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Washburn - Speech

- 1852

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FROM

Hon. Charles Sumner

SPEECH

532

OF

HON. I. WASHBURN, JR., OF MAINE,

ON

THE COMPROMISE AS A NATIONAL PARTY TEST.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MAY 24, 1852.

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THE COMPROMISE MEASURES, &c.

The House being in the Committee of the Whole on the state of the Union, (Mr. SKYMOUR, of Connecticut, in the chair,) on the bill making appropriations for the payment of Pensions—

Mr. WASHBURN said:

Mr. CHAIRMAN: That a question of vital interest to the Whig party is now claiming the consideration of its members, and will, not improbably, be pressed to a decision in its great National council, soon to be held at Baltimore, it would be of little use to blink or deny. It is a question, compared with which all questions of party policy are of subordinate importance, and which it behooves us to consider calmly, intelligently, and in that spirit of patriotism, and with that purpose of earnest and unprejudiced inquiry, which shall direct to a conclusion that no true Whig can gainsay or regret. However it may be put, in whatever form, or with whatever circumlocution, its true and ultimate statement is this—whether the Whig party shall continue to be, as, by the unanimous consent of its members, it has been since the day of its organization, a party founded upon principles national in their character and relations, and requiring as its test in reference to measures the advocacy of such only as, being consistent with its principles, are connected with the interests, and promotive of the welfare of all sections of the country—or whether all the principles and measures which, for a quarter of a century, have, in their substance and spirit, constituted the distinctive doctrines of the party, and given it vitality and power, are to be, in some of the most important specifications, abandoned and repudiated as false and mischievous, and in all others subordinated to a test not merely new in reference to our national organization, but growing out of a question heretofore excluded, in all its forms and shapes, from our party jurisdiction, and with special care and vigilance by that quarter of the country which now seems most anxious for its adoption. The demand is for a party test which shall make the reclamation of fugitive slaves, in a *particular manner*, and by a *particular law*, the leading idea of its organization, and giving to such reclamation guar-

anties which can be yielded only by the surrender of what has ever been regarded as cardinal Whig doctrine. No one can be so blind as not to see that the introduction of this new article into our creed involves an essential change of platform—one that would make it a substantially different party from what it has ever been before. The new party may be a necessary party, a wise and patriotic party, for all I care to say now, and it may be called the Whig party, but it cannot be that party whose work it ignores, whose mission it denies, and whose informing soul it expels.

Mr. Chairman, I come from an extreme Northern State, but I believe I hold no extreme opinions on the disturbing questions of the day. The State which I in part represent here, is free from such opinions as any State in the Union. Her people are not easily swayed by excitement or fanaticism. Their education and occupations, their habits of thought and life, make them not more earnest and sincere in opinion than they are stable and practical in conduct; and nowhere will you find a people more loyal to the Constitution, than the people of Maine. In her great extent of seacoast, in her character of the largest ship-builder and ship-owner in the country, in her maritime and commercial connections and dependencies, she is under bonds to the Constitution. In the large emigration of her sons to almost every State she has given pledges of her fidelity to the Union. But all such guaranties are weak and frail, compared with the obligations which are imposed by the patriotism, and acknowledged by the intelligence of her citizens. And, sir, when a few weeks ago, the distinguished Senator from North Carolina, [Mr. MANGUM]—a gentleman whose presence amongst us gives assurance that if the age of chivalry is past, there yet remain men worthy of that age—stood up in the Senate of the United States, erect and towering as one of our Northern pines, and with the bearing of a statesman, and in the true spirit of a patriotic Whig, denounced the attempt to interpolate new and sectional tests into the Whig creed as uncalled for and mischievous, he expressed a sentiment which found no

readier response than it received from the Whigs of Maine. Their attachment to the Union, their desire for harmony and good neighborhood, their faith in the power and value of Whig principles, and the beneficent operation of Whig measures, place them in the attitude of resolute and inflexible opposition to any and all attempts, from whatever quarter, or with whatever pretexts, or under whatever disguises they may come, to destroy the nationality of the party to which they belong.

The character of the institution which seeks to appropriate to its own use, first, midst, and last, this Whig party organization, and the relations of that institution to the country, are such that no questions in reference to it except those of constitutional right on the one hand, and obligation on the other, can form any part of the fundamental, organic doctrines of a national party. You may, undoubtedly—indeed, you must, make fidelity to the Constitution a party doctrine, and in respect to the reclamation of fugitive slaves it may well be alleged that a denial of the constitutional right of the slave States to a law for that purpose, would be clearly inconsistent with the principles upon which a national party could claim to be founded. But this right is nowhere denied by the Whigs; and besides, gentlemen of the new school would not be satisfied with a declaration of its existence. They demand that the Whig party, composed of men living in all the States of the Union, slave and free, established for national purposes, standing on a platform broad enough to hold all the vast and various interests of the country, shall declare *the recognition of the fugitive slave law as a perpetuity*, to be the great purpose of its existence. Sir, the idea of finality, in regard to detail, of any law, is ridiculous. We cannot by resolutions, pledges, or compromises, by caucuses or conventions, or by legislative declarations, make that final which in its nature is changeable, as all executory enactments necessarily are. The caucus which King Canute held upon the sea-shore, and the resolutions there passed, were no more impotent and vain than would be those which gentlemen propose to submit to the National Convention, if adopted. Resolutions cannot make public sentiment, or stop its progress, and are worse than idle when not its necessary and legitimate expression.

To fortify the position which gentlemen have taken, as to the necessity of making the finality of the compromise a cardinal Whig doctrine, they assume what is not true in point of fact. They assert that Northern Whigs deny the constitutional right of the South to a return of fugitive slaves, and they assume, further, that the existing law, in its length and breadth, its principles and details, is the Constitution—or, in other words, is the only law that can by possibility be made, which will answer all its requirements. Sir, I am astonished to hear gentlemen, who are usually well informed, declare that the Whigs of the North deny the obligations of the Constitution in this regard, and denounce them as its enemies. No charge can be more unjust. Northern Whigs and Northern men generally, are friends of the Constitution, as true and good as can be found anywhere; and whoever of them comes here, and endeavors, by exaggerated statement, or wanton misrepresentation, to make it appear otherwise, does them gross and inexcusable injustice.

Sir, the people of the North acknowledge the

binding obligation of the Constitution in all its parts and provisions, and the obligation of all laws which it requires or authorizes. So far as I know, they understand that instrument to have left the institution of slavery to the sole and exclusive care of the States in which it exists—and that neither the General Government, nor the free States, have anything to do with it therein. They also understand that the Constitution makes provision for the extradition of fugitive slaves; and, although they may regret that it does so, they nevertheless know that such is the fact, and that they are bound by it. And they are not ignorant that the Supreme court has decided, that this provision must be executed, through a law of Congress; and however, if it were a new question, they might doubt as to the construction, they bow to the decision of the court, and the more readily, when they remember that it is in accordance with the construction given by Congress soon after the Constitution was adopted. So far as I can judge, they acknowledge, without difficulty or hesitation, the duty of Congress, whenever required by the slave States, to pass a law on this subject—not a sham law, a mere make-believe of a law—but a fair, just, and proper law—one that can be executed, and so as to *enforce and protect* the rights of all concerned.

I affirm, sir, that I do not know, and never have heard of, half a dozen men in my State who deny this. But it is undoubtedly true, that there are many men there who believe that the present law is not the only law that could have been passed in the premises, and that a somewhat different law, such, for instance, as that drawn by the illustrious Senator from Kentucky, [Mr. CLAY,] or that prepared by the distinguished gentleman who now occupies the position of Secretary of State, or yet some other law, would have been of more practical service to the South, more satisfactory to the North, and a better compliance with the constitutional requirements. And if, for thus thinking, they are to be regarded as enemies to the Constitution, they will have, at least, the consolation to be derived from the character of the company in which they are found.

Mr. Chairman, your law may be constitutional, but another might be quite as clearly so. Your law may be effective, another might be as effective, and at the same time less objectionable to the people among whom it is to be executed, and therefore, to be preferred by all good citizens. There is no doubt that the present law is exceedingly stringent and severe. It is said that it was intentionally made so, and believed by its author to be so harsh and ugly in its features that it could not pass Congress. It is not to be wondered at that Northern men should dislike it. Southern men, I think, can have but little respect for Northern men who like it or pretend to like it in all its details. They may believe, misled by the representations of flunkies and doughfaces, that it is a necessary law just as it stands, and therefore insist upon its remaining untouched. I have no quarrel with them for this; but I do complain that they are unwilling to permit us to differ from them as to what would be the practical working of a law, equally constitutional and effective, as we believe, as the present law, but softened in its features, and made less obnoxious to the section of country in which it is to operate; and that for this differ-

ence, (a difference involving no denial of right, theoretical or practical,) we are to be cast out of the Whig party, and gibbeted as enemies to the Constitution and the Union. The charge of infidelity to the Constitution for such cause is too transparently unjust to give offense, and would cause no uneasiness, but for the evidence it affords of unfriendly feeling on the part of those with whom we have long acted, and for whom we have cherished sentiments of profound regard. Let us hope that the winter of alienation is passing away, to be succeeded by the glorious summer of mutual confidence and respect.

Sir, a law was passed, in 1793, for the extradition of fugitive slaves, which remained on the statute book unaltered for some sixty years. Whenever I have heard objections to the new law urged in the presence of those whose compromise orthodoxy would stand the test which the honorable gentleman from Georgia [Mr. STEPHENS] would set up, they have uniformly replied that it was no harsher or more stringent than the old law of 1793; and, it would seem, the friends of the compromise themselves being judges, that the only platform upon which a national party can be maintained in this country of twenty millions of freemen, is, not merely one which has regard to a law for the return of a few slaves annually, but one which is begun and completed in the difference between the laws of 1793 and 1850, on that subject. This is the bark, flower, and nutmeg of the whole question. Sir, was it not a remarkable discovery, that henceforward there can be no national party in this country, no party that can carry on administration, except upon the leading, controlling idea of the abnegation of right (on the part of one section of the country, at least) to change, alter, or modify the law relative to the rendition of fugitive slaves! Suppose the gentleman from Georgia should succeed in destroying the old party organizations, and forming a new party on the capacious platform of the difference between the law of 1793 and any other, where would he find himself and party on all the great practical questions of the day? Would the members of such party act together on questions of protection, currency, internal improvement, public lands? Would agreement as to returning negroes make the members a unit on appropriation bills, deficiency bills, and the like? Would a party, circling round this single idea, feel no centrifugal forces scattering them here and there on the practical questions of administration? Could such a party carry on the Government for a single week? Let us look at it for a moment.

The gentleman from Georgia, [Mr. STEPHENS,] inspired with the new conception, makes war upon the old, effete factions, called, by courtesy, the Whig and Democratic parties, and routing them, as he unquestionably will, succeeds in forming a new party, a great national party, composed of strict constructionists and latitudinarians, free-traders and protectionists, river and harbor men, and "noise and confusion" men, economists and prodigals, all united upon the single question, it may be, whether the fees of commissioners under the fugitive law shall be fixed or sliding, but differing upon every other political question under heaven; and this is to be, I think—*lucus a non lucendo*—the Union party—the live, practical party, which alone can carry on the Government!

Mr. Chairman, let me repeat, for I do not mean that the true question shall be dodged or mystified, the important question *now* before us, is not whether the Constitution, and the whole Constitution, is binding upon the people of all sections of the country. This, as I have said, is no question with Northern Whigs. They not only acknowledge its obligation, but they insist upon it, now as always, as the foundation on which they build. It is not whether the fugitive slave law is in accordance with the Constitution; for though there are some persons who find it difficult to reconcile it, in all its provisions, with what seems to them to be the spirit, if not the letter, of that instrument, they neither counsel nor meditate any opposition to its enforcement, and are willing to leave the question of its constitutionality to the decision of the courts. Nor is the question, whether the law is wise and just, the real one before us. Men will differ widely on that subject, and yet be very good friends of the Union, firm supporters of the Constitution, and excellent Whigs. Those who deem it unwise, will leave its wisdom and expediency to the verdict of a candid and tempered public opinion, to be made up by the aid of experience and friendly discussion, and rendered when the excitement of the hour shall have passed away.

But the true question presented to the Whig party by our new-light friends, is, as has been already stated in substance, whether the law is so wise and necessary, and so fully and exclusively constitutional, that no other as wise, expedient, or constitutional, can be passed, and therefore should be perpetual and unchangeable—binding, through all time, upon the whole country, (unless, indeed, the South should choose to alter it,) and that this idea of permanence and "finality" shall be made a national party idea—nay, shall be declared, and declared again, in the most solemn manner, and with the strongest sanctions, to be the prominent doctrine of the party creed—the *sine qua non* of Whiggism. This is the question. It is sufficiently answered in most minds, whenever it is stated.

As a Whig, as one who has never been anything, politically, but a Whig, I desire to enter my humble protest against this movement, and to give some of the reasons why, in my judgment, it should be resisted by every true and loyal Whig in the country. I do not believe that the old Whig party of the Union (which has fought so long and nobly for its time-honored principles, and in the dark hours of disaster and defeat through which it has passed, has bated nothing of heart or hope, and which, thus far, has maintained its integrity against the assaults of enemies from without and traitors from within) intends at this time to capitulate to a few schismatics and bolters, valiant as they may be. I have no apprehension that nineteen twentieths of the party will permit themselves to be surrounded by the remaining squad, however ably they may be *marshalled*. Sir, to change the figure, should it be the fate of our gallant ship to part her *Cable*, and be swung from her *Moorings*, it will not be to be driven hither and thither, without compass or chart, upon the maddening billows of faction, or to go down amid the breakers of sectionalism. Oh! no, sir; but to stand out upon the broad, deep waters of the Union, holding her course steadily and bravely on, guided at all times, "in the twilight and in the storm," by the pole-star of the Constitution.

"Gallant bark! thy pomp and beauty
Storm or battle ne'er shall blast,
Whilst our tars in pride and duty
Nail thy colors to the mast."

And here, Mr. Chairman, I would like to turn aside for a moment, to inquire who they are that have assumed the authority, or had it given to them, to un-Whig men in this wholesale and summary manner, the old and young, the long-tried and ever faithful. I should like to look at their credentials, and see if there is no flaw in the papers, and whether they emanate from those who have rightful jurisdiction in the premises. I do not find that any special power has been delegated to them, or that they possess any that is not derived from their position as Whigs—and what is that? One gentleman, as I understand, has acted with the party but a few years, and yet, because he is unable to persuade its members to give up their practical, catholic, and well-approved doctrines for those which are non-practical, narrow, and sectional, he denounces their company as unfit for Whigs to keep, although they may have drawn the line of primitive Whiggery from early life to the present hour, and never departed from it the nineteenth part of a hair. Another gentleman aided two years ago in defeating the Whig candidate for Speaker of the House of Representatives, the Hon. Robert C. Winthrop, as good a Whig as ever stepped within its bar, thereby giving the organization of the House to the Democrats at the moment that a Whig Administration was coming into power, and when the possession of the House, and its committees, was matter of the highest importance—a gentleman who came here at the present session expecting to act, as he has himself declared, with the Democratic party, and to vote for its candidate for Speaker. Another gentleman prominently connected with this movement actually did vote for the present Speaker of the House, [Mr. BOYD,] and in a speech delivered upon this floor, declared that if the Whig party should nominate as its candidate for President, a gentleman whose whole life has been spent in the service of his country, the native of one section and resident of another; who has given such pledges of his patriotism as it is permitted to but few men to give; whose attachment to the Constitution is unquestioned, and whose principles, the gentleman admits, are sound—he will not support him, unless he shall come out, and distinctly place that support upon the doctrine of the finality of the compromise as a party test. This gentleman, in the speech to which I have referred, spoke in terms of merited eulogy of the military genius and services of that renowned captain; and especially of his services in the war in which he earned the appellation of the Conqueror of Mexico; and yet, when it was proposed in the last Congress to confer upon him the rank of Lieutenant-General, as a token of the national appreciation of those services, the gentleman, with but one or two Whig associates on any division, voted to defeat the resolution.

Mr. MARSHALL, of Kentucky. I would ask the gentleman to whom he alludes?

Mr. WASHBURN. To the gentleman from Tennessee.

Mr. GENTRY. That is wide. Do you mean me?

Mr. WASHBURN. No, certainly not.

Such, sir, are the gentlemen who set themselves

up to establish tests of orthodoxy, and to decide who is and who is not a Whig. I do not know, Mr. Chairman, but I have a strong suspicion, that the Whig party is not quite prepared to recognize the authority they have assumed. If new tests are to be imposed, or excommunications made, its members may possibly have a prejudice in favor of these things being done by faithful and consistent members of the party; or, if by others, not until they have qualified themselves for the service, by bringing to it the moral power which follows repentance, or that is wrought through the intervention of some purgatorial flame in which political sinners bleach like linen.

Looking at the antecedents of gentlemen, and not overlooking their course at the present time, I fear they mean no good to the party; and that some of them, at least, would not be indisposed to see it broken up, and a new one established upon its ruins. I do not make this charge. I have no right to make it. But this I may be allowed to say, that whenever my mind is directed to the course of these gentlemen, a story which I have read in one of our magazines is not far off. The editor of the "Knickerbocker," in his inimitable "gossip," relates a conversation which took place in a tavern in one of the interior counties of New York. An old fellow was drinking his toddy one day, when he was accosted by a by-stander with the question, whether he was in New York when the British evacuated that city? He said he wasn't exactly there. The fact was, his father fought at Bunker Hill; and when he died, he left him his sword, which he determined should never be dishonored. "So, hearing that the British 'was continuin' to stick in 'York,'" said he, "I 'put a hoss-pistol in my pocket, buckled my 'father's sword on to my side, and put for the 'city. I got there in the morning, but the British 'had left! Fact. They'd cleared out, every one 'on 'em! Now, I don't say that they knew that I 'was on the way, and left because I was coming; 'but I do say that it looked *confoundedly like it.*" [Laughter.] I do not assert that any honorable member wishes to see the Whig party divided or broken down, but I do say that modern history records some things which look remarkably like it. But, sir, all these appearances may be as fallacious as undoubtedly were those relied upon in the story which I have quoted.

Mr. Chairman, I object to the introduction of this "compromise" article into our creed for these reasons, among others:

1. Its effect will be, if it has that which is desired and expected, to place one law of Congress—passed as other laws are, and in no way differing from them in whatever gives vigor and force to law—apart from all other enactments, and to give to it more than the stability and sacredness of even constitutional provisions; for, so far, any number of people have been permitted to ask for, and agitate for, such change in the Constitution as they desired to see made; but here is a simple law of Congress which not only is not to be altered, but its alteration is not to be spoken of as a thing desirable, without subjecting men to the loss of political standing. It imposes a restriction on future legislation which is wrong in principle, and will be of most dangerous example. Mr. Webster, in a speech on the tariff compromise act of 1833, said, (I quote from the Annual Register:)

"There are principles in it to which I cannot, at present, conceive how I can ever concur. If I understand the plan, the result of it will be a well understood surrender of the power of discrimination, or a stipulation not to use that power in the laying duties on imports, after the eight or nine years have expired. This appears to me to be matter of great moment. I hesitate to be a party to any such stipulation. *The honorable member admits, that though there will be no positive surrender of the power, there will be a stipulation not to exercise it; a treaty of peace and amity, as he says, which no American statesman can stand up to violate. For one, sir, I am not ready to enter into the treaty. I propose, so far as it depends on me, to leave all our successors in Congress as free to act as we are ourselves.*"

Mr. Webster thought such a treaty for the restriction of legislation would be unauthorized by, and subversive of, the Constitution. In a later speech on the same bill, he remarked that—

"He believed his constituents would excuse him for surrendering their interests, BUT THEY WOULD NOT FORGIVE HIM FOR A VIOLATION OF THE CONSTITUTION."

And, sir, this was in a case where there was no attempt to make the compromise a party test, and give to it the sanction of party resolutions. The finality of the tariff compromise was never intruded upon our national conventions.

2. I oppose it as being inconsistent with one of the best considered and most firmly established principles of the Whig party. If there be any Whig principle that may be considered as more generally acknowledged than any other, it is that which has relation to the exercise of the veto power. In the days of Jackson and of Tyler it was affirmed again and again. It has been recognized by National, State, and county conventions in repeated instances. Mr. Webster has argued it—Mr. Clay included it in his celebrated platform resolutions, and in many speeches, in Congress and out, has laid it down as one of the main timbers of the Whig platform. General Taylor so understood it in his Allison letter, and the entire Whig party of the country have hitherto stood up to it. Indeed, Mr. Clay at one time was desirous that it should be made a constitutional provision. Now, we are asked to do that which will operate an unqualified repeal of this article of faith, and incorporate in its place not merely the ordinary veto doctrine, which is bad enough, but the principle of Executive and party vetoes in advance of the action of Congress. Sir, it is the worst doctrine that ever was broached by any school of politicians. Hitherto, the Democrats, as a party, have not gone so far as this, and but one Democratic President, [Mr. Van Buren, in reference to the abolition of slavery in this District.] Gentlemen have not forgotten with what effect this indiscretion, to call it by the mildest name, was used against Mr. Van Buren at the succeeding election, when he was defeated.

What is meant by a compromise resolution at Baltimore, is a test which will commit the party to the doctrines it may contain, and which will bind the nominee of the convention, if elected, to veto any law of Congress inconsistent with such doctrines. No friend of the compromise will deny that this is his understanding of the effect of such a resolution. I ask if this be not so? If there be one gentleman who would not so regard it, let me hear from him. In the sense in which it is intended, and in the light in which it would be viewed, such a resolution of the National Convention as is demanded, would infer a pledge to veto any modification of the fugitive slave law. It would be in effect a veto in

advance. This new doctrine takes the conservative power of the veto from the President, and gives it to the party caucus. Instead of being a power to be used but seldom, as in cases of palpable infraction of the Constitution, or encroachment upon the Executive, its exercise would be of common occurrence under the rules prescribed by the party in power. Mr. Chairman, this doctrine introduced and carried out, would revolutionize the Government, and place the conventions in the same relation to Congress that the clubs of Paris, in the time of the French revolution, held to the National Assembly. It would require a change of the President's inaugural oath, so that it would read, "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States, as interpreted by the Baltimore Convention."

3. There is no mutuality in the resolution, for, after all, the North only are to be bound by it. It is not understood that the South may not demand a change in any of these measures whenever it pleases. That is the Southern compromise doctrine. An honorable gentleman from Tennessee, [Mr. POLK,] in a speech delivered in the House of Representatives a few weeks ago, used the following remarkable language:

"I feel authorized to pledge any nominee of the next Democratic Convention for the Presidency, to give a like pledge as to a repeal or modification of the fugitive law, unless, indeed, such modification (not at all likely to happen) should prove necessary to its more effectual execution, AND BE GENERALLY DEMANDED BY THE SOUTH ITSELF. In short, any Democratic nominee will unhesitatingly pledge himself to discountenance, and, if necessary, veto, any attempt to modify the fugitive slave law in accordance with the views and demand of those who are aiming to effect that end."

It would seem from this, not only that the right to disturb the compromise is reserved to the South, but that the Democratic party is about to adopt the doctrine of prospective vetoes. I am not sure, upon reflection, but that doctrine was recognized by President Polk.

Sir, it is manifest that the peculiar friends of the compromise in the South do not intend to respect any part of it that does not make in their favor. Among the compromise acts was that which provided for the admission of California. But if California should permit a new State to be carved out of her territory, and that State should establish slavery, she is by no means to be rejected when she asks for admission into the Union, although the slavery question would be most materially affected by such admission, because, forsooth, the Constitution makes provision for the admission of new States, and authorizes Congress to give its consent to such admission. It also authorizes Congress to pass laws for other purposes. Having the power, why should it not repeal or modify the fugitive slave law, if a majority of its members believe such action expedient? The reason given is, that it is one of the measures embraced in the compromise—that at the last Congress parties came together and passed certain laws having relation to the question of slavery by way of compromise, and to effect a "final settlement of the dangerous and exciting subjects which they embraced." If, then, Congress is restricted by the compromise from passing an act—clearly within its constitutional power—for the modification of the fugitive law, because such act would have a bearing upon

the slavery question, it surely cannot be permitted to pass an act for the admission of a slave State, organized from the territory of California, the limits and boundaries of which were described in the law by which she came into the Union, and which is a part of this unalterable compromise itself—for such law would have a direct and important bearing upon the dangerous and exciting subject of slavery. If it was competent for the authors of the compromise to bind Congress to pass no law for the disturbance of the fugitive enactment, it was equally within their power to forbid the passage of a law giving its consent to the admission of a slave State formed out of the territory of California. No proposition can be clearer than this; and if there be any obligation binding in good faith to refrain from the exercise of legislative power in the one case, there is the same in the other. Yet those who would hold us with steel to that part which we dislike, tell us that "the spider's most attenuated thread is cord, is cable, to the slender tie" by which they are bound.

In this connection, I desire to read a short extract from the debates of the Senate at the present session. I quote from the Congressional Globe of December last:

"Mr. FOOTE. Whenever any gentleman introduces a proposition here to divide California with her consent, by the line of 36° 30', or 35° 30', treating her in all these respects as a sovereign State, I shall vote for it, and some of those who will vote for it in connection with me will vote in a manner wholly repugnant to their former feelings.

"Mr. BUTLER. Then the Senator admits that while he wishes to make the compromise immutable, he is perfectly willing to change it when it suits him. This is a 'simplicity of a totality.'

"Mr. FOOTE. I should vote for that proposition in the same way that I should vote for a proposition to alter the boundary lines of any other State in the Union at her request. I would not vote for that sooner than a proposition to divide Texas or New York, if those States desire a new State to be formed within their limits. While I hold the compromise to be a definitive settlement, I do not hold it to be above the Constitution, and the Constitution expressly gives Congress the power of admitting new States. Now, perhaps, the gentleman is entitled to the triumph which he claims.

"Mr. BUTLER. I claim no triumph. The gentleman's own explanation shows where he considers the triumph is. While he insists on these compromise laws being like unto the Muses of the Medes and Persians, so perfect as not to be changed, yet he admits there are contingencies on which they may be changed. That is what I intended to say."

Now, sir, I feel that on this point I am quoting authority which no man will dispute, no less authority than that of the acknowledged father of the compromise; and, surely, if he does not know what it means, we shall seek in vain for instruction. But other commentators agree with him. The honorable gentleman from Texas, [Mr. HOWARD,] who may be presumed to understand the Southern construction of the compromise, expressed, in a recent speech, substantially the same views as those presented by the late Senator from Mississippi. The Senator held that the compromise was not above the Constitution, and as the Constitution gives Congress the power of admitting new States, he would vote for the admission of a new slave State to be formed out of California. But, although the Constitution is equally full in the grant to Congress of power to modify the fugitive law, he would not vote for such modification, because it would be inconsistent with the compromise. I beg to know wherein the latter vote would be more inconsistent with the compromise than the former? The law admitting

California and defining her boundaries, was one of the compromise measures, and the Senator has always contended that the fugitive law was another. He would, at the instance of a new slave State, permit the question of slavery to be reopened by a proposition for the division of California and the increase of slave representation in Congress. This, I suppose, would be no disturbance of the slavery question, as it was settled by the compromise! But, if twenty States should ask, by all their members in Congress, for some change of the law providing for the return of fugitive slaves, he would resist it as a disturbance of the "adjustment."

4. I oppose the new test, because its adoption will increase agitation, and tend to the formation of sectional parties. I know the avowed object of this test is to put down agitation. The manner in which this is to be accomplished is by telling men that they must not speak or think on the subject it refers to; that, if they do, it will be useless, as all legislation thereon is forbidden. It denies the rights of free discussion and private judgment, and imposes restraints on the human mind more worthy the times and rank old doctrines of Sir Robert Filmer, than of this age and land of freedom. Freemen cannot be dragged into silence. Your convention resolution would have a contrary effect from that desired. Our Northern people, as you know, Mr. Chairman, [Mr. SERMOUR, of Connecticut,] have a *blarney rock* at Plymouth, and are about as much inclined to speak their minds as were their Puritan ancestors who landed upon it centuries ago. Of one thing be sure—you cannot make them hold their tongues upon compulsion. There is such a thing as pushing matters so far as to create a reaction. Northern men are in the habit of thinking that they have gone about far enough in the direction in which they are now urged. They have eyes, and they can see—hearts, and they can feel—memories, and they can recall what is past—and courage to follow wherever honor and duty lead.

Mr. Chairman, when, a few years ago, to be opposed to slavery did not prejudice a man's standing in his party as a Whig or Democrat; when there was some toleration in the country, and men could speak out, here or anywhere, the feelings which they can never extinguish, however they may repress them; when the Wilmot proviso doctrine was in full vigor—and nobody was afraid of it, and everybody claimed the invention—when it was Wilmot's thunder, and Winthrop's thunder, and Webster's thunder—in those days our Southern friends besought Northern Whigs not to make this a test. At Philadelphia, in 1848, it was not forced upon the convention, although, if ever to be adopted as a party test, that was the time, when a Southern gentleman, and a large slaveholder, had been put in nomination for President.

An honorable gentleman from North Carolina, [Mr. STANLY,] in a very able speech in the last Congress, said:

"I will not believe that you will enact the Wilmot proviso—there is no necessity for it. I have too good an opinion of our Northern members to believe it. All admit that new States, after they are admitted, can either tolerate or prohibit slavery. Then, there is no practical question at issue."

A similar appeal, in effect, was made at the same session by an honorable gentleman from Tennes-

see, [Mr. GENTRY,] in a speech which I have read, for the most part, with admiration and delight. He did not want the Wilmot proviso enforced, as it was offensive to the people he represented, and was, in his opinion, of no practical importance.

Now, sir, if these gentlemen and others were so anxious that Northern men, at a time when they stood together better than now and had the power, should not insist upon an enactment simply because it would be offensive to their people—for they confessed it could operate no practical injury to them—may we not believe that they will not be indifferent to an appeal from the North of a similar nature? Will they insist that the North shall submit to what it will feel to be an indignity, and what can do the South no possible service, and may lead to consequences which we should all deplore? There can be no new obligations imposed by party resolutions or pledges. Will any good be secured to either section, by trying the temper of the North upon this subject?

Before the people of the North are condemned for their repugnance to making the finality of the law for the return of fugitive slaves, a test of political orthodoxy, it may be profitable to inquire whether or not such repugnance is the natural and legitimate result of their opinions concerning the institution of slavery, and also by whose aid and teachings they have been led to the formation of such opinions. Seeing how deep is their dislike of that institution, and how much of authority they have for it from the opinions of the wise and good, in the South as well as in the North, our Southern friends should be disposed to be charitable, and where they cannot approve, at least extenuate. Our people have been taught to regard slavery as a social, moral, and political evil—as an institution that ought not to be extended. From these opinions in relation to slavery, the views which they entertain, in reference to any law for the extradition of slaves, are not unnatural or illogical. Let us see who have aided in the formation of Northern opinions upon the subject of slavery.

The evils of slavery have seldom, if ever, been more forcibly presented than by Thomas Jefferson. I might, if I had time, quote from his "Notes on Virginia," language which no man would use at the present day without being branded as an "Abolitionist," and "Disunionist." Mr. Jefferson wrote, in 1774, to a convention held in Williamsburg, in August of that year:

"For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the greatest object of desire in those colonies where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibition, and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty's negative. Thus preparing the immediate advantages of a few African corsairs, to the lasting interest of the American States, and to the rights of human nature deeply wounded by this infamous master."

The Representatives of the district of Darien, in Georgia, passed a resolution, in 1775, from which I make an extract:

"To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language or complexion, we hereby declare our disapprobation and abhorrence, of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious

arguments may plead for it,) a practice founded in injustice and cruelty, and highly dangerous to our liberties, (as well as lives,) debasing a part of our fellow creatures below men, and corrupting the morals and virtues of the rest."

I could occupy my hour in reading extracts to the same effect with those already cited, from the resolutions of Southern conventions, and the writings and speeches of Southern statesmen, during the last half of the eighteenth century and the first quarter of the nineteenth. But I must forbear, for I wish to present some extracts of recent date.

Mr. CLAY, it is well known, has always expressed opinions against the institution of slavery. In his great speech at Lexington in November, 1847, he said:

"My opinions on the subject of slavery are well known. They have the merit, if it be one, of consistency, uniformity, and long duration. I have ever regarded slavery as a *great evil*, a *wrong*—for the present, I fear, an irredeemable wrong to its unfortunate victims. I should rejoice if not a single slave breathed the air or was within the limits of our country."

In February, 1850, in the Senate of the United States, we find him making use of language like this:

"I have said that I never could vote for it myself, and I repeat that I never can, and never will vote, and no earthly power ever will make me vote, to spread slavery over territory where it does not exist."

As late as 1845, the gentleman from Georgia, [Mr. STEPHENS,] declared that he was no defender of slavery in the abstract, and that liberty had charms for him.

Can he not permit it to have charms for his Northern friends? Will he not pardon something to the spirit of liberty north of Mason and Dixon's line?

Mr. STEPHENS, of Georgia. I wish to know if the gentleman from Maine alluded to me?

Mr. WASHBURN. I did.

Mr. STEPHENS. Then I ask the gentleman to quote me fairly and fully—

Mr. WASHBURN. I intended to do so.

Mr. STEPHENS. I did state in the speech to which the gentleman alludes, that liberty always had charms for me, and that I was no defender of slavery in the abstract.

Mr. WASHBURN. I so stated it.

Mr. STEPHENS. Very well, but why did you stop there, why did you not go on and state the whole of what I said in that connection?

Mr. WASHBURN. I did not recollect it.

Mr. STEPHENS. I was discriminating between African slavery and slavery in the abstract, or the right of one man of the same race to hold dominion over another. I stated in that very speech made upon this floor, that the subjection of the African to the white man, or African slavery, bore the impress of the Creator himself, and that wherever the African and the white races were found in the same proportions as they are in the South, the dependence of the inferior upon the superior race, or slavery must exist.

Mr. WASHBURN. I would like to have the gentleman make the discrimination. If he is opposed to all slavery in the abstract, how can he be in favor of African slavery in the concrete?

Mr. STEPHENS. That is another question. If the gentleman does not understand the difference I make, it is not for me to give him the ability. All I ask of the gentleman is to quote me fairly and fully—

Mr. WASHBURN. I intended to do so; and before the gentleman talks of giving ability to others to make distinctions, he should be sure he possesses it himself.

With such opinions as these on the question of slavery in the South, can it be wondered at that it never has been popular in the non-slaveholding section of the country, or that, hitherto, it has not been considered as furnishing cause for complaint that Northern men are opposed to its extension, and in favor of all practical constitutional measures for its restriction?

The present Chief Magistrate of the United States, it is well known, was a firm supporter of the Wilmot proviso; and going further than many men who are now denounced as enemies of the Constitution, took ground in favor of the abolition of slavery in the District of Columbia, and of the slave trade between the States, and yet I have never heard that he was any the worse Whig for this.

The gentleman from New York [Mr. Brooks] attended a Whig State Convention in New York in 1847, and from a committee appointed for that purpose, reported an address to the people, from which I make an extract or two:

"Disguise its intents, and purposes, and consequences as sophistry may struggle to do, the further great truth cannot be hidden, that its main object is the conquest of a market for slaves, and that the flag our victorious legions may rally around, fight under, and fall for, is to be deenerated from its holy character of *liberty and emancipation* into an errand of *BONDAGE AND SLAVERY*."

"We protest, too, in the name of the rights of man and of liberty, against the further extension of slavery in North America. The curse which our mother country inflicted upon us, in spite of our fathers' remonstrances, we demand shall never blight the virgin soil of the North Pacific. We feel that it would be horrible mockery for the columns of Anglo-Saxon immigration to be approaching and looking down upon the dark, benighted race of Asiatic despotism, with Africans enslaved under the banner that led their march, as—

"Westward the star of empire takes its way."

"* * * "We will not spend from fifty to a hundred millions of dollars per year to make a slave market for any portion of our countrymen. We will never, for such a purpose, consent to run up an untold national debt, and saddle our posterity with fund mongers, tax brokers, and tax gatherers, laying an excise or an impost upon every thing they taste, touch, or live by. The Union as it is, the whole Union, and nothing but the Union, we will stand by to the last; but, no more territory is our watchword—UNLESS IT BE FREE."

Sir, if when the honorable gentleman had resumed his seat, all glowing with these sentiments, some member of the convention, gifted with prophecy, had risen and predicted that what we have seen and heard should come to pass within five years—that the gentleman himself should proscribe men as enemies of the country, and unworthy, of the name of Whigs, who should not be so enraptured with a series of measures by which a portion of this very free territory was given over to slavery—and by which provision was made for the reclamation of fugitive slaves, in terms so harsh as to lead its author to believe, if not to hope, that it could never be executed—as to demand that the immutability of such measures should be the touch-stone of Whigism—would he not have cried shame on the alleged slanderer?

In some remarks made by Mr. Webster, in 1848, when the Oregon bill was before the Senate, he said, in reference to the principle of the Wilmot proviso:

"For one I wish to avoid all committals, all traps, by

way of preamble or recital; and, as I do not intend to discuss this question at large, I content myself with saying, in few words, that my opposition to the further extension of local slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to *limits of latitude or points of the compass*. I shall oppose all such extension, and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitations of great interests, against all combinations, against all compromises."

In a speech made in Massachusetts in the same year he is reported as follows:

"I have said, gentlemen, that in this Buffalo platform, this collect of the new school, there is nothing new. Nothing has been pointed out as new. There is nothing in it that all the Whigs of the Middle and Northern States may not adopt. Gentlemen, it is well known that there is nothing in this Buffalo platform which, in general, does not meet the approbation, and the entire approbation, of all the Whigs of the Middle and Northern States. Suppose now that all of us who are Whigs should go and join the Free-Soil party, what would be the result? Why, so far, nothing would happen but that the Whig party would have changed its name. That would be all. Instead of being the Whig party, it would be the Free-Soil party.

"We should be all there, exactly upon the same principles upon which we have already stood."

The Buffalo platform proclaimed:

"No more slave States and no slave Territory:

The abolition of slavery everywhere under the General Government:

The application of the Wilmot proviso to all American territory, whether in present or in future, North and South:

The complete divorce of the General Government from all connection with, or responsibility for slavery."

From this it would seem that Mr. Webster did not consider, in 1848, that there must be unity of opinion on the slavery question in the Whig party. Why should such unity be demanded in 1852?

Mr. Chairman, under such teachings as I have quoted, men at the North have been educated; and their own hearts have made them no dull scholars. Looking at the past and the present, seeing what has been the history of the last five years, you may believe that Northern men feel that in all these controversies, growing out of slavery, they have been worsted. They believe that General Foote told the truth when he said, in December last, that the South in the compromise had got all it claimed.

In reference to the territorial and Texas boundary enactments, that Senator expressed himself in these words:

"Sir, these territorial enactments are as conservative of what we know and value, in a peculiar sense, as Southern rights, as any act which has received the sanction of Congress at any time; and I cannot see how the South could possibly have lost anything by that particular enactment whereby the boundary between Texas and New Mexico was arranged. I contend that the South has gained much by this particular enactment, since it is undeniably true that the northern boundary line of Texas, until settled by this enactment, was unsettled, and in a condition which made it more than likely that it would be settled against the South. The Supreme Court of the United States would, I suppose, have decided against us without much hesitation, had it been referred to that tribunal. We settled the question here, not judicially, but in a manner equally satisfactory; and in my opinion we settled it in a manner most favorable to the South. Yes, sir, it may be almost said that we adjudicated the question of slavery in favor of the South by this proceeding. I am speaking plainly. I do not wish to deceive anybody."

And, sir, is it not even as General Foote said? How stands the account? California, having adopted a constitution which provided for a republican form of government, and possessing the requisite

population, applied for admission as a State. On every principle she had a right to be admitted. This was conceded by Mr. Clay, Mr. Benton, and Southern men generally. But because her Constitution excluded slavery, she could not come in without the non-slaveholding section of the country being required to pay for her admission. An act of simple right and undoubted justice could not be done; and the precedent and the policy was established, so far as such an act could establish them, that henceforth there shall be no legislation looking towards freedom but there shall go along with it, *pari passu*, that which favors slavery. Here was a concession (or aggression) such as had never been made before. The South carried its point here.

There had been no position upon which the North stood so unitedly as the Wilmot proviso, as the extracts which I have read, and others which I might read, embracing resolutions of State Legislatures, and State conventions of both parties, would prove conclusively. Yet this was yielded. The South carried the day on this question.

No proposition, perhaps, was ever better sustained, by evidence and argument, than that the line claimed by Texas, as being the boundary between her and New Mexico, would include a large territory rightfully belonging to the latter. Senator Foote in effect admits this. This was free territory, and Northern men had proclaimed, Not an inch of free territory for slavery. Yet a boundary line was established, yielding to Texas—a slaveholding State—a large tract of country belonging to New Mexico, and free; and \$10,000,000 was paid to her to take it and be quiet. The South beat us in this.

There was nothing lost to slavery, as Senator Foote and other Southern members of Congress have admitted, by the act for the abolition of the slave trade in this District. It simply made the law in the District to conform to the law in Maryland, Mississippi, Kentucky, and several other slave States, and Mr. Clay well said that it could not be regarded as a "*concession by either class of States to the other class.*" So the South yielded nothing in this act.

Then came the fugitive law, more stringent and less favorable to liberty than that proposed by Mr. Clay, or the one which Mr. Webster desired to have enacted—a law about as hard as it could well be made. Surely the South got all it claimed in this matter.

This law is submitted to and executed. We hear of no movements for its repeal or alteration. But the South, or rather, as I think, the enemies of the South and North both, in both sections of the country, are not satisfied with this. They must have agitation. And so they commend this compromise cup to us again and again, and tell us that we must like it, and say that we like it, and that we will continue to drink of it, and like it so long as we live.

Sir, I have rehearsed these things not to stir up strife, nor to invite agitation, but that Southern gentlemen may understand how they are looked at in the North, and may judge whether (seeing that all the compromise measures but one are in the nature of things executed, and that one practically submitted to) it is wise to introduce or insist upon resolutions or declarations which, while they cannot change the essential facts in relation to

these measures, may lead to a condition of things which every real friend of the Union would regret? I would tell gentlemen frankly, and in the kindest spirit, the truth, and the whole truth, as I believe it to exist, that it may be understood, and do its perfect work. I did not wish to recall these things. I am no ultraist, and would scatter no firebrands. I know, I can appreciate the position of Southern men in relation to this institution. I remember the noble bearing and patriotic conduct of Southern Whigs at the time of the Texas annexation; how they stood up, at risk of personal loss, side by side with their Northern brethren. Sir, it was one of the bravest sights the eye of man ever witnessed. God forbid that I should forget it. It was a spectacle of moral sublimity, which shall not soon fade from the remembrance of men.

Let me invoke now the spirit of patriotic devotion to animate and guide us, which was exhibited on that memorable occasion.

The North cannot submit to this new test, and the South, I think, ought not to. It will do harm, and nothing but harm, to both North and South. It will have a surer tendency to create sectional parties than anything we can do. The gentleman from Georgia [Mr. STEPHENS] has said, speaking of the basis of the party organizations:

"If it be true, as some allege, that there is a large majority of the people of the North who are unwilling to stand by this constitutional guarantee, I want to know it, and the country ought to know it."

It is not true, and the gentleman ought to know that it is not. The great majority of the North—the whole North, with the exception of a few extreme men who can do no harm—are willing to stand, and mean to stand, by the Constitution, and all that it guarantees. They will give you a law for the rendition of your fugitive slaves. But because they do not agree with that gentleman as to what is the most proper law, they are not, let me tell him, to be denounced as agitators, enemies of the Constitution, and Disunionists. No, sir; if there be any Disunionists in this country, they are those, and precisely those, who advocate the new doctrines; they are the men whose course, more than that of any other men, is calculated to weaken the bonds of the Union. I can regard no man as a good unionist who would inculcate the idea that its stability depends upon the suppression of private judgment in reference to the details of a legislative enactment like the fugitive slave law. But, sir, I have an abiding confidence that neither such doctrines, with whatever degree of warmth they may be proclaimed, nor the opposition, however fanatical, which they engender, can seriously threaten its integrity. It is not, thank God, so weak and frail as to be unable to withstand such shocks; they are of "the gale, and not the rock." The people, the people throughout the country, have an intelligent appreciation of the value and the blessings of the Union, and a love for it pure, fervent, and patriotic.

We have now a country, through the patriotism and sacrifices, not of one section, but of all sections, stretching from the Bay of Fundy to the Gulf of Mexico—from Cape May to Oregon—a country that has every variety of climate and product. Her productions and capabilities are so varied and diversified as to strengthen the bonds and intensify the necessities of her Union. The South can produce cotton enough to supply every

nation on the globe—she sends us rice, sugar, and the fruits. The West furnishes the North and South with breadstuffs, and may easily become the granary of the world. We of the North, in turn, can furnish our neighbors, South and West, with the spoils of our fisheries, whether carried on on the banks of the near Atlantic, or pushed, more adventurously, in remote seas, and in regions of perpetual ice—our vessels may perform the carrying trade of the nation, and our shops and factories change the raw materials of every State into fabrics of substantial value and the cunningest device. No nation beneath the sun is so favored as ours in having within its boundaries all the elements of strength, prosperity and happiness—not England, nor France, Russia, Austria, Spain—not one.

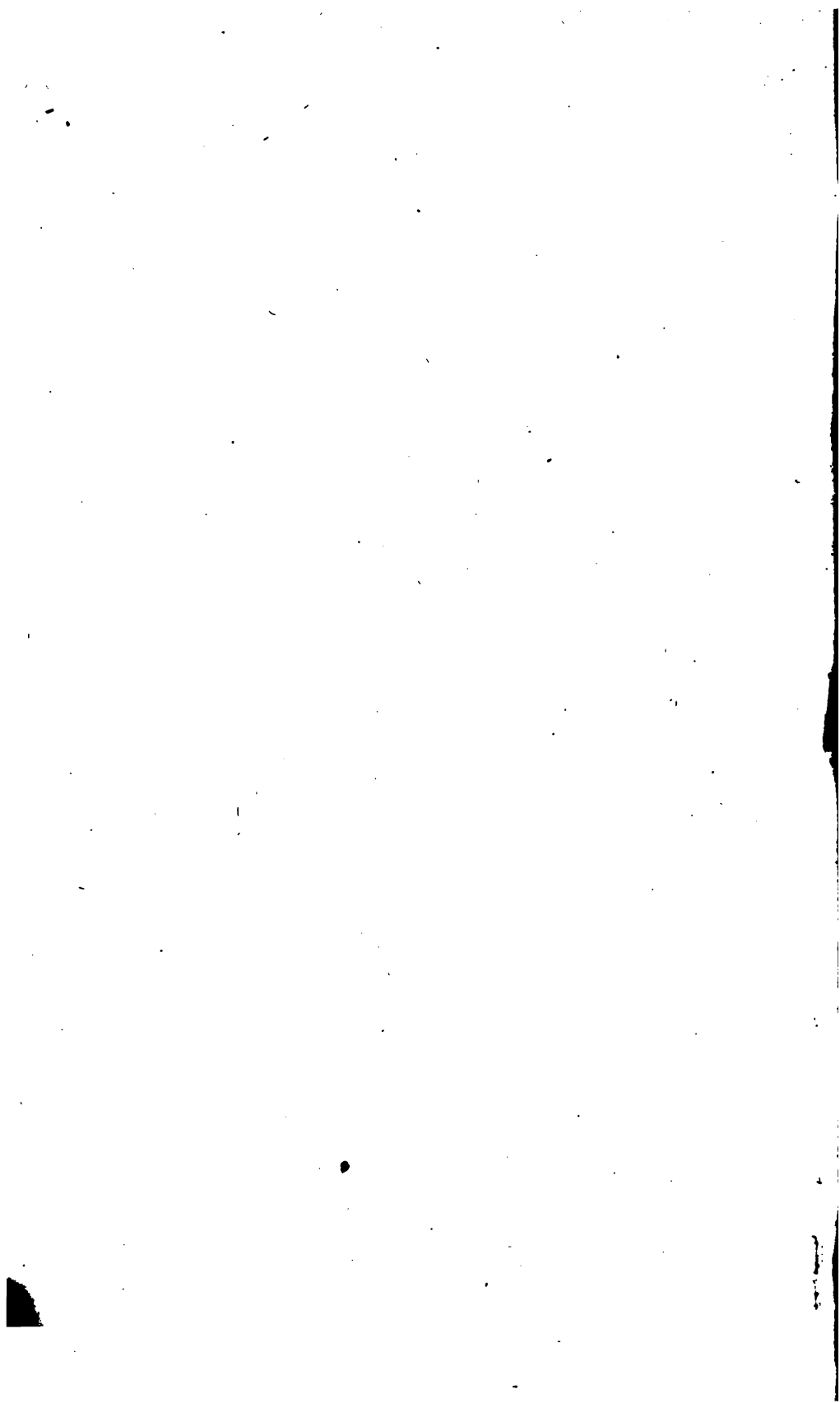
Now, sir, what madness, what wickedness, is it to ask, shall we keep together—shall we go on as we have gone on, a free, united, prosperous, people, or shall we be divided, parceled out into jealous States, giving occasion by rivalries and conflicting interests to bickerings, reprisals, and wars? Look at the prospect which disunion opens, you who threaten it whenever a vote is lost, and say if it pleases! What would you do with our common history, our common biography? And the star-lighted banner, what would you do with that? What colors would float over us in our border forays across the Potomac—in our incursions upon Kentucky? And under what sign would *her* sons descend upon the plains of the Buckeyes? The stars and stripes could be the standard sheet of no divided empire. *That flag* represents the whole country; it can stand for nothing short of the whole; edged by the ocean on either side, the mid-continent its field, its stars our mighty lakes, its stripes our magnificent rivers. Who will dare to cut that flag in twain, or tear it into rags. Come depression, come misrule, come war, come an "Iliad of woes," if they must come—let us bear them as we may—we can survive and outgrow them all. We are still here, here Americans—citizens of the Great Republic. But

let intestine strife prevail, and sectional jealousies be aroused till disunion shall come, and no Star of Hope shall light the prospect that will lie before us. "The blasted leaves of autumn may be renewed by the returning spring, the ceremonies of the grave shall burst, and earth give up her dead;" but let this Union be once destroyed, there is no power that can restore it, no heat that can its "light relume." National death is followed by no resurrection.

Do not let us cheapen and weaken the Union by "calculations of its value," or suggestions of its frailty. Cease to regard it as a fortuitous aggregation of States, or as a mere association for administrative or governmental convenience, but think of it, rather, as the expression and result of a deep necessity, commercial, political, and social; as a UNION GOVERNMENT, hallowed by the past, and consecrated to the future.

Can there be any question as the policy or duty of the Whigs in this emergency? It seems to me that it should be our aim and purpose to come together as a national party on national grounds, with no local creeds, no sectional issues. Let us select for our standard-bearer in the campaign upon which we are entering, a true and tried patriot, whose services and sacrifices, and life-long devotion to his country are the best pledges of his fitness and fidelity. Then, with such a position as I have alluded to, standing on the old and sufficient platform of the Whig party, and acting in the spirit of toleration and confidence which once inspired us, we will restore harmony, and inaugurate Concord in our midst.

"Concord, whose myrtle wand can steep
Even Anger's blood-shot eyes in sleep:
Before whose breathing bosoms' balm,
Rage drops his steel, and storms grow calm;
Her let our sires and matrons hoar
Welcome to this now ravaged shore;
Our youths enamored of the fair,
Play with the tangles of her hair;
Till in one loud, applauding sound,
The nations shout to her around,
Oh, how supremely art thou blest,
Thou, lady, thou shalt rule the West."





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