or to batter down the fabric of our Union. This is the weak point at which southern prejudices are to be assailed—a weakness converted into strength, and brought forcibly to bear upon the canvass for the Presidency now pending. Now mark the skill with which the writer of the letter ensnaringly introduces this subject—this manifesto to the next spring's hostilities—whilst it presents itself with the air and bearing of an undisguised, private communication, it carries in it all that intrinsic design and management, now in a progress of preparation at Washington, designed to aid the crippled cause of Judge White. It asserts in the broadest terms, that the Van Buren party in Congress, are "professed enemies but secret friends of abolition!" But the irresistible reasoning of the author of the letter, is to be found in the consequence resulting upon the *predicate* that Mr. Beardsley of New York, is an abolitionist! is more devoted to Mr. Van Buren than any member in Congress; and, in his opinion, has a deeper interest in his success, than any man now living! Now this is altogether a gratuitous assumption, but with admirable address insinuated here to give point and emphasis to his subsequent *arbitrary* deductions. The assertion too, that Mr. Beardsley is the leader of the Van Buren party, is equally gratuitous, with the other random, voluntary assumption. Here is a most unfair and emphatic begging of the question—these *assumptions* are the territory upon which he erects his battery! If the duty of marshaling the forces of that party in Congress devolves upon any particular individual, more than another, certainly Mr. Beardsley is not that man. But that task, with a stricter regard to fact, might be assigned to others. But it is not denied, that he is an active and efficient member of the party. If the confidence of a portion of his fellow citizens, has conferred upon Mr. Beardsley the responsible trust of a representative in the national councils, and its correlative, that of upholding the constitution, should he believe he was sustaining the cause of the country, by pursuing the conciliatory course he does, in relation to a matter fraught with destiny; and by supporting the pretensions of Mr. Van Buren, promote the high purposes of our Constitution and Union, he is left no election as to an alternative, but is forced by the most imperious considerations, to lend himself to that end. But why all this parade about Mr. Beardsley? Why is he singled out, from among many others, as brilliant marks as the object of attack? The reason may be found in the fact, that he is "a New York politician, of the Van Buren school;" has taken rather an active part in the discussions that grow out of the presentation of certain petitions to Congress, to abolish slavery in the District of Columbia; and has been proved, by a process of assertion and dogmatism, quite convincing, that he is a *bona fide* abolitionist. The facts assumed, and the necessary inferences taken together, as put forth by the writer of the letter, amounts to a rea-

soning something after this sort:—"I assert that Beardsley is an abolitionist, and prove it from the fact, that he voted to lay the petitions on the table—he represents the sentiments of Van Buren and his party, therefore, they are all abolitionists!" Oh! astounding logic! overwhelming syllogism!! Democracy! thou hast received a wound that has sent a death-like tremor through all thy vitals—staggered by the blow thou "givest signs of wo that all is lost!"

The truth is, Mr. Beardsley is no more an abolitionist than the writer of the letter. And admitting that he was, that does not involve Mr. Van Buren in the guilty consequences of the argument of the writer of the letter. For it is a fact, of which he must be well apprised, that Mr. Van Buren has attested his disapproval of the abolition cause, by the most repeated, explicit, and unequivocal protestations, established by the extrinsic demonstration, that his whole life has furnished, of his devotedness to southern rights and southern interests. Let it be distinctly understood now and always, that I take issue with the writer upon the assertion that Mr. Beardsley and the Van Buren party are friendly to the cause of the abolitionists, whether in the District or in the States.—In the face of the world we deny the whole allegation from beginning to end. We throw back the foul charge in the faces of those who make it, and leave it to mankind to affix the guilt where it belongs.

Again, sir, a very unfair and oblique direction is attempted to be given to the argument, by the writer, by blinking at the error which his argument does not attempt to remove, until impressions are made, that the object of the petitioners is an indiscriminate abolition of slavery, both in the District of Columbia and in the States. Now, with deference, I take it that *that* is a disingenuous argumentation, that by implication tolerates a confusion of subjects, so essentially different in their effects upon the rights of States; and that convives at the indiscriminate blending of questions, so fundamentally dissimilar, upon an occasion where fairness and correct understanding are so necessary. Consequences are pending upon this question, a view of which must send a thrill to every bosom affected with a sentiment of patriotism, or has a throb for the cause of human liberty.

However clear our convictions may be, as to the constitutional incompetency of Congress, to legislate upon the subject of slavery in the district of Columbia, (and we are clear in the opinion that neither the equity nor letter of that instrument clothes Congress with any such powers;) yet the mode of reasoning by which the writer of the letter has reached his conclusions on that point, are far from being satisfactory, and is calculated to aggravate the already highly exacerbated feeling of the south upon that subject—because it throws an excitant upon our feelings, by producing the impression that the north are recklessly bent upon an overthrow of the constitution, and an illegal invasion of our rights.—It is necessary to premise, that the fact that the constitution clothes Congress with the entire and exclusive jurisdiction, to legislate in the District of Columbia, may render it to some minds a matter of at least *doubtful constitutionality*. The argument in demonstration, of the absence of constitutional right in Congress over this question in the District, proceeds upon the *postulate* that no man has a right to petition for what another cannot legitimately grant. Now this, in strictness, may be considered as correct, abstractly from all considerations of doubt and opinion. But if the right of petition was *always* to be determined by the positive, *perfect* right to the thing sought, it is difficult to perceive how, in many cases, a party's rights could be determined—for it is evident that many rights can never be reached, save through the medium of petition and adjudication; yet the right may not, without investigation, be *clearly perfect*. It is a clear case that the right of petition is not restricted to cases where grievances alone are sought to be redressed; but thousands of petitions have been entertained by Congress, where *no right existed* to the subject matter of the prayer; but where a right was sought *to be created*. To illustrate by example, in a case so palpable, is unnecessary. Again, if the women of Vermont should contend that it was contrary to the spirit of our institutions to receive a bequest from a foreigner—especially when it is to be applied in a mode calculated to exert the influence that education does, and should petition Congress to grant them the funds bequeathed by Smithson, to endow a college at Washington for the diffusion of knowledge among men, to be turned into some other charitable channel, would the writer of the letter contend that the reading this petition and laying it on the table was a flagrant violation of the constitution; and that Congress would merit the indignant animadversion for receiving it and permitting it to be disposed of by this silent and *disrespectful courtesy*?

The logic of the writer of the letter may be very good, as such, but is clearly too sharp and wirey edged for practical purposes; and more especially in a country where the right of petition is as unrestricted as the air of heaven; and where error may be safely tolerated, when reason is left free to combat it. The object of the inflammatory and fury-fringed tirades, that are daily heard in Congress, against the democratic party, and as promptly responded to by a party in the south, is as palpable as the elements are dangerous which they seek to agitate. They are designed to awaken a suspicion upon the harmless fact, that an individual, now a conspicuous candidate for the Presidency, is a citizen of a non-slaveholding State, and that there is a settled hostility, co-extensive with the limits of those States, against southern institutions. This declamation and light metaphysical reasoning, on abstract right and constitutional law, may serve a temporary object, but time and experience will dispel the fog and delusion in which they for a time bewilder us. That we should be prompt to meet and repress any attempt *in limine*, to invade our rights, whilst we at

the same time will curb any unbridled excitement, is alike the dictate of a sentiment of self protection and a sound and discreet patriotism. But should we, for the paltry consideration of a party triumph, madly court a destiny for which we should be accountable to our own consciences, to our posterity, the world, and to God!

NEWTON.
