

**IS MILLARD FILLMORE AN
ABOLITIONIST? THE AGITATION OF
SLAVERY. WHO COMMENCED AND
WHO CAN END IT? BUCHANAN AND
FILLMORE COMPARED**

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Is Millard Fillmore an Abolitionist? The Agitation of Slavery. Who Commenced and Who can End It? Buchanan and Fillmore Compared by Anonymous

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ANONYMOUS

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IS

MILLARD FILLMORE

AN

ABOLITIONIST?

BOSTON:
[AMERICAN PATRIOT OFFICE,
No. 32 Congress Street,
1856.

PREFACE.

In the following pages will be found the whole, except a modicum devoted to Mr. Buchanan, of a pamphlet issued from the office of the "Washington Union," well known as the organ of the ultra Southern Democracy.

We have omitted those portions relating to the record of Mr. Buchanan's action in connection with the subject of Slavery, for the sake of brevity, and because we considered that in Massachusetts, at least, the contest lay so entirely between Mr. Fillmore and Col. Frémont, that it would be time lost, to go into Mr. Buchanan's history here. Enough for us is it, that he is sufficiently Southern for the most ultra Southerner.

Although we print only that portion devoted to the annihilation of Mr. Fillmore, as an Abolitionist, yet we give the title page entire and the few opening remarks, to show distinctly whence the document emanates, and what are its objects; the position it assumes and attempts to make good; and also the spirit in which it proceeds, or would have it understood it proceeds, to the work in hand: and we give the peroration because we could not feel that we were justified in withholding from the public so sublime a specimen of child-like confidence, of *ingenious comparison*, and of ENLARGED CALCULATION.

We must however most respectfully enter our protest against this fashion of electioneering, by comparing the candidates with Washington. If Col. Frémont is to be like him, because he was a Surveyor, and Mr. Buchanan because he has no children, we would with all humility suggest that no candidate can hereafter arise, who may not in some equally important particular resemble the FATHER OF HIS COUNTRY; and we shall soon have a calendar of saints equal to that enjoyed by the Catholic Church herself.

We would moreover take the liberty of hinting that if it should please Providence to vouchsafe to our much favored country a second Washington, the whole world will acknowledge the fact, without troubling politicians to proclaim and prove it by any such marks as these.

Whether the proof of Mr. Fillmore's abolitionism in the annexed, is as convincing to our Northern readers, as its editor evidently thinks it will be to his Southern friends, is a question which every one must decide for himself. We can only say that to us it seems clear, that the man who is condemned by the fire-eaters and ultra-pro-slavery men of the South, as an abolitionist, and by the Abolitionists and disunion fanatics of the North as a friend of slavery extension, occupies exactly that noble, moderate, conservative position towards which the eyes of all true lovers of their country may turn with confidence in this hour of trial.

We wish it distinctly understood that the appendix containing the record of Mr. Frémont's action, and some other matter while in the Senate of the United States, is added by ourselves, and forms no part of the document we are undertaking to quote. We give it, that those who insist that the slavery question is the only one to be settled at the coming election, and that Mr. Frémont is the only and the true exponent of their anti-slavery sentiments, may compare the authentic records of the two candidates.

THE AGITATION OF SLAVERY.

WHO COMMENCED

AND

WHO CAN END IT?

BUCHANAN AND FILLMORE COMPARED

FROM THE RECORD.

“Notwithstanding all the wrong that has been done, not another slave State can come into the Union.”—Hon. WM. H. SEWARD.

WASHINGTON:
PRINTED AT THE UNION OFFICE.
1856.

SOUTHERN RECORD OF BUCHANAN AND FILLMORE COMPARED.

So important is it for the South to determine which of the two candidates now seeking its suffrages has given the best evidences of his fidelity to its rights, that we must examine in detail—

1. Their recorded antecedents upon the subject of slavery.
2. The present position of each of these candidates upon that subject.
3. In making the comparison and investigation proposed, we shall treat the distinguished subjects with respectful freedom. We intend to throw no unworthy imputation upon either. We concede that the personal integrity of each is unimpeachable, and in no manner involved in the present issue.

RECORD OF MR. FILLMORE UPON THE SLAVERY QUESTION.

The earliest authentic avowal of Mr. Fillmore's opinion upon the subject of slavery is to be found in the following answer to a letter of inquiry addressed to him by "The Anti-Slavery Association of the County of Erie." These opinions, we shall subsequently show, have never been disavowed or recanted.

"BUFFALO, October 17, 1838.

"Sir: Your communication of the 13th instant, as chairman of the committee appointed by 'The Anti-Slavery Society of the County of Erie,' has just come to hand. You solicit my answer to the following interrogatories:

"1st. Do you believe that petitions to Congress on the subject of slavery and the slave-trade ought to be received, read, and respectfully considered by the representatives of the people?

"2d. Are you opposed to the annexation of Texas to this Union, under any circumstances, so long as slaves are held therein?

"3d. Are you in favor of Congress exercising all the constitutional powers it possesses to abolish the internal slave trade between the States?

"4th. Are you in favor of immediate legislation for the abolition of slavery in the District of Columbia?

"Answer.—I am much engaged, and have no time to enter into argument, or explain at length my reasons for my opinion. I shall therefore content myself, for the present, by answering ALL your interrogatories in the AFFIRMATIVE, and leave for some future occasion a more extended discussion on the subject.

"I would, however, take this occasion to say, that in thus frankly giving my opinion, I would not desire to have it understood in the nature of a pledge. At the same time that I seek no disguises, but freely give my sentiments on any subject of interest to those for whose suffrages I am a candidate, I am opposed to give any pledge that shall deprive me hereafter of all discretionary power. My own character must be the guaranty for the general correctness of my legislative department. On every important subject I am bound to deliberate before I act, and especially as a legislator—to possess myself of all the information, and listen to every argument that can be adduced by my associates, before I give a final vote. If I stand pledged to a particular course of action, I cease to be a responsible agent, but I become a mere machine. Should subsequent events show, beyond all doubt, that the course I had become pledged to pursue was ruinous to my constituents and disgraceful to myself, I have no alternative, no opportunity for repentance, and there is no power to absolve me from my obligation. Hence the impropriety, not to say absurdity, in my view of giving a pledge.

"I am aware that you have not asked any pledge, and I believe I know your sound judgment and good sense too well to think you desire any such thing. It was, however, to prevent any misrepresentation on the part of others, that I have felt it my duty to say thus much on this subject.

"I am, respectfully, your most obedient servant,]

MILLARD FILLMORE.

"W. MILLS, Esq., Chairman."

It is proper to state that Mr. Fillmore, when pressed at the South, in the canvass of 1848, upon the monstrous doctrines of this letter, wrote to Governor Gayle, of Alabama, the following explanation of his position upon the questions involved in his reply. We publish the Gayle letter in full.

"ALBANY, July 31, 1848.

"Dear Sir: I have your letter of the 5th instant, but my official duties have been so pressing that I have been compelled to neglect my private correspondence. I had also deter-

mined to write no letters for publication bearing upon the contest in the approaching canvass. But, as you desire some information for your own satisfaction, in regard to the charges brought against me from the South, on the slave question, I have concluded to state briefly my position.

"While I was in Congress, there was much agitation on the right of petition. My votes will doubtless be found recorded uniformly in favor of it. The rule upon which I acted was, that every citizen presenting a respectful petition to the body that by the constitution had the power to grant or refuse the prayer of it, was entitled to be heard; and therefore the petition ought to be received and considered. If right and reasonable, the prayer of it should be granted; but if wrong or unreasonable, it should be denied. *I think all my votes, whether on the reception of petitions or the consideration of resolutions, will be found consistent with this rule.* [Our italics.]

"I have none of my congressional documents here, they being at my former residence in Buffalo, nor have I access to any papers or memoranda to refresh my recollection; but I think at some time while in Congress I took occasion to state, in substance, my views on the subject of slavery in the States. Whether the remarks were reported or not, I am unable to say; but the substance was, that I regarded slavery as an evil, but one with which the national government had nothing to do—that by the constitution of the United States, the whole power over that question was vested in the several States where the institution was tolerated. If they regarded it as a blessing, they had a constitutional right to enjoy it; and if they regarded it as an evil, they had the power, and knew best how to apply the remedy. I did not conceive that Congress had any power over it, or was in any way responsible for its continuance in the several States where it existed. I doubt not that all my acts, public and private, will be found in accordance with this view.

"I have the honor to be, your obedient servant,

"MILLARD FILLMORE.

"HON. JOHN GAYLE."

In this response there are some errors of fact, or of memory, and an entire failure to deny the power of Congress over the subject of slavery in the District of Columbia and the Territories. This constituted the very gist of objection to the Erie letter. The Gayle letter denies the power of Congress over slavery "in the States where it existed;" nothing more. But upon a review of this letter, of his votes, and subsequent conduct while a member of Congress, we are compelled to assert that Mr. Fillmore stands recorded and proven, by contemporaneous testimony, to have been one of the fathers and founders of that abolition agitation which he now so much condemns. The following votes will show that Mr. Fillmore was mistaken when he said, in 1848, "the rule upon which I acted was, that every citizen presenting a respectful petition to the body that by the constitution had the power to grant or refuse the prayer of it, was entitled to be heard." "I think," he adds, "all my votes, whether upon the reception of petitions or the consideration of resolutions, [our italics.] will be found consistent with this rule."

He votes to receive and refer abolition petitions:

"December 12, 1837, Mr. Adams presented a petition praying the abolition of the slave trade in the District of Columbia, and moved that it and others be referred to the committee on the District of Columbia, with instructions to consider and report thereon. Mr. Wise moved to lay that motion on the table—yeas and nays ordered on that question—yeas 135, nays 70. Adams, Fillmore, Slade, Giddings, & Co in the negative."—*Cong. Globe, vol. 6, p. 19.*

"Mr. Adams then presented a petition for the abolition of slavery in the Territories of the United States, and moved its reference to the Committee on Territories. Mr. Wise moved to lay the motion on the table—yeas and nays ordered—yeas 137, nays 73. Adams, Fillmore, Giddings, Slade & Co. in the negative."—*Cong. Globe, vol. 6, p. 20.*

In this case the right of petition is confounded with the proposition to report for legislative consideration. It is impossible to assert with what motive Mr. Fillmore advocated the reception; but

His vote against receiving the Atherton resolutions is more explicit upon that point:

On the 11th December, 1838, (Cong. Globe, vol. 7, p. 23,) Mr. Atherton asked leave to submit the following resolutions:

"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 institution of slavery in the several States of the confederacy.

"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 effect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

"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 right of the States affected, and a breach of the public faith upon which they entered into the confederacy.

"Resolved, That the constitution rests on the broad principle 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.

"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 any extent whatever to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table without being debated, printed, or referred."

Mr. Atherton moved a suspension of the yeas — yeas and nays ordered — yeas 137, nays 66. Adams, Fillmore, & Co., in the negative.

This vote, against the "leave to submit," is inconsistent with the principle avowed in the Gayle letter; for even if he had determined to vote against the resolution upon its merits, he was bound to have voted for the reception, because every citizen "presenting a petition [or resolution] to the body that by the constitution had the power to grant or refuse the prayer of it, was entitled to be heard."

But there is another evidence of inaccurate recollection, combined with an endorsement of the most dangerous and abominable doctrines, presented by —

His vote upon the case of the Creole slave mutiny and murder:

This case was presented to Congress March 21, 1842. — See *Cong. Globe*, vol. 11, p. 342.

The brig *Creole*, bound from Richmond, Va., to New Orleans, was freighted, among other things, with a large lot of negroes, who mutinied in a storm, killed the captain, several of the crew and passengers, and compelled some of the officers of the vessel to take her into Nassau, N. P., one of the British West India islands, where the negroes were taken care of and set free by the authorities of the island. This case was the subject of Congressional action in both houses of Congress, and of negotiation with Great Britain. The most intense feeling was manifested all over the Union, and particularly in the South.

"During the pendency of the excitement, the notorious abolitionist, J. R. Giddings, offered a set of resolutions, justifying the negroes in their mutiny and murder, and approving of their course, denying that said negroes had violated any law of the United States; stating that they had incurred no legal penalty, and are justly liable to no punishment; and that all attempts to regain possession of, or to re-enslave said persons, are unauthorized by the constitution and prejudicial to the national honor."

We annex them, omitting the first three:

"Resolved, That slavery being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the territorial jurisdiction of the power creating it.

"5. That when a ship belonging to the citizens of any state of this Union leaves the waters and territory of such state and enters upon the high seas, the persons (slaves) on board cease to be subject to the laws of such state, and thenceforth are governed in their relations to each other by, and are amenable to, the laws of the United States.

"6. That when the brig *Creole*, on her late passage to New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that state ceased to have jurisdiction over the persons (slaves) on board said brig, and such persons become amenable only to the laws of the United States.

"7. That the persons (slaves) on board said brig, in resuming their natural rights of personal liberty, violated no law of the United States, incurred no legal penalty, and are justly liable to no punishment.

"8. That all attempts to regain possession of, or to re-enslave said persons, are unauthorized by the constitution and laws of the United States, and are incompatible with our national honor.

"9. That all attempts to exert our national influence in favor of the coastwise slave-trade, or to place this nation in the attitude of maintaining a commerce in human beings, are subversive of the rights and injurious to the teachings and interests of the free States, are unauthorized by the constitution, and prejudicial to our national character.

A motion was made that the resolutions do lie on the table — yeas 52, nays 125, — Mr. Fillmore & Co. voting in the negative. This could not be considered a test vote; many members who were opposed to the resolutions voted against the motion, in order to kill them by a direct vote. Mr. Fillmore's views; however, will appear by what followed.

Mr. John Minor Botts, on the same day, offered the following preamble and resolution:

"Whereas the Hon. Joshua B. Giddings has this day presented to this House a series of resolutions touching the most important interests connected with a large portion of the Union, now a subject of negotiation between the United States and Great Britain, of the most delicate nature, the result of which may eventually involve those nations in war; and whereas it is the duty of every good citizen to discountenance all efforts to create excitement, dissatisfaction, and division among the people of the United States at such a time, under such circumstances; and whereas mutiny and murder are therein justified and approved, in terms shocking to all sense of law, order, and humanity; therefore,

"Resolved, — That this House holds the conduct of the said member as altogether unwar-

ranted and unwarrantable, and deserving the severe condemnation of the people of this country, and of this body in particular."

On these resolutions a motion was made to suspend the rules—yeas 128, nays 68. Fillmore voted nay, with Adams, Giddings, and Slade. Two-thirds not voting in the affirmative, the rules were not suspended.

The call for resolutions still resting with the State of Ohio, Mr. Weller offered Mr. Bott's resolution as his own. In the discussion which then took place, Mr. Fillmore appeared as the special apologist and defender of his *confrere*, Giddings, who seems to have been as closely allied to him in feelings as we have shown him to have been in votes.

Mr. Adams then moved to lay the whole subject on the table—yeas 70, nays 125—Adams, Fillmore, & Co. in the affirmative. The direct vote was then taken on the resolution censuring Giddings—yeas 125, nays 69—Fillmore & Co. in the negative. The vote was next taken on the preamble—yeas 119, nays 66—Fillmore & Co. again in the negative.—*Con. Globe*, vol II, pp 345-6.

On the 13th December, Mr. Wise asked leave to submit the following resolutions, as propositions containing his sentiments, and what he believed to be the real sentiments of the whole South:

"1. *Resolved*, That Congress has no power to abolish slavery in the District of Columbia, or in the Territories of the United States; whether such power in the said District be exercised as a means or with the view of disturbing and overthrowing slavery in the States, or not.

"2. *Resolved*, That Congress has no power to abolish the slave trade or prohibit the removal of slaves between the States and the District of Columbia or Territories of the United States.

"3. *Resolved*, That Congress cannot receive or consider petitions for the exercise of any power whatever over the subject of slavery which Congress does not possess."

"4. *Resolved*, That the laws of Congress alone govern in prescribing and regulating the mode and manner in which fugitive slaves shall be apprehended, and their rights to freedom held in the non-slaveholding States, District of Columbia, and Territories; and the mode and manner in which they shall be restored or delivered to their owners in the slave States.

"5. *Resolved*, That Congress has no power to impose upon any State the abolition of slavery in its limits, as a condition of admission into this Union.

"6. *Resolved*, That the citizens of the slaveholding States of this Union have the constitutional right voluntarily to take their slaves to or through a non-slaveholding State, and to sojourn or remain temporarily with such slaves in the same, and the slaves are not thereby *ipso facto* emancipated; and the general government is constitutionally bound to protect the rights of slaveholding States; and the laws of non-slaveholding States in conflict with the laws of Congress providing such protection are null and void."

Several members said, "Object to them."

Mr. Rives did so; and Mr. Wise moved a suspension of the rules calling for the yeas and nays; which being ordered, were—yeas 118, nays 96—Fillmore in the negative.—*See Con. Globe* p. 33; *House Jour.*, p. 799.

So the motion to suspend was decided in the negative.

On the 13th December, 1838, Mr. Slade asked leave to submit the following resolutions:

"Whereas there exists, and is carried on between the ports in the District of Columbia and other parts of the United States, and under the sanction of the laws thereof, a trade in human beings, whereby thousands of them are annually sold and transported from said District to distant parts of the country, in vessels belonging to citizens of the United States; and, whereas such trade involves an outrageous violation of human rights, is a disgrace to the country by whose laws it is sanctioned, and calls for the immediate interpretation of legislative authority for its suppression; therefore, to the end that all obstacles to the consideration of this subject may be removed, and a remedy for the evil speedily provided.

"*Resolved*, That so much of the fifth of the resolutions on the subject of slavery, passed by this House on the 11th and 12th of the present month, as relates to the 'removal of slaves from State to State,' and prohibits the action of the House on 'every petition, memorial, resolution proposition, or paper touching' the same, be, and hereby is rescinded."

Objection being made, Mr. S. moved a suspension of the rules, and demanded the yeas and nays; which being ordered, were—yeas 35, nays 157—Mr. Fillmore voting in the affirmative.

So the House refused to suspend the rules.—*See Con. Globe*, p. 99; *House Jour.* p. 75.

On the 31st December, 1839, 1st Session, 26th Congress, Mr. Coles moved a suspension of the rules, for the purpose of offering the following resolution.

"*Resolved*. That every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to the abolition of slavery in the States of this Union, or either of them, or in the District of Columbia, or in the Territories of the United States, or either of them, or the removal of slaves from one State to another, shall, or the presentation thereof without any further action thereon, be laid upon the table without being debated, printed, or referred."

Upon which the yeas and nays were called, and were—yeas 87, nays 81—Mr. Fillmore in the negative.—*See Con. Globe*, p. 93 *House Jour.*, p. 153.