



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

the 1990s, the number of people in the world who are undernourished has increased from 600 million to 800 million.

There are a number of reasons for this. One is that the world population has increased by 1.5 billion people since 1980. Another is that the world's population is becoming older. The number of people aged 65 and over has increased from 200 million in 1980 to 400 million in 1995.

There are also a number of reasons why the world's population is becoming older. One is that the world's population is becoming healthier. The number of people who are healthy and able to work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming healthier. One is that the world's population is becoming wealthier. The number of people who are wealthy and able to afford health care has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming wealthier. One is that the world's population is becoming more educated. The number of people who are educated and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more educated. One is that the world's population is becoming more mobile. The number of people who are mobile and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more mobile. One is that the world's population is becoming more entrepreneurial. The number of people who are entrepreneurial and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more entrepreneurial. One is that the world's population is becoming more innovative. The number of people who are innovative and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more innovative. One is that the world's population is becoming more creative. The number of people who are creative and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more creative. One is that the world's population is becoming more productive. The number of people who are productive and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more productive. One is that the world's population is becoming more efficient. The number of people who are efficient and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more efficient. One is that the world's population is becoming more organized. The number of people who are organized and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

There are also a number of reasons why the world's population is becoming more organized. One is that the world's population is becoming more disciplined. The number of people who are disciplined and able to find work has increased from 1.5 billion in 1980 to 2.5 billion in 1995.

US 5236.5



HARVARD
COLLEGE
LIBRARY



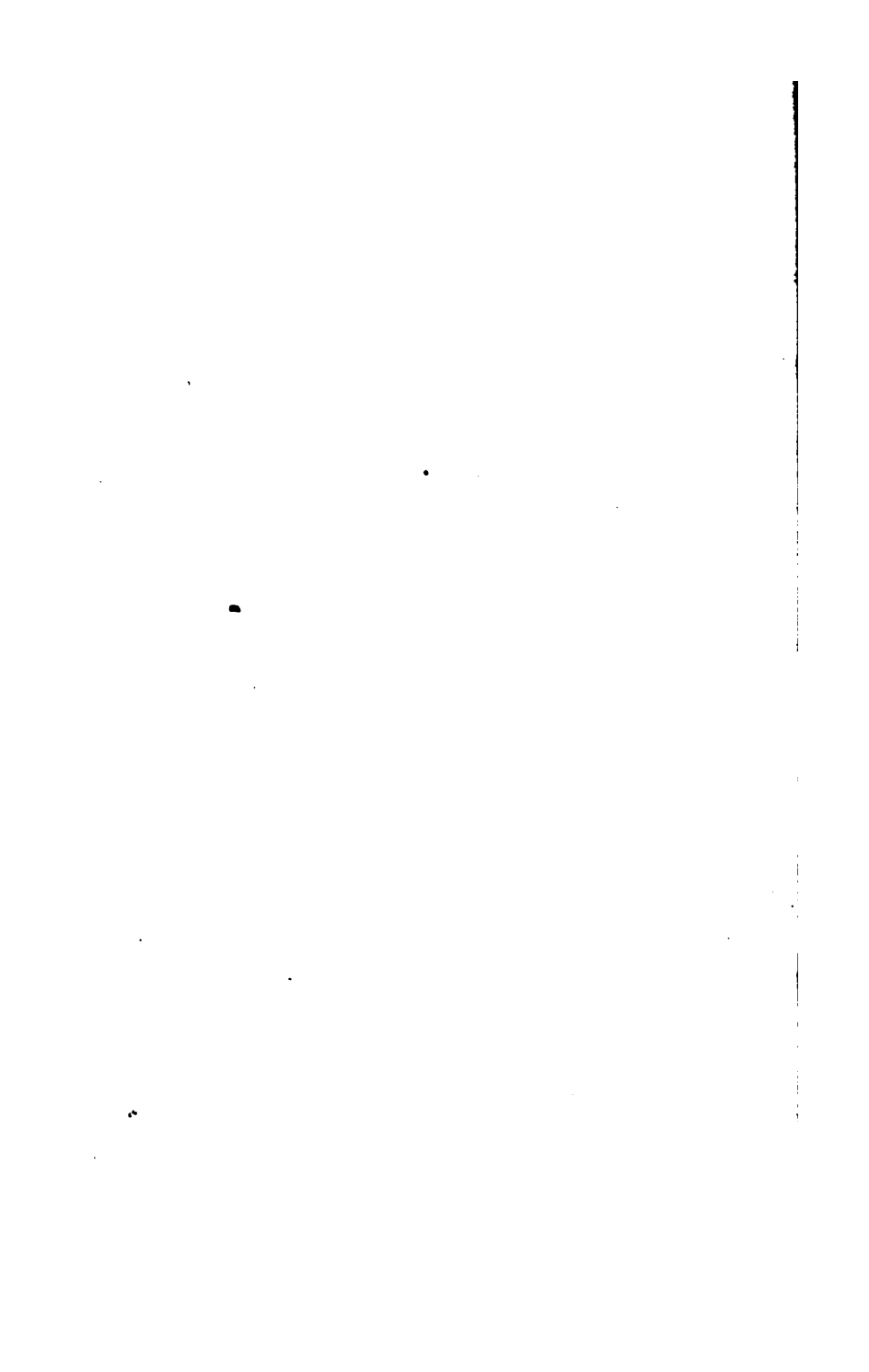
US 5236.5



HARVARD
COLLEGE
LIBRARY









Engraved by J. C. Butler

Millard Fillmore



100



13
© BIOGRAPHY

OF

MILLARD FILLMORE.

BUFFALO: THOMAS & LATHROPS.

AUBURN AND NEW YORK; MILLER, ORTON & MULLIGAN

1
1856.

~~739720~~

U.S. 5236.5

HARVARD COLLEGE LIBRARY

Substituted for
dupl. b. k.

1860, July 11.

Gray Fund.

.10 ct.

ending 35

.15 ct.

Entered according to the Act of Congress, in the year 1856,

By THOMAS & LATHROPS,

in the Clerk's Office of the District Court of the United States, for the Northern District of New York.

71116
41722

CONTENTS.

	PAGE.
INTRODUCTION,	5
CHAPTER I.	
HIS BIRTH, ANCESTORS, AND EARLY LIFE,	17
CHAPTER II.	
MR. FILLMORE'S ENTRANCE INTO PUBLIC LIFE,	31
CHAPTER III.	
MR. FILLMORE'S CAREER IN CONGRESS,	44
CHAPTER IV.	
THE TWENTY-SEVENTH CONGRESS,	59
CHAPTER V.	
THE PRESIDENTIAL CAMPAIGN OF 1844,	79
CHAPTER VI.	
ELECTED COMPTROLLER OF NEW YORK,	96
CHAPTER VII.	
VICE-PRESIDENT OF THE UNITED STATES,	106

	PAGE.
CHAPTER VIII.	
MR. FILLMORE PRESIDENT OF THE UNITED STATES, . . .	119
CHAPTER IX.	
THE COMPROMISE MEASURES AND FUGITIVE SLAVE LAW, . . .	129
CHAPTER X.	
FIRST ANNUAL MESSAGE,	156
CHAPTER XI.	
CUBA AND THE FILLIBUSTERS,	179
CHAPTER XII.	
EXPLORING EXPEDITIONS TO FOREIGN COUNTRIES,	200
CHAPTER XIII.	
AMERICAN PRINCIPLES,	205

INTRODUCTION.

In the spring of 1853, MILLARD FILLMORE, the subject of the following biographical sketch, retired from the Presidency. Several of our most illustrious statesmen, who, at the commencement of his administration, were master-spirits in the national councils, had been gathered to their fathers. CALHOUN, indeed, had been summoned away before the dispensation of Providence which placed a new pilot at the helm of State, and before the portentous storm, then raging, had gathered all its blackness. His last speech in the Senate, read for him by a friend because he was too feeble to deliver it, is pervaded by dark forebodings scarcely relieved by a gleam of hope. His two great compeers, who sympathized in his apprehensions, although they did not share in his despondency, were still spared to the country, and, at the commencement of Mr. FILLMORE's administration, were leading members of the Senate. CLAY had, some years before, bid a formal, and, as he supposed, a final farewell to this theater of his labors; but a great and perilous crisis had now summoned him again to the service of his country. WEBSTER,

then also in the Senate, had recently put forth one of the most powerful efforts of his eloquence for the preservation of the endangered Union. Although, to use his own language, "the imprisoned winds are let loose"—although "the east, the west, the north, and the stormy south, all combine to throw the whole ocean into agitation, to toss its billows to the skies, and to disclose its profoundest depths," he would neither shrink from his duty nor abandon hope. "I am looking out for no fragment," he says, "upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and stars shall appear, or shall not appear for many days."

It was in the midst of an agitation which thus aroused the energies—in the midst of dangers which thus alarmed the apprehensions of our greatest and most experienced statesmen, that the administration of MILLARD FILLMORE commenced. Before he had been two months in power, there was a lull in the storm—the crisis had passed—and although a heavy ground-swell continued, for some time, to mark the violence of the recent tempest, the country was fast settling into tranquillity. As the ablest men of both political parties had lent their influence to secure the compromise, so they now united to give it stability by all the combined weight of their characters. Two years afterwards, both the great political parties, into which the country was then divided, solemnly endorsed it, in their national conventions, as the FINAL SETTLEMENT of a most dangerous controversy.

But no sooner had the administration which had brought about this auspicious result retired from power, than other counsels began to prevail. The first Congress that met after the inauguration of President PIERCE, signalized itself by carrying out his wishes in the repeal of a compromise of more than thirty years' standing, regarded by the country as an inviolable compact. Thus were the flood-gates of sectional agitation wantonly re-opened, and during the whole period of the present Democratic administration, the country has been distracted by heated controversies, on a subject which it was supposed the compromise of 1850 had withdrawn forever from the arena of national politics.

We are still in the midst of these controversies. Two of the three great parties into which the country is now divided, insist on making the slavery question the leading issue in the approaching presidential campaign. Granting the importance of this question to be as great as these parties contend, in whose wisdom can the American people so fully confide to preside over its settlement, as in that of the statesman who, three years ago, extricated the country from the same dangers into which the Democratic party has re-plunged it? He who has once piloted the tempest-tossed ship into a safe harbor, is the most suitable man to be again placed at the helm, when her moorings have been wantonly severed, and she is again drifting on the same stormy sea, exposed to be split on the same dangerous rocks.

But the present importance of the slavery question is greatly over-rated. The repeal of the Missouri compromise, which had no other object than to gain the favor of the South

by opening Kansas to slavery, will injure the interest it was intended to promote. Kansas is as certain to be a free State as if the Missouri compromise were standing to-day, intact and irrevocable. So far as relates to territorial extension for their peculiar institutions, the South have gained nothing—the North lost nothing. Other laws than the Missouri compromise—laws which no congressional enactment can repeal—the laws of climate and soil—laws which govern emigration, and, above all, laws written on the human heart, have decreed the exclusion of slavery from the whole territory to which the Missouri compromise applied. The pretended friends of the South have not only conferred no benefit on that section of the country, but have called into existence the most formidable party that has ever been arrayed against southern interests, and armed that party with specious and plausible arguments. Will the South support a policy so fruitless in good, a policy so teeming with evil, to themselves? Will they act with a party that has wantonly revived an agitation which it was clearly foreseen would peril their most cherished interests? So far as regards the spread of slavery, nothing has been gained or lost by the repeal of the compromise. That repeal is simply a fountain of political excitement, furnishing topics of declamation to demagogues who aim to purchase power at the expense of the public tranquillity. The American party, seeing that neither section of the country has anything to gain by the continuance of the controversy, refuse to take any part in it, except for the purpose of restoring peace.

As the party which has nominated Mr. FILLMORE now enters a presidential contest for the first time, it may not be inappropriate, before sketching the history of its candidate, to say a few words of its principles. They make no appeal to a love of novelty, to that reckless passion for change which delights in perpetual innovation. They address themselves, on the contrary, to the sober sense, the calm conservative sentiment of the country. They are founded on PATRIOTISM — the source of all public virtue, the parent of all the great deeds that emblazon the pages of history. Love for the land that gave us birth — that instinctive feeling which alike leads men to repel the invader, and to preserve their institutions from the unhallowed touch of foreign influence — that ennobling sentiment which so constantly triumphs over the strongest of the selfish instincts, the love of life — which pours out its blood like water in its country's cause and counts it glory — which feels that its native air is tainted and no longer worth breathing — its native soil polluted, and fit only to afford graves for its sons, when they cease to be its sole sovereigns — this sentiment it is on which the American party is built, and on which it rests its hopes for the success of its fundamental maxim, that AMERICANS SHALL RULE AMERICA.

The principle is not new. Our fathers declared it when they cast off their allegiance to the British crown, and refused to be taxed by a foreign parliament. They embodied it in the Constitution of the country when they inserted in that instrument a provision that the two highest officers of the government — the President and Vice-president of the United States — shall be native-born citizens. They recognized it in

the provisions of the same instrument which forbid the election of any person to the United States Senate who has not resided in the country nine years in addition to the period Congress might require for naturalization, or of any person to the House of Representatives whose residence has not extended seven years beyond the same period. The length of time aliens shall reside in the country before they can become citizens, was not fixed by the Constitution, but wisely left to the discretion of Congress. Circumstances might arise requiring an extension of the period, and Congress was clothed with the power to extend it as the exigencies of the country and the safety of its institutions should render expedient.

Why raise an impassable barrier against a naturalized citizen becoming eligible, by any length of residence, to either of the highest offices? Why take such an apparent excess of precaution as to exclude from those offices a person born on ship-board during the voyage of his parents hither and wholly educated in this country? We put the question to those who ridicule the idea of danger to our institutions from foreign influence, and ask if all this pains was taken to guard against an *unreal* danger?

From the preponderance of the native over the foreign population, a calculation of probabilities will show that there must always be a large majority of native-born members of both Houses of Congress. As the framers of the Constitution must have foreseen that the naturalized members would always be a minority, it clearly follows that they apprehended danger from the influence of even a few who might retain their foreign prejudices and sympathies, and so excluded foreigners from

the national councils for a long period after they had acquired the privilege of citizenship.

The power granted to Congress over the whole subject of naturalization, furnishes another conclusive argument in favor of the same position. It was foreseen that the future increase of immigration might become so great, and the danger from foreign influence so augmented, that any rule of naturalization inserted in the Constitution would prove ineffectual against the increased pressure of the evil. Congress was, therefore, invested with unlimited discretion, and left at liberty to deal with the danger according to the demands of its growing magnitude.

The first Congress judged a residence of five years a sufficient preparation for citizenship. At that time, and for a long period previous, nearly all our immigrants came from Great Britain. The present facilities for crossing the ocean did not exist; the voyage had not become so cheap as to place it within the means of the poorest part of the population, nor was there in this country the great demand for rude and unskilled labor which the growth of our cities and our extensive public works have since created. The bulk of our immigrant population was, at that time, more intelligent and respectable than it is now, and furnished materials for a better class of citizens. They were nearly all Protestants; a large majority of them were Englishmen. As Protestants, they were inaccessible to the influence of a foreign hierarchy. As Englishmen, they had come to live under a government founded on the model of the British Constitution, and which, in copying from that model, had retained a great deal more than it discarded. Comparatively little transformation of character

was needed to bring such immigrants into full sympathy with our sentiments, into perfect harmony with our institutions.

Within the last twenty years all this has changed. Our immigrants are no longer mainly Protestants. A majority of them no longer come from the country whose language we speak, by whose literature our minds are formed, from whom we have borrowed the *habeas corpus*, trial by jury, representative government, and the common law. We receive now, with a great many estimable, industrious, self-respecting people, the very dregs and scum of the population of Europe. All that is benighted by ignorance—all that is debased by superstition—all that is squalid by poverty—all that is besotted by intemperance—all that is detestable in morals—all that is odious and abominable by crime—have, for the last few years, been poured upon our shores, to taint our moral atmosphere, and add to the corruption of our large cities. Without any knowledge of our institutions—without even any acquaintance with our language, they are invested with the most sacred of our political privileges—the elective franchise—and either sell their votes directly to demagogues for some paltry bribe, or yield them indirectly through the influence of priests, whose wishes they are too superstitious to resist. If our fathers thought it necessary to guard so carefully against foreign influence when our immigrants, comparatively few in numbers, were of our own blood and lineage, our own language and religion, and our own habits of thought, who can consistently say that the necessity is not greatly enhanced, when, besides the alarming increase of numbers, the character of our foreign population has become so much changed for the worse?

Another consideration of great weight in this connection, is derived from the local laws of the several States at the adoption of the Constitution, and the passage of the present naturalization law. It is well known that the State Constitutions then required a property qualification of some kind, generally a freehold, as preliminary to the right of suffrage. At that time an alien, when naturalized, did not necessarily become a voter. Under the then existing State regulations, none of that class of foreigners whose abuse of the elective franchise has given origin to the American party, would have been suffered to approach a ballot-box. None except those who had some stake in the government were allowed a voice in its policy. The extension of suffrage till it has, in most of the States, become universal, seems a wise change, when considered in relation to our native population. With the enlightened love of country which springs from American birth and education; with the habits of industry, thrift and enterprise so characteristic of our people, which makes the acquisition of property and social position the common aim of all; universal suffrage is not only free from danger, but is as wise and just as it is safe. But the great increase of an ignorant and debased foreign population creates an imperative necessity for either restoring the property qualification, or altering the naturalization laws. At all events, it must be admitted, that naturalized citizens wield far more political power, in proportion to their numbers, than if the possession of a freehold had remained a qualification for the right of suffrage. The law as it stands was framed with reference to a different condition of things from that in which it now operates.

When it was enacted, our foreign population was neither so numerous, so ignorant, nor so dissimilar to ourselves as it has since become; nor was it immediately invested with the right of suffrage, by the mere possession of naturalization papers; and, above all, the country at that time had no experience of the abuses of which we have been witnesses within a more recent period.

To remedy the evils introduced into the politics of the country by demagogues who pander to the prejudices and purchase the votes of foreigners — to remove the corruption which taints the fountains of power — to restore to Americans the influence which rightfully belongs to them in the government of their own country — to rekindle the fires of patriotism, and foster that national spirit which is at once the cheapest defence of the country and the surest conservator of its institutions — these are the purposes of the American party, which now enters the field for the first time with a candidate for the highest office of the government. That candidate having been selected, it is thought that a simple and impartial recital of the leading events of his life will be acceptable to the American people.

The task of preparing the following unpretending sketch has devolved on the present writer, in consequence of the absence from the country of the gentleman whose literary talents and long personal association with Mr. FILLMORE would render him the most suitable biographer of his distinguished friend. I refer to Dr. THOMAS M. FOOTE, late Minister to Austria; who, summer before last, was urgently solicited by some of Mr. FILLMORE'S friends to write the history of his

administration. He at length yielded to their persuasions, and promised to prosecute the work. The writer of these pages, then in habits of daily intimacy with Dr. FOOTE, had frequent conversations with him relating to the plan, topics, arrangement, and mode of execution of the proposed history, and was to have assisted him in the composition of some of its chapters. The preparation of the work for the press was postponed during the autumn of 1854 and the following winter, in consequence of Dr. FOOTE'S feeble health, and during the summer of 1855, by his occupation in superintending the building of a new house. All this while, however, it continued to be a frequent topic of conversation; and when, last fall, Dr. FOOTE left the country on his present European tour, there seemed a propriety, if, during his absence, circumstances should render advisable the publication of a brief sketch of Mr. FILLMORE'S life, that I should be entrusted with its preparation. By abridging the materials Dr. FOOTE would have used in a larger and less ephemeral work, and giving more fullness and prominence than he had intended to Mr. FILLMORE'S early history, and his public life previous to his elevation to the Presidency, it was thought that a more authentic and acceptable biography could be written, than would be likely to be produced by any person not conversant with Dr. FOOTE'S plan, and without access to his materials.

I have deemed it proper to make these statements, partly as an apology to the reader, but principally to enable him to judge of the authenticity of the following hastily written sketch, by the opportunities the writer has enjoyed for acquiring correct information.



BIOGRAPHY

• o r

MILLARD FILLMORE.

CHAPTER I.

HIS BIRTH, ANCESTORS, AND EARLY LIFE.

MILLARD FILLMORE was born in Western New York, in the township of Locke, Cayuga county, on the 7th of January, 1800. This settlement in the wilderness was at that time so new, that his father was compelled, on the occasion of his birth, to walk seven miles in the woods, in the dead of night, to the nearest physician, through a fresh fallen snow half knee deep, with wolves howling on either side of him as he pressed on his errand. Not only Mr. Fillmore's father, but his ancestors, for three generations, were pioneers in the forest: the family being a true type of the hardy enterprise of American character, whose early mission on this continent was to subdue the wilderness, and nourish, amid severe labors, that manly self-reliance without which the world would never have heard of American Independence or American Institutions. The noble oak which stands erect and defies the tornado, is nurtured by no green-house culture, shoots up with no mushroom rapidity, but is slowly elaborated by centuries of exposure, its fibres becoming tough and firm by long resistance to the rocking of rude storms. And so with a national character, that has the elements of bold enterprise, and stable, enduring greatness.

It is formed and consolidated by long struggles with hardship and difficulty. The unbroken forest which our fathers encountered on these shores, and which it was one of their chief labors to fell and clear, was the school ordained by Providence for the acquisition of the self-relying and invincible energy, and severe self-denial, which carried the country through the trials of the Revolution, and infused a taste for the manly simplicity of a republican government. The sturdy strokes of the pioneer's axe not only felled the forest, but formed his own character. Of this peculiarly American labor the ancestors of Millard Fillmore performed their full share, transmitting from generation to generation the manly firmness, vigor, and self-reliance, the strong practical sense and moral robustness, to which the subject of this biography is indebted for his eminent position.

Mr. Fillmore's ancestry, which had taken root in American soil at least four generations before his birth, affords so favorable an exemplification of American character, and furnishes so many interesting incidents, that the reader will willingly allow us to detain him while we briefly sketch its history.

The early town records of Essex county, Massachusetts, enable us to date the commencement of our narrative more than a century and a half ago. If we occasionally copy the quaint spelling of the old town clerks, we shall perhaps convey a more distinct impression of those olden times.

John Fillmore, "saylor," married Abigail, daughter of Abraham and Deliverance Tilton, of Ipswich, June 19th, 1701. Their children were John, born in Ipswich, March 18th, 1702; Ebenezer, born in Beverly, and baptized in Wenham, July 21st, 1706; and Abigail, born likewise in Beverly, and baptized in Wenham, August 1st, 1708. The difference between the places of birth and baptism of the two youngest of these children, is accounted for by the fact that the church in Wenham was the one nearest the residence of their parents,

the North Parish in Beverly, to which the mother afterwards belonged, not being organized till December, 1715. No mention is made of the baptism of John, the eldest son, as his mother did not unite with the church until 1705, three years after his birth.

By a deed executed November 24th, 1704, "Luke Perkins, blacksmith, and Martha, his wife," conveyed for £50 to "John Fillmore, mariner," a house and barn and two acres of land on the road from Wenham to Beverly, near Wenham pond. Abigail Fillmore, though called "widow" in 1711, did not administer on her husband's estate till 1715. This delay is accounted for by the fact that being a "saylor" or "mariner," he died at sea, and a long interval elapsed before legal evidence was obtained of his decease. It was at length ascertained that on a homeward voyage the vessel in which he sailed was captured by a French frigate, and the crew carried prisoners to Martinique, where they suffered all the hardships of a close and cruel confinement. This was during Queen Anne's war, which was terminated by the treaty of Utrecht in 1713. Before the end of the war, these prisoners were exchanged, but nearly all of them, John Fillmore among the rest, died on board the cartel-ship on their passage home, a circumstance which gave rise to the suspicion that they were poisoned by the French.

The property of which his widow was appointed administratrix, consisted of the real estate already mentioned, which was valued by the appraisers at the £50 for which it was purchased, and personal property valued at £22 13s. 6d., including "one bible and sermon books." Abigail Fillmore, the widow who was again married in Beverly, November 7th, 1717, to Robert Bell, relinquished the administration of her former husband's estate, in March, 1723, when her eldest son, John, became of age, who was then appointed administrator, "Abraham Tilton, carpenter, and William Young, fisherman," being his sureties. By a decree of the court, the real estate is

conveyed to John Fillmore, who immediately conveys it to other parties whose names and occupations are preserved in the old records.

This Fillmore estate in Beverly belonged, in 1850, to Col. Jesse Sheldon, and is situated near the North Beverly station on the Eastern Railroad. The house had not been standing for many years, but the cellar was filled up by Col. Sheldon after he became owner of the field. The well was still in a good state of preservation in 1850, and the cinders, yet visible about the premises, bore witness to their having been occupied by "Luke Perkins, blacksmith," the original owner who deeded it to John Fillmore, the elder. There is a tradition that Whitfield held one of his famous revival meetings in the house.

We have omitted to mention a most daring and remarkable exploit, which we will now describe. After the death of his father, John Fillmore was apprenticed by his mother to a carpenter. Like most boys in humble life who listen to the conversation of sailors, he was seized with a passion for the sea. Besides the dangers of a sea-faring life, the melancholy fate of his father furnished his mother with reasons for resisting his inclination, and detaining him at his trade. Though he yielded to her wishes, he could not repress his thirst for adventure, and he continued to importune her to allow him to make a voyage. As he approached his majority, his mother, finding his passion for a sailor's life unabated, reluctantly yielded her consent to its indulgence, on condition that instead of going to the West Indies, with which the commerce of the colonies was mostly carried on, he would merely make a fishing voyage to the banks of Newfoundland. He accordingly shipped for a fishing voyage on board the sloop *Dolphin*, of Cape Ann, Mark Haskell, skipper. The sloop had scarcely reached her destination, when she was surprised by what proved to be a pirate ship, commanded by John Phillips, a noted pirate who then infested the American waters. The

discovery was made too late for escape; the crew was too weak to resist; and Haskell could only abide his fate and quietly await the event. When the pirate came alongside, a boat was sent to the sloop, demanding of its master who he was and where he was bound. From this boat's crew Haskell learned the character of the ship which had approached him. His crew, being mostly young, were struck with consternation on finding that they were in the power of Captain Phillips, the notorious pirate, from whose cruelty they had everything to dread.

They were soon boarded by another boat from the pirate, among whose crew Fillmore recognized a young man, three years his senior, named White, whom he had formerly known as a tailor's apprentice. When this boat returned to the ship, Phillips ascertained that there was no property which he wanted on board the sloop, but White mentioned young Fillmore to him, describing him as a bold, stout, resolute fellow, who would make a valuable addition to his crew. Phillips accordingly sent a boat again to the sloop, demanding the surrender of Fillmore, and saying that the rest of the crew might go free. Fillmore remonstrated with Haskell against his surrender, and after some hesitation, it was decided that he should not be given up, let the consequences be what they might. When the boat returned without him, Phillips was greatly incensed, and sent again with orders to bring Fillmore either dead or alive, but offering, if he would come voluntarily, to release him at the end of two months. Though placing little confidence in the pirate's word, the thought of relieving the rest of the crew from danger, induced him to trust to future chances of escape, and he reluctantly consented to go.

He was conscientious as well as stout-hearted, and immediately resolved that no extremity of peril should induce him to sign the piratical articles. Destruction seemed to stare him in the face, and he was full of apprehension, which only showed

that the inexperienced young man did not understand human nature as well as his captors. They, ten in number, were all picked men—a set of the most daring and hardy looking fellows young Fillmore had ever set his eyes on. From White's description they had formed the opinion that he would make a worthy compeer in the bold qualities on which they prided themselves, and they wished to secure themselves against treachery by winning his voluntary consent to their wicked partnership. He was therefore agreeably surprised to find that they did not urge him very strenuously to sign their articles, that they uttered no threats, and used arguments rather of a persuasive than of a compulsory nature. The captain renewed his promise to release him at the end of two months, and young Fillmore, assuming an appearance of satisfaction, engaged to serve him during that term to the best of his abilities. He was however placed at the helm, the most laborious post on the ship, and made to feel that his failure to sign the piratical agreement had increased the hardships of his condition.

During the first two months no captures were made, except of some small vessels whose loading was too inconsiderable to tempt the cupidity of the pirates.

When, at the expiration of his time, Fillmore reminded the captain of his promise to release him, he was told that little business had been done since he came aboard, and that he could not yet be spared. Phillips, however, promised, "on his honor," to set him free if he would serve faithfully three months longer. There was no alternative, and he was compelled to comply.

During those three months there were no noteworthy occurrences. A few small vessels were taken and plundered, but their cargoes were of little value, and their crews dismissed unharmed except two or three robust stout-looking men, whom Phillips selected and compelled to sign his articles.

When Fillmore again demanded his liberty, he was answered by such oaths and imprecations as only a pirate could use. Abandoning all hope of ever being liberated by the clemency of the captain, he made up his mind to endure his condition with as much fortitude as possible, and consoled himself with the hope that prisoners might some day be taken in concert with whom he could effect his release. From this time his sufferings and hardships were of the most aggravated character. One day, when bearing down on a merchant vessel, Phillips flew into a rage because Fillmore did not steer skillfully, and swinging his broadsword around his head, cut eleven holes through his hat and the skin underneath. They chased the vessel during the whole day, and when, at night, they lost sight of her, the captain laid all the blame on Fillmore, and abused him accordingly. Our space does not allow us to give the details of his subsequent sufferings and his narrow escapes from death, an account of which has long been in print. After many trials, there were on board the pirate ship two individuals besides Fillmore who had not signed the piratical articles. Taking advantage of a drunken carousal by which the pirates celebrated a recent success, these three persons concerted a plan for destroying the pirates and getting possession of the ship. By burning the feet of some while they were dead drunk, so as to disable them, and despatching others, including the captain, with the ship carpenter's axes, they got the upper hand of the pirates, and with the aid of some prisoners on board, consisting of Frenchmen and negroes, they carried the vessel safely into Boston. Of the pirates who were brought in, two were executed in this country, and the rest sent to England with the forfeited vessel. Fillmore had been nine months on board the ship, and the Court of Admiralty, presided over by Lieutenant Governor Drummond, which tried and condemned the pirates, expressed its sense of the daring young man's valor by giving him "Captain Phillips'

gun, silver-hilted sword, silver shoe and knee buckles, a curious tobacco box, and two gold rings that the pirate Captain Phillips used to wear." White and Archer, two of the pirates, were executed June 2d, 1724, probably one or both of them in chains, as we find the bill of Robert Dobney, "smith," for "making of the chaines for John Rose Archer, one of the pyrates, and the hire of a man to fix him on the Gebbet at Bird Island."

The Ipswich town records show that John Fillmore was married, in the early part of the following winter, to Mary Spiller. He subsequently emigrated, with his wife, to Franklin, in Connecticut, then a part of Norwich, where a number of the inhabitants of Ipswich had purchased a large tract of land to which some of them removed. Here the great-grandfather of the ex-president, glad to abandon the sea, spent the remainder of his days in clearing the wilderness, and cultivating a new farm.

His son Nathaniel, while yet a youth, left the paternal roof to seek his fortune in the wilds of Vermont, and settled in Bennington, where he afterwards married, and reared a family of six children, all of whom, with one exception, are still living. That one died, a few years ago, at the age of eighty-one, and the average age of the five survivors, including the venerable father of the ex-president, who is eighty-five, is upwards of eighty years. This remarkable longevity is a blessing inherited from progenitors whose constitutions were impaired by no vices, and rendered robust by temperate habits and manly toil. This Nathaniel Fillmore fought as a lieutenant under General Stark in the battle of Bennington. His son Nathaniel, the father of Millard, who was then a boy of six years, has a distinct recollection of the noise of the guns during the battle, having been at play, at the time, with other little boys whose fathers were likewise in the engagement. He says their mothers were assembled at the house of a neighbor,

listening in anxiety and terror to the sound of the battle, and when the boys came trooping in, in excellent spirits, and were asked by one of these weeping wives if they were not afraid their fathers would be killed, they promptly answered, "No: they knew *their* fathers were more than a match for the regulars." After having fought in his country's defence, Nathaniel Fillmore continued to reside at Bennington, enjoying the independence he had helped purchase, till he ended his days in 1814.

Nathaniel Fillmore, his son, who was born at Bennington, on the 19th of April, 1771, removed, in early life, into Western New York, which was then a wilderness, and settled in Cayuga county. He married Phebe Millard, daughter of Doctor Abi-^aather Millard, of Pittsfield, ^{Fillmore, Vt.} Massachusetts, a woman, of native intellect, grace, and refinement, which, in a more exalted social rank, would have attracted general homage. Mr. Fillmore is no exception to the rule that distinguished men have generally had superior mothers. Married at the early age of sixteen, she at once evinced all the judgment of a mature and experienced woman in managing her domestic affairs, and counseling her husband in the difficulties of his hard pioneer life. Never was a mother more loved and venerated by her children, and though she has been a quarter of a century in her grave, her son, whose national reputation she did not live to witness, can not even now mention her without evident emotion. Not long after the birth of Millard, her husband lost his property by a bad title to the military lands he had purchased, and removed in 1802 to Sempronius, (now Niles,) in Cayuga county, where he resided till 1819, when he removed to Aurora, about eighteen miles from Buffalo, where he still resides, and where, until within the last few years, he cultivated a small farm with his own hands.

We have been thus particular in tracing the history of Mr Fillmore's ancestors, because the party by which he has been

nominated will feel a just pride in knowing that he is descended from a long line of virtuous, hardy, patriotic and purely American progenitors, whose character was formed by purely American influences. Including the son of the ex-president, the family can be traced on American soil for six generations, and, as has been said of that of Washington, its history gives proof "of the lineal and enduring worth of the race." Though none of Mr. Fillmore's ancestors rose to wealth or high public station, none of them fell below the standard of industrious and virtuous respectability, and when brought to the test, the family has always acquitted itself with courage, firmness, and honor. "Hereditary rank may be an illusion; but HEREDITARY VIRTUE gives a patent of innate nobleness beyond all the blazonry of the Herald's College."*

Millard remained with his father till he was about fifteen years of age. During his early childhood he was a sickly and somewhat backward boy, but when his constitution began to acquire more vigor, he evinced that love of reading and eager appetite for knowledge by which a superior mind usually gives the first indications of its existence. The limited means of his father prevented his enjoying any advantages of education beyond the common schools of his neighborhood, which, from the newness of the country, were probably not of a very high order. He rapidly acquired all that his teachers had to impart, and devoured, in the intervals of farm labor, every stray book that fell in his way. This, assuredly, was not a superior education; but it has been substantially the education of a great majority of American youth, since the first settlement of the country. Washington's early education was no better; Franklin's not as good; and for a really robust mind, the kind of training it affords is not without its advantages. In such minds it fosters that strong intellectual thirst which

* Irving's Life of Washington.

is indispensable to the successful pursuit of knowledge, and without which all schools, and all the elaborate appliances of instruction, are idle and unavailing. The mind is not, as in many institutions of learning, set to studying subjects which are either above its capacity, or in which it feels no interest; it never, therefore, becomes cloyed or discouraged; curiosity is never blunted; and the keen mental hunger which results from scanty aliment, not only keeps the attention vigorously awake during the process of acquisition, but in the long intervals of labor, leads the mind back to the ground it has gone over, and cultivates that habit of reflecting on one's knowledge, without which it is of little use. It is a hard discipline, but many great minds have been formed by it; and no American youth, with the examples before him which the history of his country affords, need despair, if he has brains and resolution, of acquiring all the information requisite for eminent usefulness. Not that colleges are either useless or unimportant; but they have nothing better to impart than a keen appetite for knowledge, energetic mental action, and confirmed habits of reflection. These are the keys of the temple of science, and whoever possesses them has nature's diploma, whether he has or has not been honored with a college parchment.

At the age of fifteen, Millard was sent to learn the clothier's trade, a business which, as then conducted, furnished employment during only a portion of the year. When he had remained four months with his master, he returned home to spend the winter, and earnestly remonstrated with his father against being sent back, assigning as a reason that he wished to learn the trade, but had been kept, a great part of the time, at other employments. Thus early did he display one of the leading characteristics to which he is indebted for his success in life—impatience of doing things by halves, or of pretending to do a thing and not doing it thoroughly. His father considered his request reasonable and granted it,

promising to find him another place. Mr. Fillmore had a near neighbor who was a clothier, but he declined to take Millard, because he had already as many apprentices as he could employ. The father, therefore, rode several days for the purpose of looking up a place, but without any success. Some time afterwards, one of his neighbor's apprentices was taken sick, and he applied for Millard's services for a few weeks till he should recover. Millard was permitted to go, and during those few weeks showed so much assiduity, and proved himself so capable, that his employer was unwilling to part with him, and applied to his father to have him remain as an apprentice. An arrangement was soon agreed upon, it being one of the stipulations that the boy should work for his master only when employed on the business he went to learn, and that the rest of the time his services should belong to his father. No indenture was drawn, each party considering the word of the other a sufficient guarantee for the fulfillment of the conditions.

While learning his trade, young Fillmore taught school winters, and very soon becoming qualified for a teacher, he was employed in that capacity, and for several years occasionally eked out his scanty means by this laborious but useful occupation. As his faculties unfolded with increasing years, the youth began to feel a dawning consciousness that he was born for a higher destiny than carding wool and dressing cloth. At the age of nineteen, he attracted the favorable attention and made the acquaintance of the late Walter Wood, Esq., of Cayuga county, who discovered, beneath the rude exterior of the clothier's apprentice, indications of superior talent, which he urged him to cultivate. By the assistance of this estimable gentleman, he was enabled, with the consent of his father, to buy his time and devote himself to study. He was received into the office of Judge Wood, who had a large law library, though he did but little professional business,

being principally occupied in the management of a large estate. Here young Fillmore read law and general literature, and, like Washington at the same age, he found employment as a surveyor on the new lands of his patron. By the occasional practice of surveying, and teaching school a part of the year, he avoided incurring a larger debt to his benefactor than he was able afterwards easily to pay.

In the fall of 1821, Mr. Fillmore removed to Erie county, and the next spring entered a law office in Buffalo, maintaining himself by teaching school while pursuing his legal studies. After a year passed in this laborious manner, he was admitted to the Court of Common Pleas, in the spring of 1823. He immediately removed to the village of Aurora, where he opened an office, and devoted himself to the practice of his profession.

Such was the early life of a man who was subsequently honored with responsible civil trusts, rose to fill the highest office of the country in a great and memorable crisis, and now ranks among the most eminent statesmen of his time. His youth was marked by prudence, energy, perseverance, and good sense, and gave evidence of talent; but though it showed the promptings of a moderate and reasonable ambition, it afforded no indications from which even a sagacious observer could have predicted Mr. Fillmore's present eminence. He was like one of those sites in the vast and then uncultivated West, which have since risen to be great cities and important marts of trade. When Millard Fillmore was a boy in the backwoods, land in Buffalo or Chicago would have brought no higher price in the market than millions of acres of the surrounding country. The men who first got a glimpse of its capabilities, and laid out village lots, showed by the prices at which they sold them, that they had no suspicion of the immense fortune which was passing out of their hands. Who was there, at that early day, that could have picked out the

particular acres whose value would be a thousand fold of that of the average acres of the boundless West? Or who, from the great mass of humble and laborious American youth, could have then selected the particular one that should win the highest honors of the Republic? Who would have suspected he was that unassuming young man who has just gone to a country village to establish himself as a lawyer? But the homespun garb of that young man covers talents which will cause us to hear from him again in a wider theater.

CHAPTER II.

MR. FILLMORE'S ENTRANCE INTO PUBLIC LIFE.

Mr. Fillmore continued to reside at Aurora until the spring of 1830. During these seven years, his professional practice, (as would be inferred from his location, in a purely agricultural district,) was not large; but all the cases in which he was employed were managed with so much ability that his reputation as a lawyer continued steadily to rise, until it attracted the favorable attention of his professional brethren in Buffalo, whither he was induced to remove by the offer of a highly advantageous connection with an older member of the bar.

During his residence in Aurora, Mr. Fillmore was married, in 1826, to Abigail, daughter of Rev. Lemuel Powers, a lady of great moral worth, of modest and unobtrusive deportment, and remarkable intelligence and good sense. She was of Massachusetts descent, being of the stock of the Lelands, and one of the 9,624 descendants of Henry Leland, of Sherburne, one of the early settlers of the country. In "the Leland family Magazine," published in 1850, the names of all its members are recorded, and, among other well executed engravings, it contains a likeness of Mrs. Fillmore, accompanied by a brief sketch of her life.

Mr. Fillmore's first appearance in public life was during his residence in Aurora. In the fall of 1828 he had become so favorably known to the citizens of Erie county, that he was elected as their representative in the State Legislature, and took his seat in that body the January following. In the

"Political History of New York," written by Judge Hammond, before Mr. Fillmore had become much known in national politics, we find the following mention of his entrance into public life: "Several of the western counties were represented by anti-masons; and among the most prominent of them were Millard Fillmore, from Erie; Philo C. Fuller, of Livingston and Robert C. Nicholas, of Ontario."

The fact that Mr. Fillmore commenced his public life as a prominent member of the anti-masonic party, which had then just arisen in Western New York, renders it proper that we should make a few observations on the character of that party. Mr. Fillmore's prominent position in it was the natural consequence of his superior talents; the fact that he belonged to it, may require a different explanation.

Had it not been for recent local occurrences of remarkable atrocity, which, from the mystery in which they were shrouded, inflamed public curiosity in proportion as they baffled the efforts of justice, and which kept the whole community in a furor of excitement that has hardly a parallel in history, Mr. Fillmore would have regarded the masonic order, as all just minds had previously regarded it, and as all just minds now regard it, as a perfectly innocent and harmless institution; in fact, merely a charitable and social club, designed for the promotion of good feeling among its members, and the relief of their indigent brethren. It is an ancient institution, made respectable by the many eminent men who have belonged to it; and, by the secrecy of its proceedings, appealing strongly to a principle of human nature, which has displayed its activity in every age of the world. The celebrated Eleusinian and other mysteries of the Greeks and Romans; the Esoteric doctrines of the ancient philosophers; the sect of Essenes among the Jews; the Templars of the middle ages; the order of Odd Fellows in our own times, and the secret societies in our colleges, are illustrations of how congenial it is

to the human mind to participate in proceedings from all knowledge of which curious outsiders are excluded. Provided the objects of such societies are innocent and praiseworthy, their secrecy is no more deserving of censure than is that honorable confidence by the violation of which one would forfeit his claim to the character of a gentleman. The secrecy of the Free Masons was, therefore, in itself, no valid ground of objection to their fraternity, and nothing could well have been more frivolous than the formation of a party merely to oppose this feature of the masonic institution.

The idea that the anti-masonic party was formed for this purpose, is a misconception which does great injustice to the many able and respectable men who were members of it. The fundamental principle of the anti-masonic party was THE SUPREMACY OF THE LAWS. Facts of a most extraordinary nature, which had forced themselves on public attention, led to the conclusion that the existence of masonry was inconsistent with the regular administration of justice. This conclusion was, no doubt, founded on too narrow a basis of facts. It was very much like the rejection of Christianity by a resident of a Catholic country, who judges of the religion by the only instances of which he has any knowledge, namely, those which fall under his own observation. The fact that Washington, and indeed most of the distinguished public men of the country, had been members of the masonic order, ought to have been regarded as a proof that masonry, *as they understood it*, required nothing inconsistent with their obligations to their country, or which conflicted with the unlimited supremacy of the law. But the same principle of human nature which causes us to be more deeply impressed by the fall of a building on the opposite side of the street, which kills half a dozen men, than we should be by hearing that an earthquake in China had engulfed a city of two millions of inhabitants, will invariably color men's views of any particular institution

in accordance with the specimens with which they are most intimately conversant.

The best apology for the anti-masons is to be found in the facts in which the party had its origin. A simple relation of these will be a sufficient justification for the opposition to masonry with which Mr. Fillmore was identified, on his first entrance into public life. Occurrences which so powerfully aroused public indignation as to create a political party that extended over a great part of the country, and embraced a full proportion of able and experienced men, and whose nomination for the presidency was accepted by a man of the character and eminence of William Wirt — occurrences which led to these important results, could hardly have done otherwise than make a deep impression on a young man of twenty-six, residing in the section of country which was the scene of the outrage. Had he been indifferent amid the deep excitement of the whole community around him, it would have argued a stoical apathy and callousness of feeling, not only discreditable to the heart of a young man, but implying, in a person of any age, a lack of human sympathy, and of that quick resentment of injustice which is one of the best attributes of manhood.

At Batavia, a beautiful village in Western New York, which had become a place of importance when Buffalo was a mere cluster of rude dwellings, there resided, in 1826, a printer, named William Morgan. His business was not thriving, and being a royal arch mason, he hit upon the expedient of replenishing his pockets by divulging the secrets of his order. A rumor soon became current that Morgan was preparing a book on masonry, and attracted the attention of several of the masonic lodges of Western New York. On the 11th of September, the master of a masonic lodge at Canandaigua, a town some fifty miles distant, procured a warrant to arrest Morgan on the charge of stealing a shirt and cravat, and, with two or three other masons, proceeded to Batavia, where they

caused him to be arrested, hurried him into a carriage, conveyed him to Canandaigua, and brought him before the justice of the peace who had issued the warrant. He was immediately discharged, there being no evidence that he was guilty of the larceny complained of, but immediately re-arrested on a small debt, which had been assigned to the same master-mason who had procured the first warrant. Judgment was rendered against Morgan for two dollars, an execution instantly issued, and he was committed to close confinement in the Canandaigua jail. Here he remained but a few hours. He was discharged at a late hour of the same evening, and immediately after leaving the prison doors, he was seized, gagged, and put into a covered carriage, which was driven two days without interruption, until, on the evening of the 14th of September, it reached the Niagara-river. This was accomplished by relays of horses and the agency of many different individuals; and Morgan was confined in the magazine of Fort Niagara, at the mouth of the river. This bold and unprecedented outrage had been so skillfully planned, and was executed with so much address and caution, that it was for a long time impossible to penetrate the secrecy in which the conspirators had veiled their movements.

The rumor which had been for some time current in Batavia of Morgan's intention to publish a book revealing the secrets of masonry, seemed to afford a clue to the motives of this great outrage. It was known that he had been remonstrated with by his brother masons, and that all their efforts to induce him to suppress his book had produced no impression on him. A public meeting was held, and a committee appointed, who proceeded to Canandaigua to investigate the circumstances of Morgan's disappearance. All they were able to ascertain was, that Morgan had been seized immediately on his release from prison, hurried into a carriage, and driven off by night, in the direction of Rochester. When the result of this investigation

became known it created intense public excitement. A great crime, the result of an extensive and deep-laid conspiracy, had been committed. A citizen had disappeared under circumstances which justified the suspicion that the hands which conveyed him away had been stained with his blood. Public meetings were held in a great many towns, particularly those through which the circumstances attending the conspiracy indicated that Morgan had been carried, and committees were appointed to investigate the facts. These meetings had no political purpose, nor any other object than to ferret out an unexampled crime, which was so shrouded in mystery that it inflamed curiosity not less than it aroused resentment. They were composed indiscriminately of men of both political parties, and no motive was avowed but the praiseworthy one of investigating a crime committed against the liberty, if not the life, of an American citizen. Even the masons were appealed to, to assist in these investigations, and told that if they wished to wipe but a blot from their escutcheon, and protect themselves from suspicion, they should lend their aid in vindicating the violated majesty of the laws.

These committees of investigation encountered unexpected obstacles, and a long time elapsed before they were able to trace the course of the conspirators to Fort Niagara. At first, the crime was supposed to be the work of a few misguided persons, acting without the sanction of the fraternity; although there were some, who, from the beginning, held the whole order responsible. As the investigations proceeded, the number of these increased, until it finally embraced a large portion of the community. It was observed that, with scarcely an exception, no mason rendered any assistance in the investigation. It was discovered that every person implicated in the foul transaction was a mason. Masons attempted to cover the whole investigation with ridicule, affected to disbelieve that any crime had been committed, and some even went so far as

to say, that if Morgan had been made away with, the transaction was perfectly justifiable. They taunted the committees with their inability to accomplish anything, when judges, jurors and sheriffs were masons; witnesses were mysteriously spirited away; the committees vilified and abused; and in the exasperation which followed, the conviction became general among those who were not masons, that the institution was responsible for the crime which thus eluded public justice.

The precise fate of Morgan, after his confinement in Fort Niagara, never became known. But at this day there remains no doubt that he was murdered in cold blood, by members of the masonic fraternity, to prevent the disclosure of their secrets. It is not probable that, at the beginning, they contemplated the commission of so foul a crime; but when they had once abducted their victim, they knew no other way to dispose of him. A second crime became necessary for the purpose of concealing the first.

The publication of Morgan's book, which was not prevented by his abduction, made known the obligations taken by masons in joining the order. Considering the circumstances under which they were brought to light, it is no wonder that these oaths received a literal interpretation. They were probably regarded by most of those who took them, as a mere form, without meaning, for it was established by the testimony, both of adhering and seceding masons, that in one of them (called the royal arch) the candidate swears that he will assist a brother mason in distress, and espouse his cause, so far as to extricate him from the same, if in his power, *whether he be right or wrong*; that he will conceal the secrets of a brother, given him in charge as such, *murder and treason not excepted*; and in other oaths the candidate binds himself to avenge the violated secrets of the lodge, *by the infliction of death on the offender* and to revenge the wrongs of a brother to the utmost extremity.

These oaths being made public immediately after the commission of a great crime, by the agency of masons, and in the face of their attempt to screen the perpetrators from justice, nothing was more natural than that the community in which it had been committed should suppose that the oaths were not mere unmeaning forms, but obligations assumed in good faith, and to be strictly interpreted. "If *this* be masonry," said an outraged community, "it is the duty of good men to unite and put it down." Had the masons of Western New York co-operated in the efforts to bring the conspirators to justice, the nature of their institution would not have been so misconceived.

When, in January, 1827, Lawson and others were brought to trial, the public expected developments which would clear up the mystery. But, by a piece of adroit management, the facts which the public curiosity so eagerly craved, were still kept shrouded from view. Contrary to expectation, the defendants pleaded guilty, and thus excluded all testimony. The community was raised to a still higher pitch of excitement. Judge Throop, in sentencing the prisoners, addressed them in the following language. "Your conduct has created, in the people of this section of the country, a strong feeling of virtuous indignation. The court rejoices to witness it—to be made certain that a citizen's person can not be invaded by lawless violence, without its being felt by every individual in the community. It is a blessed spirit, and we do hope that it will not subside; that it will be accompanied by a ceaseless vigilance and untiring activity, until every actor in this profligate conspiracy is hunted from his hiding-place, and brought before the tribunals of his country, to receive the punishment merited by his crime. We think we see in this public sensation, the spirit which brought us into existence as a nation, and a pledge that our rights and liberties are destined to endure."

Up to this time, the excitement had not taken a political turn. Baffled in their attempts to ascertain the facts, it is not surprising that the community indulged in dark suspicions, nor that horrible rumors got afloat, and were received with implicit credence. The public mind was lashed into a state bordering on fury. Under any other government than ours, there would have been serious outbreaks, ending in violence and bloodshed. But, in accordance with the genius of our institutions, a political direction was given to the excitement, and it was aimed to bring the elective franchise to aid the tribunals of justice, which were set at defiance.

From this account of the origin of anti-masonry, it will be seen that it was not, as is generally supposed, founded on a blind and indiscriminate opposition to secret societies, but aimed at the less frivolous, and entirely commendable object of sustaining the supremacy of the laws. That it mistook the character of the institution it opposed, was an unavoidable consequence of the extraordinary facts by which a previously indifferent community were startled into an active, but constantly baffled attempt to investigate the subject. In personal character and influence, the anti-masonic party was one of the most respectable that has ever appeared in our politics.

During the three years that Mr. Fillmore was a member of the New York Legislature, it was a body of great ability, embracing some of the most distinguished men that have ever figured in New York politics. As the Democratic party was largely in the majority, and under the discipline of experienced leaders, a young member of the opposition, naturally modest and unassuming, had little opportunity to distinguish himself.

Mr. Fillmore, however, made a favorable impression from the very first; and in all measures not of a party character, his opinion soon came to be regarded as of great weight. He made no attempts to show off his abilities; he never spoke for display; but the clearness with which his views were formed,

the modest brevity with which he explained them, the candor, discretion and good sense which he uniformly evinced, gained for him a strong hold on the confidence of his associates. One of the measures in which he felt great interest was the abolition of imprisonment for debt. The bill, as it stands on the statute book, was drafted by him and the late Hon. John C. Spencer, and to their zealous advocacy it was principally indebted for success. The impression which Mr. Fillmore—a young man without experience, and barely twenty-nine years of age—made during the first session he served in the Legislature, may be judged of by the manner his return to that body the next year is mentioned by Judge Hammond. He says: "The anti-masonic party had not increased their numbers in the Assembly, but they had greatly added to the talents of that branch of the Legislature. Mr. Granger, Mr. Fillmore, Mr. Nicholas, and Mr. P. C. Fuller were again returned. To these strong and powerful representatives in the Assembly, they this year added Thurlow Weed, of Monroe, and Abner Hazeltine, of Chautauque county."* Speaking in another place of the anti-masonic members of the Legislature, he mentions the names of several, including Mr. Fillmore, and says, they "were all men whose talents would have done credit to any deliberative body; and the address and eloquence of some of them would have added luster to any legislative assembly in the world."

It can not but be regarded as creditable to the talents of an inexperienced young man from the new settlements of Western New York, that, notwithstanding the native modesty of his character, he immediately took rank with the ablest members of the body. Lest it should be thought that these views of his early public career are colored by a knowledge of his subsequent success, we insert the following description written

* Political History of New York.

at the time. It is one of a series of "Legislative Portraits," which appeared in the Albany Evening Journal, during the session of 1830. They were written by an experienced observer, and included only prominent members of the Legislature:

"No. VI.—MILLARD FILLMORE, of Erie county, is of the middle stature—five feet nine inches in height. He appears to be about thirty-five years of age, but it is said he is not more than thirty, of light complexion, regular features, and of a mild and benign countenance.

"His ancestors were among the hardy sons of the North, and, during the war of the Revolution, were WHIGS, inhabiting the Green Mountains of Vermont. Mr. Fillmore, from the commencement of his political career, has been a republican. He is, in the strictest sense of the term, a self-made man. He was educated and reared in the western district of our State. At an early period of life he went to the fulling business; but naturally of an inquiring mind, and anxious to increase his limited stock of knowledge, his leisure hours were occupied in reading. When about twenty years of age, he retired from his former pursuits, and after having studied the law as a profession, he was licensed to practice. He was a member of the last Legislature.

"Although the age of Mr. Fillmore does not exceed thirty years, he has all the prudence, discretion, and judgment of an experienced man. He is modest, retiring, and unassuming. He appears to be perfectly insensible of the rare and happy qualities of mind for which he is so distinguished. He exhibits, on every occasion, when called into action, a mildness and benignity of temper, mingled with a firmness of purpose, that is seldom concentrated in the same individual. His intercourse with the bustling world is very limited. His books, and occasionally the rational conversation of intelligent friends, seem to constitute his happiness. He is never to be found in

the giddy mazes of fashionable life. And yet there is in his manner an indescribable something which creates a strong impression in his favor, and which seems to characterize him as a well bred gentleman.

“He possesses a logical mind; and there is not a member of the house who presents his views, on any subject that he attempts to discuss, in a more precise and luminous manner. He seldom speaks unless there appears to be an absolute necessity for the arguments or explanations which he offers. Nor does he ever rise without attracting the attention of all who are within the sound of his voice—a tribute of respect paid to his youthful modesty and great good sense.

“As a legislator, Mr. Fillmore appears to act with perfect fairness and impartiality. He examines every subject distinctly, for himself, and decides on its merits according to the best lights of his own judgment or understanding. He is now at an age when his character is to be irrevocably fixed. As a politician, he is not formed to be great. He has none of the qualities requisite for a political chieftain. He wants that self-confidence and assurance (if the term may be allowed,) without which a partisan leader can never hope for followers. Mr. Fillmore’s love of books and habits of thinking, will, ultimately, conduct him to a more tranquil, but higher destiny, if the one is not broken upon, and the other diverted from its natural course, to the too often polluted, and always turbulent, if not mortifying conflicts of faction. If he has not sufficient moral firmness to resist the allurements which legislation presents to the young and ambitious, then ought his friends to act for him, and refuse him a re-nomination. It is a life which not only casts to the winds of heaven all employment as a professional man, but it uproots, sooner or later, the germs of industry, and the delights of study. These are the admonitions of age and experience.

“As a debater, Mr. Fillmore occupies a very elevated stand

in the house. His manner is good; his voice agreeable. Toward his opponents he never fails to evince a most studied delicacy. He is mild and persuasive, sometimes animated. His speeches are pithy and sententious; always free from idle and vapid declamation. His arguments are logically arranged, and presented to the house without embarrassment or confusion."

The advice which this writer tendered to Mr. Fillmore, to retire from public life, was doubtless meant for his private advantage, rather than that of the country. There can be no doubt of the soundness of the general principle, that when a young lawyer allows himself to be allured into politics, he sacrifices his prospects of professional eminence. But in Mr. Fillmore's case, the very love of study which is assigned as a reason for retirement, has ensured a hearty devotion to quiet pursuits whenever he has been released from the calls of public duty. The lack of the self-confidence and assurance deemed essential to a great party leader, has not interfered, as was predicted, with Mr. Fillmore's political success, but, on the contrary, has inspired additional public confidence, from the conviction that he is not governed by self-seeking ambition. May the day be far distant when the American people shall prefer bold assurance to modest merit! Washington possessed as little of the self-confident and assuming qualities which are considered essential in party leaders, as did Mr. Fillmore; but in both cases the American people have had the good sense to recognize their merits.

CHAPTER III.

MR. FILLMORE'S CAREER IN CONGRESS.

Mr. Fillmore's term of service in the New York Legislature expired in 1831. In the fall of 1832 he was elected by his district as its representative in Congress. During the first sessions in which he served, the national bank was the engrossing political topic. General Jackson's celebrated veto and his removal of the deposits had created great public excitement; but Mr. Fillmore did not, as will afterwards appear, attach that extreme importance to a national bank which was attributed to it by his party. He would not, therefore, have made a figure in the stirring debates of the period, even if he had been less inexperienced and unassuming. More anxious to discharge his duty faithfully than to make a display of his abilities, he served in the twenty-third Congress, with credit, indeed, but without any very marked distinction. At the close of his term, he devoted himself, with the assiduity which forms a part of his character, to the labors of his profession, in which he had risen to a high rank and enjoyed a lucrative practice. His fellow citizens, however, had too just an appreciation of his capacity for public usefulness to allow him to remain long in retirement, and they elected him to the twenty-fifth, the twenty-sixth, and the twenty-seventh Congress, honoring him at the last election with the largest majority ever given in his district. His congressional career was terminated by a letter to his constituents declining to serve them longer in that capacity.

Up to the time of his last re-election, the party with which Mr. Fillmore acted was in a minority in the national councils, and, as a necessary consequence, he was not assigned any position in the organization of the House corresponding to his eminent capacity. But when, after the great political revolution of 1840, by which the Whig party came into power, a Congress met to devise remedies for the financial distresses which had overthrown the preceding administration, Mr. Fillmore at once rose to his proper level, as a man fitted for responsible leadership in great and trying emergencies. The committee of ways and means, always the most important in the House, became invested with unusual consequence at a period when the chief duty of Congress was to introduce a new revenue system which should relieve the country from the embarrassments under which it was suffering. That Mr. Fillmore was immediately made chairman of that committee, on the accession of his party to power, not only proves their sense of his capacity, but shows that during preceding sessions, when acting with a minority, he must have discharged his duties with singular ability and judgment. Confidence so complete could not have been lightly or hastily won.

Before describing the manner in which Mr. Fillmore acquitted himself in this responsible position, it may be expected that we should give some account of his previous congressional labors. An examination of the proceedings of Congress shows an active participation, on the part of Mr. Fillmore, in the business of the House. He laboriously investigated all the subjects which came before it, and frequently bore a part in its debates. When he spoke, however, it was not to win the applause of the galleries, but to advance the business of the House. Confining himself to the matter in hand, he was always clear and forcible, but never aimed at a reputation for any other species of eloquence than that which consists in speaking to the point, and producing conviction. The interests

of his immediate constituents were very thoroughly attended to and ably advocated, and, from their importance, demanded a large amount of attention. On account of the local position of Buffalo, that city has a great stake in all that affects the safe navigation of the great lakes and western waters—a large commercial interest centering there which requires the protection of the national government. As was to have been expected, Mr. Fillmore gave his earnest and persevering support to the internal improvement policy then advocated by the Whig party. Of the other leading measures of that party, one had been temporarily settled by Mr. Clay's compromise tariff of 1833. On the other—the United States Bank—Mr. Fillmore did not fully sympathize with the views of his party, and the public opinion of the country has since settled into the conviction that such an institution is not demanded by the public welfare. On the 25th of September, 1837, Mr. Fillmore delivered a speech against the bill to postpone the fourth instalment under the deposit act of 1836. The purport of the speech having been erroneously reported in the *Globe*, he addressed to the publishers the following note:

"HOUSE OF REPRESENTATIVES, }
September 27th, 1837. }

"GENTLEMEN: My attention has been this moment drawn to a remark in the *Globe* of last evening, purporting to give the proceedings of the House on Monday evening, in which I find the following statement:

"'Mr. Fillmore resumed and continued his remarks on the subject, with the addition of a lengthy argument in favor of a Bank of the United States.'"

"Passing over some evident misapprehensions of your reporter as to the purport of my remarks generally, I wish to say that he is entirely and most singularly mistaken in saying that I made a lengthy argument in favor of a United States Bank. I made no argument in favor of *the* United States Bank, nor of *a* United States Bank; but, on the contrary, expressly disclaimed ever having been the particular friend of

the United States Bank, and expressed my sincere doubts whether the incorporation of a new United States Bank, at this time, would relieve the present embarrassments of the community. Will you do me the justice to correct the mistake?

Respectfully yours,

"MILLARD FILLMORE.

"MESSRS. BLAIR and RIVES."

We have made this quotation to show that Mr. Fillmore's views were in advance of those of his party on a question respecting which there has now ceased to be any difference of opinion.

A subject which gave rise to much warm discussion in the twenty-fifth Congress, and created great excitement in various parts of the country, was the refusal to receive the abolition petitions which were poured in great numbers into both Houses. Mr. Fillmore, like Mr. Clay, was in favor of the reception of such petitions and having them referred to an appropriate committee and reported on. Mr. Fillmore supported this policy only by his votes, but Mr. Clay spoke warmly and strongly in its favor, urging reasons of great weight and force. To say nothing of its injustice, there can be no doubt that the refusal to receive such petitions was an insane and short-sighted policy, and one of the chief agencies in fanning the flame of sectional excitement and confirming sectional prejudices. While very few in any part of the country were in favor of abolishing slavery in the District of Columbia, large masses of the people regarded the right of petition as sacred and inestimable, and the abolitionists found themselves reinforced by multitudes who disapproved of their leading purpose, but were willing to unite with them in the assertion of what they regarded as an inviolable right. Had the petitions been referred, no committee would have reported in favor of granting their prayer, and the only consequence would have been a more public statement of the reasons why the abolition of slavery in the District

of Columbia was both inexpedient in itself, and inconsistent with implied obligations to the States of Maryland and Virginia. Mr. Clay's views (in which Mr. Fillmore sympathized) as to the proper manner of treating such petitions, are sufficiently indicated in the following extract from the proceedings of the Senate. A petition had been presented, signed by a large number of ladies in the State of New Jersey, praying for the immediate abolition of slavery in the District of Columbia. A motion was made to lay the petition on the table:

"MR. HUBBARD moved to lay that motion on the table.

"MR. MORRIS asked for the yeas and nays.

"MR. CLAY wished the motion withdrawn for a moment. It was manifest that the subject of slavery in the District of Columbia was extending itself in the public mind, and daily engaging more and more of the public attention. His opinions, as expressed in the Legislature of the country, were, he believed, perfectly well known. He had no hesitation in saying that Congress ought not to do what was asked by the petitioners without the consent of the people of the District of Columbia. He was desirous of inquiring of the Senator from New Jersey, or any other conversant with the subject, whether the feeling of abolition in the abstract was extending itself in their respective States, or whether it was not becoming mixed up with other matters—such, for instance, in the belief that the sacred right of petition had been assailed. It became the duty of the Senate to inquire into this business, and understand the subject well.

"There were many, no doubt, of these petitioners, who did not mean to assert that slavery should be abolished, that were contending for what they understood to be a great constitutional right. Would it not, then, under this view of the subject, be the best course to allay excitement, and endeavor to calm down and tranquilize the public mind? Would it not be wiser to refer the subject to the Committee for the District of Columbia, or some other committee, that would elicit all the facts, reason coolly and dispassionately, presenting the subject in all its bearings to the citizens of non-slaveholding States, and in a manner worthy of the great subject? Would

not such a proceeding be well calculated to insure harmony and amity in all parts of the Union? On this subject there was, he was aware, a great diversity of opinion, and he rose merely for the purpose of making these suggestions to the Senate."

Mr. Fillmore's supporting the right of petition merely by his vote, did not satisfy the abolitionists of his district, and left them in doubt as to the precise character of his views. When, therefore, in 1838, he was a candidate for re-election, they addressed him a letter of inquiry, to which he made the following reply:

"BUFFALO, October 17th, 1838.

"SIR:—Your communication of the 15th inst., as chairman of a 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 power it possesses, to abolish the internal slave trade between the States?"

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

"I am much engaged, and have no time to enter into an argument or to 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 of 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 giving any pledges that shall deprive me hereafter of all discretionary power. My own character must be the guaranty for the general correctness of my legislative deportment. 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 views, 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 ob't servant,

"MILLARD FILLMORE.

"W. MILLS, Esq., Chairman, &c."

This manly refusal to bind himself by any pledges, as to his future course as a legislator, does honor to the independence of his character. Mr. Fillmore was in favor of the right of petition, and all his natural sympathies were opposed to human slavery; but he was aware that the relations of the national government to that institution are not to be determined by the sympathies of the human heart. His letter implies that the subject demanded inquiry, thought, and deliberation; and he firmly asserts his right, when called to investigate it in a legislative capacity, to be governed by such views as mature investigation should lead him to adopt.

Another subject which was brought to the attention of the twenty-fifth Congress, deserves mention for the leading part

which Mr. Fillmore took in the proceedings, and the illustration they afford of his prompt and ardent patriotism.

In 1837, during the insurrection in Canada, known as "the Patriot War," a steamer called the Caroline, and owned by a Mr. Wells, of Buffalo, was employed on the Niagara river in the transportation of freight and passengers. On the morning of the 29th of December, the Caroline left Buffalo, and proceeded down the river, running near the shore on the American side, within the territorial limits of the United States. She touched at Black Rock, and ran up the American flag, but had hardly left the harbor of that village when a volley of musketry was discharged at her from the Canada shore. No injury was done, however, and the Caroline continued her course down the river, without further molestation. On reaching Navy Island, she landed her passengers and freight, and in the course of the afternoon made two or three trips between Navy Island and Schlosser, on the American side. At six o'clock in the evening, she was made fast with chains to the dock at Schlosser, and besides the crew, consisting of ten men, twenty-three other persons, who were unable to procure lodgings at the tavern, took up their quarters on board for the night. They had all retired to rest except those who were stationed to watch, when, about midnight, the captain was informed that several boats filled with men were making their way through the darkness, and approaching the Caroline. An alarm was given, but before the sleepers could reach the deck, the steamer was boarded by seventy or eighty armed men. With oaths and imprecations they commenced an attack upon the defenseless crew, who, being unarmed, could offer no resistance, and fled to escape slaughter. One man was shot through the head, two were severely, and several slightly wounded; the steamer was cut loose from her dock, set on fire, towed into the current of the river, sent blazing into the rapids, and extinguished by the fearful plunge over

the mighty cataract. Beacon lights then appeared on the Canada shore; and when the boats, still under the cover of the night, returned from their dreadful errand, the loud and vociferous cheers with which they were greeted, came rolling through the darkness to the American shore. The next morning the captain of the *Caroline* found that twelve of the thirty-three men who went on board the preceding evening were missing. It was believed that, disabled by their wounds, they remained on the *Caroline*, and had been committed to a fate which fills the imagination with horror.

It afterward appeared that this expedition for the destruction of the *Caroline* had been fitted out by Col. Allen McNab, then in command of twenty-five hundred British troops at Chippewa, on the opposite side of the river. Two or three years later, the responsibility of the affair was assumed by the British government.

As this act was an invasion of our territory, and an affront to our sovereignty, Mr. Fillmore felt, as every patriot ought to feel, that it was the duty of the government to make a prompt demand for satisfaction. Although the subject belonged to the executive department, he thought it the duty of Congress to express its sense of the outrage, and accordingly proposed and pressed repeated resolutions, calling on the President to lay before the House such correspondence on the subject as had passed between the two governments. In order to insure greater promptitude, he made his proposition as an amendment to another resolution, which had come up for consideration in its order. Opposition being made,

“Mr. FILLMORE said he could not conceive how his proposition could possibly tend to embarrass the action of the House upon the resolution offered by the committee on foreign affairs. It was certainly very easy for the President to distinguish between the different kinds of information sought for by the different propositions. He had tried every other way

to bring his proposition before the House, and could not present it in any form which would secure its immediate consideration, excepting that in which it now stood. For if it were offered as an independent resolution, it would take its place behind all others now on the Speaker's table. Its great importance would not permit him to expose it to such a risk, and he had, therefore, offered it in the form of an amendment to the original resolution of the committee on foreign affairs, in which shape he hoped it would pass.

"As to the expression which he had used in relation to the disturbances of the Niagara frontier, that this country was on the eve of a war with Great Britain, perhaps it was too strong an expression. But certainly all the facts demonstrated that there was imminent danger of such a result. The citizens of the United States, while in the peaceful pursuit of their business, had been attacked by an armed force from a foreign nation, and a portion of the militia of the country is even now ordered out to repel such hostility.

"He well knew that the spirit of the people on the United States side of that frontier would not permit them to stand tamely by, and witness such assaults. These were facts, vouched for by respectable citizens as true and authentic; and he must ask if they were not such as to warrant the offering of such a proposition as he had moved. It makes no difference, he contended, whether one or one hundred miles of the territory of the United States has been invaded by the arms of a foreign nation; the jurisdiction of this country is co-extensive with the utmost limits of her territory. Even if the vessel which was attacked had been carrying munitions of war to the revolutionists on Navy Island, she was only liable, he contended, to be attacked while within the British lines. As it was, he agreed with the gentleman from Massachusetts, (Mr. Adams,) that there was scarcely a parallel to this act upon the pages of our history as a nation; and it was to suppose an absolute impossibility, for a moment to imagine that the people on that frontier will ever submit to the occurrence of such acts without complaint and redress. It was, therefore, in any view, highly important that the House should obtain all possible information upon a subject so important."

In urging a similar resolution on a subsequent occasion, Mr. Fillmore assigned as a reason, that the information might

be important to the House, in case it should become necessary to arm the frontier. During the second session of the next Congress, when the arrest and trial of McLeod had again called attention to the subject, and renewed the excitement on the frontier, a resolution calling on the Executive for information was again passed, at the instance of Mr. Fillmore. It was responded to by the President, who communicated the correspondence between the Secretary of State and the British minister. This correspondence was referred to the committee on foreign affairs, who made a report which went beyond the particular case, and entered into a general inculpation of the British government. Jealous as Mr. Fillmore was of the honor of his country, his sense of justice led him to disapprove of the tone of that report, especially as he thought it had a tendency to inflame the excitement, which already ran too high, and endangered the peace of the country. In the course of his remarks, objecting to the printing of this report, Mr. Fillmore said :

“But one thing, at all events, should be borne in mind by all whose duty requires them to act on this subject here. There is a great state of excitement on that frontier, which *might by possibility lead to an outbreak*. My objection to the printing of the report was, that it was calculated to inflame the public mind; and I was governed in that vote by three reasons. In the first place, I did not wish that anything should be done here which might have a tendency to do injustice to the individual who is soon to be tried by the laws of the State of New York. I desire that the law should have its free action, that no excitement should be raised against McLeod, which might prevent a fair and impartial trial. In the second place, I do not desire that any action on the part of this House should compromise or control the Executive of this nation in the negotiations now pending between the government of the United States and the government of Great Britain. I have all confidence in the incoming administration. If this controversy can be amicably and honorably

settled between the two governments, I desire that it should. But there is a third and very strong reason in my mind against anything being done to exasperate the public mind on the subject of war with Great Britain. It is this: for three or four years I have used all the exertions in my power to induce this administration, which is responsible to the country, to provide some means of defense on our Northern frontier. But all my efforts were in vain. And yet the gentleman from South Carolina (Mr. Pickens) now tells us that the course to be pursued to avoid a war with Great Britain, is to stand up to her—to threaten her—to take a high stand; and *that*, he says, will avert a war. I may have been mistaken in the meaning. I know that those were not his words. But I would submit to him that the best way to avoid a war with Great Britain, is to show that we are prepared to meet her, if there is to be war; because reasonable preparations for defense are better than gasconading.

“Mr. Fillmore then alluded to the defenseless condition of the Northern frontier. He desired, and believed the whole country desired, that we should yield nothing to the demands of Great Britain, to which she was not fairly entitled. But, at the same time, he regarded it as rather the act of a madman, to precipitate the country into a war before it was prepared for it, than the act of a statesman. In his section of country, the people would yield nothing to Great Britain to which she was not justly entitled; or they would yield it only with the last drop of their blood. But he did not wish prematurely to be drawn into war; he did not wish to invite Great Britain to invade our defenseless coast. The true plan was to prepare for war if we had yet to come to it, but to do nothing in the way of bragging. If it did come, gentlemen would not find his (Mr. F.'s) people shrinking from their just share of responsibility. All they had—their property, their lives, everything—they were willing to devote, if need be, to the service and honor of their country. But, was it not the part of wisdom and prudence, before we made a declaration of war, to prepare for it? This was all he desired; and if this report was calculated to stir up a war feeling, without corresponding preparation being made to meet the consequences, he, for one, was opposed to it. He did not wish the country to be disgraced by defeat. When she must go to war, he

desired to see her prepared for it; he desired to see her placed in a situation which would enable her to bid defiance to the power of any government on earth."

This extract evinces the same combination of patriotism and courage, with moderation and wisdom, which afterward distinguished the foreign policy of his admirable administration.

Another subject in which Mr. Fillmore felt deep interest, was connected with the organization of the House of Representatives, at the opening of the twenty-sixth Congress. In accordance with the usual custom, the clerk of the last House proceeded to call the roll. When he reached New Jersey, which was entitled to six members, he called the name of one, and said there were five others, who likewise had certificates of election from the governor of the State, but that he had been furnished with papers questioning the validity of their election, and therefore declined to call their names until he should know the pleasure of the House. If the political parties in the house had not been pretty equally balanced, a circumstance of this kind would have occasioned no difficulty or delay. The certificates of the governor, authenticated by the seal of the State, would have been received without hesitation as *prima facie* evidence of election; the members would have been sworn; and if, after the organization, their seats had been contested by other claimants, the subject would have been referred to a committee for investigation, preparatory to the final decision of the House.

But in this case, parties were so nearly balanced that the organization would be given to the Whigs or Democrats, according as the claimants holding the certificates of the governor were admitted or rejected. The Democrats, therefore, contended that it was the duty of the House to decide this question before proceeding to elect a Speaker, while the Whigs, on the contrary, claimed that certificates of the governor should be regarded as conclusive, until the House was regularly

organized. On the fourth day of the session, John Quincy Adams was elected temporary chairman, and two weeks were consumed before the House was ready to commence balloting for a Speaker. The discussion in which all this time had been consumed, hinged on the question whether the New Jersey members who held the governor's certificates, should be permitted to take their seats and participate in the organization of the House. Their places were lost (as was charged a day or two afterward in debate) in consequence of Henry A. Wise's lack in parliamentary skill in proposing an affirmative resolution for their admission, instead of a negative one for their rejection. The vote happened to be a tie, and the resolution was lost. Had it been negative instead of affirmative, it would have been lost in the same manner, and by the failure of a vote to *reject* them, the members would have been permitted to take their seats. As soon as the Speaker had been chosen, the discussion of the New Jersey contested seats was resumed, and occupied the House so entirely, to the obstruction of all regular business, that the standing committees were not announced till the end of December. Even then the case had not been decided, and indeed had scarcely begun to be investigated. The committee on elections, therefore, became one of the most important in the House, from the great interest which attached to the New Jersey case, and the pervading excitement of the public mind. Mr. Fillmore was assigned a prominent place on that committee, and distinguished himself by the zeal and ability with which he supported the claim of the New Jersey members. But with a majority, both of the House and the committee, against him, it was not to have been expected that he would be successful in controlling a result which was determined on strictly party grounds. The investigation ran on until nearly the middle of March. Mr. Fillmore was prevented from reading a minority report, and, by an appeal from the decision of the Chair, who, in determining a point of

order, had assigned him the floor, he was silenced while attempting to make a speech. Mr. Fillmore was justly indignant at treatment so unfair, and finding it impossible to gain a hearing in the House, he addressed a long and very elaborate letter to his constituents, in which he ably, and with great clearness, argued all the questions involved in the New Jersey case. The manner in which he was treated by the majority showed how formidable they considered his opposition. The ability and spirit he evinced in that celebrated controversy had a great influence in gaining for him the confidence of his party and giving him his important position in the next Congress, when the Whigs came into power. His immediate constituents testified their approbation of his course by bestowing on him at the next election the largest majority ever given in his congressional district.

CHAPTER IV.

THE TWENTY-SEVENTH CONGRESS.

The twenty-seventh Congress was one of the most memorable that has ever assembled under our government. No presidential election has ever excited a deeper interest—no electioneering campaign has ever been conducted with greater warmth and spirit—no political revolution recorded in our annals has ever been more complete, than that of 1840. This great movement was the consequence of wide-spread financial distress, which had pervaded the country for the two or three preceding years. Banks, all over the country, had either broken down or suspended specie payments; merchants and manufacturers were ruined; business was in a state of stagnation; and the public mind had become deeply impressed with the idea that the general embarrassment and bankruptcy under which the country suffered, was due to political causes. Whether justly or unjustly, the party in power was held responsible for the deplorable condition of the country. That mighty uprising of the masses by which the administration of Mr. Van Buren was overthrown, not only elected a new President, but brought together a Congress entertaining political principles the reverse of those which had prevailed in the public councils during the remarkable period composed of the twelve preceding years.

It is not our province to review the controversies which were then conducted with so much vehemence, or to discuss the policy of either of the great parties of that interesting period.

At this distance of time, when the passions excited by hot debate have subsided, the issues involved do not seem invested with the all-absorbing importance they were then thought to possess. The sub-treasury, then a principal object of partisan assault, has come to be universally regarded as wise and salutary, none of the evils having followed which were predicted from its operation; a national bank, then regarded by one party as the great panacea for curing all the disorders of the currency, is admitted to be as unnecessary as it is obsolete; while within the last few months we have seen a Democratic secretary of the treasury recommending a tariff which discriminates for the advantage of American manufacturers, and a Democratic member of the United States Senate advocating a bill to carry out the recommendation. It is a strong proof of Mr. Fillmore's sagacity, that during the very heat and fervor of those controversies, his views were substantially those which the public opinion of the country has since endorsed. True, he was a party man, and his opinions were colored by his political associations; but it is an evidence of the clearness of his intellect that, so far as he differed from his party he leaned toward the views which the progress of opinion has shown to be correct. We saw, in our last chapter, that as early as 1837 he had ceased to attach any importance to a United States Bank. We shall see, in the course of the present chapter, that while he was a tariff man, and the author of the celebrated tariff of 1842, his views of the protective policy were so moderate and rational, that few men of any political party would be found to dissent from them at present.

The prominent position assigned to Mr. Fillmore in the twenty-seventh Congress, is a proof of the confidence inspired by his previous congressional career. No sooner did his party come into power, than they manifested their high appreciation of his wisdom by assigning him the most difficult and responsible

post in the national legislature. The political revolution which had just been achieved owed its success to the financial embarrassments of the country and the general prostration of business. Not only private but public credit had become impaired, the resources of the government being as inadequate to its wants as those of individuals. The annual revenues had sunk to thirteen millions; the annual expenditures had gone up to thirty-seven millions; and the government was largely in debt. As financial difficulties had brought the new administration into power, it was its chief duty to devise financial remedies. The country looked to it for the restoration of confidence, the revival of credit, the recovery of business from its prostration, and the extrication of the national treasury from impending bankruptcy. The highest mark of confidence which the Whig party could at that time have bestowed on any member of Congress, was to make him chairman of the committee of ways and means. From the beginning of the government all revenue bills have originated in the House of Representatives, and the labor of maturing such bills devolves on the committee of ways and means. The chairman of that committee, besides being its most prominent and influential member, is the organ through which it communicates with the House. He not only takes a leading part in devising measures and arranging their details, but is expected to explain them to the House, defend them against objections, and ward off the assaults of keen-sighted adversaries. These duties, at all times arduous, became doubly so when a party newly elevated to power was about to inaugurate a new financial policy. That Millard Fillmore was placed in this responsible position shows that he must have given previous proofs of great capacity. The manner in which he acquitted himself in it, not only justified the confidence of his friends, but won for him laurels which any statesman might be proud to wear. When he retired from Congress his reputation was as wide as the limits

of the country. By general acclamation he was declared to be one of the ablest and most patriotic members of a party which boasted the possession of many great men.

The course of our narrative takes us over ground which has been the battle-field of contending political parties. That the subject of this sketch belonged to one of those parties is implied in the fact that he acted a prominent part in the legislation of the country. If we dwell at some length on those parts of his public career by which he acquired distinction, it is not for the purpose of defending the politics of the past, but to fulfill the task we have assumed, of laying before the reader a candid and impartial account of Mr. Fillmore's public life, and exhibiting the proofs he has given of eminent capacity for public affairs. If the political history of the country extended back only twenty-five years, it could easily be made to appear that a protective tariff was a purely party measure. But when we go beyond that period, and take in the whole history of the government, it will be seen that the principle of protection is no more a Whig than it is a Democratic doctrine. All our Presidents, down to John Quincy Adams, have publicly recommended protection; and even Jackson himself, previous to his elevation to the presidency, showed himself as strong a protectionist as there was in the country. These facts are mentioned, not as arguments either for or against protection, but to prove that Mr. Fillmore's identification with that policy in 1842, does not necessarily identify him now with any particular party of our past politics. When Mr. Clay named that policy the **AMERICAN SYSTEM**, he disclosed the motive for its adoption, which no doubt acted powerfully on his own mind and on those of many other patriotic men. It was thought that to protect American industry would foster an American spirit and cultivate a deeper feeling of nationality. Whatever may be thought of the means, the motive was truly patriotic. The fires of American feeling which have recently burst forth

with so much splendor, have always dimly smouldered beneath the ashes of the old political parties. Desire for a distinctive American nationality is a sentiment which has often sought expression in the politics of the country, and nowhere can we trace it more legibly than in the history of opinion on the subject of a protective tariff. We will make one or two quotations in illustration of this point, and prefer to draw them from Democratic sources.

The following is an extract from a letter of Gen. Jackson to Dr. L. H. Coleman, of North Carolina, dated Washington, August 26th, 1824:

* * * * "Heaven smiled upon and gave us liberty and independence. The same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which he has extended to us, we deserve not the continuance of his blessing. He has filled our mountains and our plains with minerals— with lead, iron, and copper— and given us a climate and soil for the growing of hemp and wool. These being the great materials of our national defense, they ought to have extended to them adequate and fair protection, that our manufacturers and laborers may be placed in a fair competition with those of Europe, and that we may have within our country a supply of these leading and important articles so essential to war.

"I will ask, what is the real situation of the agriculturist? Where has the American farmer a market for his surplus produce? Except for cotton, he has neither a foreign nor a home market. Does not this clearly prove, when there is no market at home, or abroad, that there is too much labor employed in agriculture? Common sense at once points out the remedy. Take from agriculture in the United States six hundred thousand men, women, and children, and you will at once give a market for more breadstuffs than all Europe now furnishes us with.

"In short, sir, we have been too long subject to the policy of British merchants. It is time we should become a little more AMERICANIZED, and instead of feeding paupers and laborers of England, feed our own; or else, in a short time, by continuing our present policy, we shall be paupers ourselves.

"It is, therefore, my opinion, that a careful and judicious tariff is much wanted, to pay our national debt, and to afford us the means of that defense within ourselves, on which the safety of our country and liberties depends; and last, though not least, give a proper distribution of our labor, which must prove beneficial to the happiness, wealth, and independence of the community.

"I am very respectfully,

"Your obedient servant,

"ANDREW JACKSON."

The Tammany Society of New York is one of the oldest Democratic associations in the country. In the year 1819, it published an elaborate circular bearing the following title: "Address of the Society of Tammany, or Columbian Order, to its absent members, and the members of its several branches throughout the United States." From this address we make the following extracts:

"To divide and conquer, is the maxim of our constitutional enemy. The encouragement of our domestic resources will make us a *united people*. This nation will become one great family, giving and taking from each other. Let us, then, treasure up the maxim of wisdom, *that concert is stronger than numbers*. Another benefit, and not among the least which would arise from the encouragement of domestic manufactures, would be the exclusion of all foreign *agents*, whether Scotch, English, French, or German. This species of cormorant character holds in its hand the capital of some man abroad, who never intends to step his foot upon our shores, and with this capital extracts from the country the profits of its traffic, on a perfect commercial equality with the American citizen. This is continued until he accumulates a given heap of riches for himself and his patron, and then, after oppressing all around him *to wind up his affairs*, he modestly returns to his foreign home, and, retiring in opulence, contributes to the wealth and resources of that nation which might next declare war against us. This is, in fact, furnishing the sinews of war to other nations, for it would be American profits on which this agent would live in his own country. The truth is, that we have

progressed so far, that we want no population, and should receive none, except those who intend to spend their lives and increase their posterity among us. As the United States are inhabited by more foreign agents than any nation on earth, in proportion to their population, it will appear, upon calculation, that this is a very improvident mode of parting with the national treasure. Banish the foreign goods as far as our manufactures, under the magnanimous care of Congress, can banish them, and the visits of those vultures would soon cease. In their place would stand the honest manufacturer, receiving a fair profit for the fabric of his own hand. But the picture of evil, arising from these foreign agents, has not been sufficiently extended. Their transactions with our citizens are often insidious and oppressive. They have not the sympathies of country or national fellow-feeling to meliorate their cupidity. In their indulgences they are actuated by *interest* alone, and in their enforcement of debts they are restrained by no principles. They are at this moment to be seen in swarms, in their visits to the interior of our country, and our remotest western waters. And such is the prejudice with which they are viewed by the honest, but embarrassed debtors in those places, that they have entailed upon themselves the name of that gloomy bird which hovers over and lives upon the carrion of the desert."

* * * * *

"The want of reciprocity — or rather the wise internal policy of other nations as to the rights of foreign agents — the consumption of foreign productions, and the encouragement of foreign manufactures, are to us loud warnings to *draw to ourselves*, and cherish the indigenous strength with which Providence has blessed us. * * * It would be found that the encouragement of domestic manufactures in the modes above pointed out, would essentially lead to habits of *economy*, both in the *people* and the government, as such. For when this highly simple and *American* system shall have begun to operate, many concomitant habits, partaking of its character, will be seen in its train."

These extracts and General Jackson's letter to Dr. Coleman, prove that a protective tariff is not a policy peculiar to any one party of the past; and that whatever may be its merits or

demerits on other grounds, many of those who have cherished it did so under the impression that it would be the means of cultivating a more purely American spirit, and of preventing foreigners from depriving us of advantages which belong to our own people. Whatever may be thought of the doctrine, members of the American party must pardon something to the spirit in which it was cherished.

We have already remarked that although Mr. Fillmore was the author of the tariff of 1842, and acquired great reputation from the ability with which he advocated it, his views were so moderate and just, that they would even at present command nearly universal assent. Of course no one understands us to mean that it would be wise to revive the tariff of 1842. That was a system adapted to the peculiar exigencies of the time, exigencies which have long since passed. But the general principles on which it was founded may even now be presented without incurring the hazard that they will run counter to the general opinion of the country.

We make the following extract from a speech delivered by Mr. Fillmore in the House of Representatives, June 9th, 1842:

“Although this is the view which I am disposed to take of this bill, and although I am willing to listen to any amendments to add to or diminish the duty on any article, with a view of increasing the revenue, yet I have no disguise of my own sentiments on the subject of protecting our own industry. I am free to admit that I am not one of those who either feel, or profess to feel, indifferent to our own interests. I prefer my own country to all others, and my opinion is that we must take care of ourselves; and while I would not embarrass trade between this and any foreign country by any illiberal restrictions, yet, if by legislation or negotiation, an advantage is to be given to one over the other, I prefer my own country to all the world besides. I admit that duties may be so levied, ostensibly for revenue, yet designedly for protection, as to amount to prohibition, and consequently to the total loss of revenue. I am for no such protection as that. I have no

disguise of my opinions on this subject. I believe that if all the restrictive systems were done away with, here and in every other country, and we could confidently rely on continued peace, that would be the most prosperous and happy state. The people of every country would then produce that which their habits, skill, climate, soil, or situation enabled them to produce to the greatest advantage; each would then sell where he could obtain the most, and buy where he could purchase cheapest; and thus we should see a trade as free among the nations of the world as we now witness among the several States of this Union. But, however beautiful this may be in theory, I look for no such political millennium as this. Wars will occur until man changes his nature; and duties will be imposed upon our products in other countries, until man shall cease to be selfish, or kings can find a more convenient mode of raising revenue than by imposts.

“These, then, form the true justification for laying duties in a way to protect our own industry against that of foreign nations. First. A reasonable apprehension of war, for no nation can always hope to be at peace. If, therefore, there is any article that is indispensably necessary for the subsistence of a nation, and the nation can produce it, that nation is not independent if it do not. If it is necessary, the production should be encouraged by high duties on the imported article. This should be done, not for the benefit of persons who may engage in the manufacture or cultivation of the desired article, but for the benefit of the whole community: what though each pays a little higher for the article in time of peace than he otherwise would, yet he is fully compensated for this in time of war. He then has this necessary, of which he would be wholly deprived had he not provided for it by a little self-sacrifice. We all act upon this principle individually; and why should we not as a nation? We accumulate in time of plenty for a day of famine and distress. Every man pays, from year to year, a small sum to insure his house against fire, submitting willingly to this annual tax, that, when the day of misfortune comes, (if come it shall,) the overwhelming calamity of having all destroyed may be mitigated by receiving back from the insurer a partial compensation for the loss. It is upon the same principle that we maintain an army and a navy in time of peace, and pour out millions annually for their

support: not because we want them then, but because it is reasonable to apprehend that war may come, and then they will be wanted; and it is a matter of economy to provide and discipline them in time of peace, to mitigate the evils of war when it does come. The same reason requires us to encourage the production of any indispensable article of subsistence. I shall not stop now to inquire what these articles are. Every one can judge for himself. But that there are many such, no one can doubt.

“But, secondly, there is yet another case where I hold that we are not only justified, but required to encourage and protect our own industry; and I regret to say that this is a case, which, for obvious reasons, always has, and I fear always will exist: it is where foreign nations, by their own legislation, exclude our products from their markets. We, as a whole, are an agricultural nation, occupying one of the broadest and most fertile tracts of country in the world. The South produces sugar, cotton, rice, and tobacco; and the North and West produce beef, pork, and breadstuffs. It appears, by the last census, that we have 3,717,756 persons engaged in agriculture, and only 791,545 in manufactures and trades, being nearly five to one employed in agriculture. Our lands are cheap and our soils productive; but if other nations prohibit the introduction of our agricultural products to their markets by high duties, what is our remedy? We want their manufactures; we offer them our breadstuffs in exchange; but they refuse to receive them: what shall we do? I say, meet restriction by restriction. Impose duties on their manufactures, and thereby encourage a portion of our own people, now raising wheat and corn to rot in their granaries, to engage in manufactures, thus lessening the amount of agricultural products by converting a part of your producers into consumers, thereby creating a home market for your agricultural products, and thus raising their price. Is not this just? Great Britain has no right to complain that we meet restriction by restriction. We offer her our flour, pork and beef, for her iron, cloths, and other manufactures. She refuses our products, and draws upon our specie, crippling our banks, deranging our currency, and paralyzing our industry. We must protect ourselves, create and preserve a market for our own products,

until she will consent to meet us on equal terms; and this, not by way of retaliation, but in self-defense.

“But it may be said that this protection is given for the purpose of benefiting those engaged in manufactures. I am wholly opposed to legislating for one part of the community at the expense of another. All are equally entitled to our protection; and if duties are so levied as to protect any particular manufacture, it must be because the nation has an interest in encouraging it, and not for the benefit of those engaged in it. It is all idle to think of benefiting any particular class by protection. This can only be done by giving a monopoly to a few individuals. No monopoly can be created by laying duties. If the duties raise the price so high as to tempt persons to engage in the manufacture, every one is at liberty to do so; and the consequence usually is, that so many engage that they soon compete with each other; and, instead of being profitable to themselves, they cheapen the article to the consumer, while the manufacturer makes little or nothing. I say, therefore, again, that it is all idle to talk of *protection* for the benefit of particular classes. It should never be given but for the benefit of the community; and, if designed for any other object, an over-ruling law of trade (as I have shown) will inevitably defeat that design.

“But I take a distinction between the *encouragement* and *protection* of manufacturers. It is one thing for the government to *encourage* its citizens to abandon their ordinary pursuits and engage in a particular branch of industry; and a very different thing whether the government is bound to *protect* that industry by laws similar to those by which it encouraged its citizens to embark in it. In the first case, there is no obligation on the part of the government. Its act is entirely voluntary and spontaneous. It may or may not *encourage* the production or manufacture of a particular article, as it shall judge best for the whole community. Before attempting it, the government should weigh well the advantages and disadvantages which are likely to result to the whole, and not to the particular class which may be tempted to engage. If a particular branch of industry is so important in its bearings upon the public wants, on account of its providing in time of peace for some necessary article in time of war, then, as the strongest advocates of free trade themselves admit, the

government may and should legislate with a view to encourage its establishment; and so, likewise, if it be necessary to provide a home market for our products in consequence of the prohibitory duties levied upon them by foreign countries. But all these are questions to be decided according to the circumstances of each particular case; and (as I said) the decision should be made with a view to the benefit of all, and not of a few, or of any particular class or section of country. But when the government has decided that it is best to give the encouragement, and the citizen has been induced by our legislation to abandon his former pursuits, and to invest his capital and apply his skill and labor to the production of the article thus encouraged by government, then a new question arises—for another party has become interested—and that is, whether we will, by our subsequent legislation, withdraw our *protection* from the citizen whom we have thus encouraged to embark his all in a particular branch of business for the good of the public, and overwhelm him with ruin by our unsteady, not to say perfidious, legislation. I can consent to no such thing. It seems to me to be manifestly unjust. Our act in the first instance is free and voluntary. We may give the encouragement or not: but, having given it, the public faith is, to a certain extent, pledged. Those who have accepted our invitation, and embarked in these new pursuits, have done so under the implied promise on our part that the encouragement thus given should not be treacherously withdrawn, and that we would not tear down what we had encouraged them to build up. This I conceive to be a just, clear, and broad distinction between *encouragement* beforehand and *protection* afterward. The former is *voluntary*, depending wholly upon considerations of public policy and expediency; the latter is a matter of *good faith* to those who have trusted to the national honor.

“These are my views on the subject of encouraging and protecting home industry by legislation; not that I deem them of any importance to the bill under consideration—for I regard this as a revenue bill, and to be passed and justified on that ground. I do not deny that the effect will be to encourage and protect home manufactures, and thereby create a home market for our agricultural products—and others, as well as myself, may vote for it more willingly on this account: yet all

this is a mere *incident* of raising revenue by imposing duties on goods imported. It depends not on *design* or *intent*: it results as a necessary and inevitable consequence. We can not avoid it if we would. If we impose a duty of one dollar on every yard of cloth imported, the duty is laid, not to increase the value of the cloth, and thereby *protect* the home manufacturer, but to supply the wants of the treasury; yet, as a *consequence*, it *encourages* and *protects* the home manufacturer; and we can not avoid it. No human foresight can prevent it; no ingenuity can avoid it; and, indeed, no design can aid it. *Intention* has nothing to do with the matter."

It may interest the reader to know what impression Mr. Fillmore made on persons who visited the gallery of the House during the sessions of the Congress in which he was achieving a high standing in his party and a proud position among the statesmen of the country. We therefore copy the following from a series of sketches which appeared in a literary paper in New York city in the summer of 1842:

"MILLARD FILLMORE, OF NEW YORK.—This is the distinguished representative from the city of Buffalo, and at present chairman of the committee of ways and means, a situation both arduous and responsible. He stands in the same relation to the United States government in the House of Representatives that the chancellor of the exchequer does to the government of Great Britain in the House of Parliament. He is emphatically the financial organ of the legislature. In the House of Representatives all bills affecting the revenue originate. These are presented by the ways and means committee—matured by it—and its chairman has to explain their object and the data upon which they are based. He is obliged to make himself thoroughly acquainted with the situation of the national treasury—has to examine its details—become familiar with its wants—its expenditure—its income, present and prospective—and be ever ready to give to the house a full exposition

of all the measures he may present for consideration. To discharge the duties which this post enjoins, faithfully, requires both physical and mental capacity of a high order, and I believe they could not have devolved upon an individual better qualified than the subject of this notice. In every respect will he be found equal to the task assigned him.

“Mr. Fillmore in person is perhaps five feet ten inches tall, stout and finely formed. His limbs are graceful; he has an erect and easy walk, and a well developed chest. His complexion is quite light; has lively blue eyes, a smooth forehead marked by breadth rather than height, and retreats slightly into a head of thin grayish hair. His face is broad and regular in its outlines; has a small nose, and handsome Grecian mouth and white teeth. His features, without being very strongly marked, are decidedly expressive and agreeable, and in or out of Congress there are few better looking men. His appearance would attract attention anywhere, as his abilities qualify him for any station. In his temperament he is phlegmatic—is always self-composed, and all his acts are controlled by the dictates of his judgment. He weighs everything in the most prudent manner—enters into a nice calculation—and is never misled by the promptings of his heart. He is the incarnation of truth and integrity. Never would he “hold the word of promise to the ear, and break it to the sense.” He would never raise hopes and then blast them. He is frank, open and manly. In public life and in private he is without guile; pure and untarnished. Indeed I question whether he was ever tempted to go astray. He seems not to have inherited the frailties generally found among the descendants of Adam, and hence he may possibly have too little charity for, and judges too severely of, those less coolly constituted than himself. His talents are of a high grade; is a sound thinker, and very sagacious; not showy or brilliant, but plain and sensible; and never attempts to make a display or to

“show off.” His judgment is very clear, and he has no emotions which ever over-ride it; is always to be relied upon, and whatever he undertakes he will master. He never takes a stride without testing his foothold. He belongs to that rare class whose merits are developed with every day’s use; in whose minds new beauties and new riches are discovered as they are examined into. He has a high legal reputation; possesses great industry; is agreeable in conversation, and his information upon general subjects, without being profound, is varied and extensive. As a shrewd, sagacious politician — by this I do not mean that he is particularly skilled in mere partisan strategy — there are few men in the country superior to him — perhaps none.

“As a public speaker, Mr. Fillmore is not distinguished. He is no orator, but a plain matter of fact debater. He never soars into the regions of fancy, indulges in rhetorical flourishes, or adorns his logic with poetry. The gaudy plumes of fiction he leaves other hands to pluck, while he is garnering up the stores of reality; nevertheless he is a good and interesting speaker — very intellectual, sound and perspicuous — with a distinct voice and a dignified easy manner. He speaks not to the passions of men, or attempts to move their hearts. He aims at their reason and judgment, and his arguments are couched in language intelligible to the meanest capacity — avoids high-sounding phrases — an evidence of good taste and good sense none the less commendable for its rarity among public speakers of the present day, who generally, when they give birth to a new idea — an occurrence that seldom happens — send it forth in a garb so unsuitable and fantastic as to hide it from the view of ordinary visions. As a public man, I know of none — not one — of greater promise than Mr. F. He has many of the highest attributes of greatness, and is still a young man, not to exceed forty-one years of age, and must continue to rise in public estimation as his character shall

be developed. He has been a member of Congress some six years, and was previously an active member of the State Assembly. As a useful, practical, efficient, and enlightened legislator, he has no superior, and very few equals among his associates. And the Queen City of the Lakes may be justly proud, as I know she is, of so able a representative, so eminent a citizen, of a statesman whose public career is so bright and so full of promise."

In July, 1842, Mr. Fillmore addressed a letter to his constituents declining a re-election. We copy the opening and two or three of the closing paragraphs:

"FELLOW-CITIZENS: Having long since determined not to be a candidate for re-election, I have felt that my duty to you required that I should give you seasonable notice of that determination. The chief causes which have brought me to this resolution, being mostly of a personal character, are unimportant, and would be uninteresting to you or the public. It is sufficient to say, that I am not prompted to this course by anything in the present aspect of political affairs. Many of you know that I desired to withdraw before the last congressional election, but owing to the importance of that contest, the desire for unanimity, and the hope that if the administration were changed, I might render some essential local service to my district and those generous friends who had so nobly sustained our cause, I was induced to stand another canvass. But how sadly have all been disappointed! How has that sun which rose in such joyous brightness to millions been shrouded in gloom and sorrow! The lamented Harrison, around whom clustered a nation's prayers and blessings, is now no more. For reasons inscrutable to us, and known only to an all-wise Providence, he was cut down in a moment of triumph, and in his grave lie buried the long cherished hopes of a suffering nation.

* * * * *

"But, fellow-citizens, I have said more than I intended, and regret that I have not time to say it more briefly. I can not, however, consent to bring this hasty letter to a close without

expressing the deep emotions of gratitude that fill my heart when I look back upon your kindness and devotion. Pardon the personal vanity, though it be a weakness, that induces me to recur for a moment to the cherished recollections of your early friendship and abiding confidence. I can not give vent to the feelings of my heart without it.

"It is now nearly fourteen years since you did me the unsolicited honor to nominate me to represent you in the State Legislature. Seven times have I received renewed evidence of your confidence by as many elections, with constantly increasing majorities; and at the expiration of my present congressional term, I shall have served you three years in the State and eight years in the national councils. I can not call to mind the thousand acts of generous devotion from so many friends who will ever be dear to my heart, without feeling the deepest emotion of gratitude. I came among you a poor and friendless boy. You kindly took me by the hand and gave me your confidence and support. You have conferred upon me distinction and honor, for which I could make no adequate return but by an honest and untiring effort faithfully to discharge the high trusts which you confided to my keeping. If my humble efforts have met your approbation, I freely admit that next to the approval of my own conscience it is the highest reward which I could receive for days of unceasing toil and nights of sleepless anxiety.

"I profess not to be above or below the common frailties of our nature. I will therefore not disguise the fact that I was highly gratified at my first election to Congress, yet I can truly say that my utmost ambition has been satisfied. I aspire to nothing more, and shall retire from the exciting scenes of political strife to the quiet enjoyments of my own family and fireside with still more satisfaction than I felt when first elevated to this distinguished station.

"In conclusion permit me again to return you my warmest thanks for your kindness, which is deeply engraven upon my heart.

"I remain sincerely and truly,

"Your friend and fellow-citizen,

"MILLARD FILLMORE."

This resolution to retire from public life occasioned profound regret. In every part of the country the Whig press expressed

its sense of the loss the party was about to sustain, and passed the highest eulogiums on the public services of a statesman who had acquitted himself with so much honor to himself and such eminent usefulness to the country. Not only the political press, but some of the most distinguished public men of the country paid him compliments which evinced the highest appreciation of his public services. John Quincy Adams, for example, in a speech to his constituents delivered in the autumn of 1842, took occasion to say of Mr. Fillmore that "he was one of the ablest, most faithful, and fairest-minded men with whom it had been his lot to serve in public life."

Since we have mentioned Mr. Adams, it may not be out of place to remark that in the summer of 1843, the veteran statesman made a tour to the West, and, among other places, visited Buffalo, where the citizens gave him a public reception. Mr. Fillmore, whose congressional career had closed, and who was residing at home in the practice of his profession, was appointed to welcome him, which he did in the following neat and felicitous speech:

"SIR: I have been deputed by the citizens of this place to tender you a welcome to our city. In the discharge of this grateful duty, I feel that I speak not only my own sentiments, but theirs, when I tell you that your long and arduous public services — your lofty independence — your punctilious attention to business, and, more than all, your unsullied and unsuspected integrity, have given you a character in the estimation of this republic, which calls forth the deepest feelings of veneration and respect.

"You see around you, sir, no political partisans seeking to promote some sinister purpose; but you see here assembled the people of our infant city, without distinction of party, sex, age or condition — all — all anxiously vying with each other to show their respect and esteem for your public services and private worth.

"Here, sir, are gathered in this vast multitude of what must appear to you strange faces, thousands whose hearts have

vibrated to the chord of sympathy which your written speeches have touched. Here is reflecting age, and ardent youth, and lisping childhood, to all of whom your venerated name is as familiar as household words — all anxious to feast their eyes by a sight of that extraordinary and venerable man of whom they have heard and read and thought so much — all anxious to hear the voice of that ‘*old man eloquent*,’ on whose lips wisdom has distilled her choicest nectar — here, sir, you see them all, and read in their eager and joy-gladdened countenances and brightly beaming eyes, a welcome — a thrice-told, heart-felt, and soul-stirring welcome to ‘the man whom they delight to honor.’”

Mr. Adams made a long and eloquent reply, from which we extract the paragraphs relating to Mr. Fillmore :

“MR. FILLMORE, MR. MAYOR AND FELLOW-CITIZENS: I must ask your indulgence for a moment’s pause to take breath. If you ask me why I ask this indulgence, it is because I am so overpowered by the eloquence of my friend the chairman of the committee of ways and means, whom I have so long been accustomed to refer to in that capacity, that, with your permission, I will continue so to denominate him now, that I have no words left to answer him. For so liberal has he been in bestowing that eloquence upon me, which he himself possesses in so eminent a degree that, while he was ascribing to me talents so far above my own consciousness in that regard, I was all the time imploring the god of eloquence to give me, at least at this moment, a few words to justify him before you in making that splendid panegyric which he has been pleased to bestow upon me; and that the flattering picture which he has presented to you, may not immediately be defaced before your eyes by what you should hear from me.”

* * * * *

“I congratulate you again upon your possession of another dear and intimate friend of mine, in the person of the gentleman who has just addressed me in your name, and whom I have taken the liberty of addressing as chairman of the committee of ways and means — the capacity in which he has rendered so recently services of the highest importance to

you his constituents, by whose favor he was enabled to render them — to us, and our common country. And I can not forbear to express here my regret at his retirement in the present emergency from the councils of the nation. There, or elsewhere, I hope and trust he will soon return; for whether to the nation or to the State, no service can be, or ever will be rendered by a more able or a more faithful public servant.”

After his withdrawal from Congress, Mr. Fillmore continued to reside in Buffalo, and was very much devoted to his profession. A large and lucrative practice in the higher courts gave him constant, and to a person of his laborious habits and love of business, pleasant occupation. In this manner he passed four or five years, enjoying the esteem of his fellow-citizens and laying the foundations of a competency which has enabled him to live with the dignity befitting his position, (although with the simplicity which accords with his republican tastes,) since his retirement from the highest office in the country.

CHAPTER V.

THE PRESIDENTIAL CAMPAIGN OF 1844.

Mr. Fillmore's last congressional term expired in March, 1843. During the following summer his name was mentioned in connection with the Vice-presidency, and his claims as a candidate were urged with much enthusiasm by a large number of the most respectable Whig presses. By the spontaneous and universal sentiment of the Whig party, it had been settled, for a long period in advance of the national convention, that Henry Clay would be the candidate for the first office. This eloquent and patriotic statesman was no doubt the private choice of a majority of his party in 1840; but the fact that he had been beaten, in 1832, by General Jackson, on the bank issue, rendered it inexpedient, both in his own estimation and that of his friends, that he should be again brought forward until the prospects should preponderate pretty strongly in favor of his success. Many of his friends supposed this time had arrived in 1840, and felt great dissatisfaction when they were over-ruled by the majority of the convention, who were of the opinion that General Harrison was a more available candidate. No man in the United States had so many personal friends as Mr. Clay, and his vigorous opposition to the administration of John Tyler, removed all doubt of his availability in 1844—there never having been any of his pre-eminent fitness.

The Whigs of New York, proud of Mr. Fillmore's talents and standing, desired to see his name on the same ticket with Mr. Clay's, and determined to present it to the national

convention. In October, 1843, the editor of the New York Tribune made the following expression of opinion: "I have just returned from a four weeks ramble at the West, and have some comments to make in due season, on events and occurrences in my absence. For the present, however, I must be content with a remark on a single point—the Vice-presidency. While I believe the selection of the Whig candidate should be left, as nearly as may be, to the unbiassed and unembarrassed choice of a national convention, and, therefore, do not care to engage in any newspaper discussion on the subject, I shall avoid misapprehension by stating that my own first choice has long been Millard Fillmore." This preference was fully shared by the Whigs of New York.

The Whig national convention met at Baltimore on the first of May, 1844. Hon. Ambrose Spencer, of New York, was chosen president, and twenty-six vice-presidents and six secretaries were appointed. As soon as the organization was completed, Henry Clay was nominated by acclamation, as the Whig candidate for the Presidency. The convention merely ratified a nomination that had been previously settled by the people.

Respecting the candidate for Vice-president, there was considerable difference of opinion, and a choice was not effected until the convention had balloted three times. John Davis, of Massachusetts, was supported by the delegates from the Eastern States; Mr. Fillmore by those from the State of New York, and some of the Western States; Theodore Frelinghuysen by those from New Jersey, and other States. On the third ballot, Mr. Frelinghuysen received a majority of the votes, and was declared nominated.

The author of the "Life and Times of Silas Wright," although a Democrat, in describing the proceedings of this convention, speaks of the Whig candidates for Vice-president in the following handsome terms:

"It is remarkable that a great number, and we believe a majority of the men who have most attracted public attention and most influenced public opinion in the State of New York, and indeed in several of the other States, are self-made men, who have risen to distinction by their personal merit and their own individual efforts, without the aid of wealth or influential connections. This is eminently the case with Mr. Fillmore. We believe he did not come to the bar very early in life. At any rate, before he had practiced law a sufficient length of time to distinguish himself in his profession, he was elected to the Assembly of this State from the county of Erie. He had not been long in public life when he was elected a member of Congress from the district that included the county in which he resided. In Congress, by his industry, talents, and great moderation and prudence, he soon acquired a powerful and commanding influence; and during the last Congress, of which he was a member, he was chairman of the committee of ways and means, a position the most honorable and responsible of any in the House of Representatives. In that situation he discharged so well and so ably his duties, that when he left that body, perhaps no member of it held a higher standing in the house or the nation than he. Mr. Frelinghuysen, however, had been a senator of the United States; he was the favorite of the Whigs in New Jersey, and the party were desirous of strengthening themselves in that State; besides, he was a man of respectable talents, great erudition, and highly distinguished for purity of character, for piety, and all the private and social virtues."

As soon as the result of the national convention became known, there was a general expression of opinion among the Whigs of New York, in favor of making Mr. Fillmore their candidate for Governor. It was contrary to his wishes to run for that office, and he addressed a letter to the editor of the Albany Evening Journal, assigning the reasons why he did not wish his name to be used. We copy his letter.

"NEW YORK, May 16th, 1844.

"THURLOW WEED, Esq.—My Dear Sir—Being here in attendance upon the Supreme Court, my attention has been

called to an article in your paper of the 8th instant, and to some extracts from other journals in yours since that time, in which my name is mentioned as a candidate for nomination to the gubernatorial office in this State. You do me the justice to say that 'I have never desired the office of Governor, though I admit the right of the people to the services of a public man in any station they may think proper to assign him.' My maxim has always been that individuals have no claim upon the public for official favors, but that the public has a right to the service of any and all of its citizens. This right of the public, however, must in some measure be qualified by the fitness and ability of the person whose services may be demanded for the station designed, and the propriety of his accepting the trust can only be properly determined when all his relations, social and political, are taken into the account. Of the former, I am ready to concede that the public must be the proper and only judge. In regard to the latter, the individual himself has a right to be consulted. These notices of the public press are from such sources, and so flattering, as to leave no doubt either of the sincerity or friendship of the authors. And the office itself, in my estimation, is second in point of dignity, honor and responsibility only to that of President of the United States. When we reflect that it has been held by a Jay, a Tompkins, and a Clinton, who in the discharge of its various and responsible duties acquired a fame that has connected them with the history of our country, and rendered their names immortal, all must agree that its honors are sufficient to satisfy the most lofty ambition. For myself I can truly say that they are more than I ever aspired to.

"Believing, as I now do, that whoever shall receive the nomination of the Whig convention for that distinguished station, will be elected, it is not from any apprehension of defeat that I am disposed to decline its honors. But for reasons partly of a public, and partly of a private character, I have invariably expressed an unwillingness to become a candidate for that nomination. This has been long known to most of my intimate friends, and to few better than to yourself. But a sense of delicacy, which all must appreciate, rendered me reluctant to make a more public declaration of my wishes on this subject at this time. It also occurred to me that some individuals, acting under a mistaken sense of my real motives,

might be led to reproach me with being influenced in my course in this matter by the results of the Baltimore convention. But when I saw from the public journals that many of my friends were committing themselves on this subject, and reflecting that no man from any apprehension of subjecting himself to unmerited censure, had a right to shrink from the performance of any duty, I felt that the candor and frankness due to my political friends would not suffer me longer to permit them to remain in doubt as to my wishes on this subject.

“Permit me then to say that I do not desire to be considered as a candidate for that office. So far as my reasons for this determination are founded upon private considerations, it would be alike indelicate and obtrusive to present them to the public. But if these could be removed or overcome, there are others of a more public character that should, it appears to me, be equally conclusive.

“In the first place, I greatly distrust my own ability to discharge the varied and complicated duties of that high station in a manner either creditable to myself or satisfactory to the public. For the last twelve years my attention has been mostly withdrawn from questions affecting State policy, and directed to national affairs. My chief experience in public matters has been in the national councils, and to my labors there I am mainly indebted for whatever reputation I may enjoy as a public man. It appears to me that the present peculiarly trying emergencies in the great interests of the State require a man for the executive chair of eminent ability, long tried experience, and a greater share of public confidence than I can hope to possess. I can not but feel that many who have been mentioned are more deserving of that honor, and better able to discharge those high trusts, than myself. I recognize in each “an elder and a better soldier.”

“But secondly, it is known to all that I have recently been a candidate for nomination to the Vice-presidency. I had previously considered my political career as ended for the present, if not closed forever. Never at all sanguine of success, I yielded a reluctant assent to the presentation of my name for that office. Grateful as I am, and ever shall be, for the generous devotion of my friends, I felt no disappointment in the result, and unite most cordially with my Whig

brethren in sustaining the excellent nominations of that convention. But a candidate is now to be selected from the Whig party of this State for the gubernatorial office. Such person must be taken from among my political associates, and I feel that I owe too much to them to suffer my name to come in competition with theirs for this distinguished honor. To permit it would wear the semblance of ingratitude, or an overweening ambition for political preferment. I know that I feel neither, and I can perceive no reason why I should subject myself to the imputation. This alone, if there were no other reasons, would be to my mind an insuperable objection.

“But, nevertheless, while I thus decline to be considered a candidate for nomination, it is due to myself to express the grateful emotions of my heart to those friends who have so kindly intimated a preference for me for that office. It implies a confidence on their part which it has been the height of my ambition to acquire; and I shall cherish the recollection of it through life. Believe me, also, when I say that I am not insensible to the deep obligations which I am under to the people of this, my native State; and more especially to those in the western part of it, who have sustained me with such generous devotion and unwavering fidelity through many years of arduous public service. They could not call upon me for any sacrifice, merely personal to myself, that I should not feel bound to make. I owe them a debt of gratitude which I never expect to be able to discharge. But the Whig party of this State now presents an array of talent and of well tried political and moral integrity not excelled by that of any other State in the Union. From this distinguished host it can not be difficult to select a suitable candidate for the office of Governor—one who is capable, faithful, true to the cause and the country, and who will call out the enthusiastic support of the whole Whig party. To such a candidate I pledge in advance my most hearty and zealous support. Let us add his name to those of Clay and Frelinghuysen, and our success is certain.

“But while I thus withdraw from competition for the honors, be assured that I do not shrink from the labors or responsibilities of this great contest. We have a work to perform in this State which calls for the united effort and untiring exertion of every true Whig. Here the great battle is to be

CANDIDATE FOR GOVERNOR.

88 89

fought. For myself I am enlisted for the war which can be of most service, there I am willing to sacrifice distinction but such as may be acquired by a participation in a good cause. I ask no reward but such as results from a good government well administered; and I desire no higher gratification than to witness the well merited honors with which victory will crown my numerous Whig friends.

"I am truly yours,

"MILLARD FILLMORE."

Whatever force there may have been in the reasons assigned in this letter, the current of Whig feeling was running too strongly in favor of Mr. Fillmore's nomination for Governor, to be arrested by any expression of his wishes. Whatever might be the merits of other distinguished Whigs, the party was united on him, and the movement was so spontaneous, that it was feared an attempt to make any other nomination would distract and embarrass the party. The unanimous voice of the Whig press insisted that it was the duty of Mr. Fillmore to yield his private inclinations, and of the party to nominate him with the same unanimity they would have done had he not publicly declined the honor.

The Whig State convention met on the eleventh of September, and Hon. Francis Granger, formerly Postmaster General, was chosen president. As soon as the organization was completed, a delegate from Onondaga county, after a few prefatory remarks, moved a resolution declaring Millard Fillmore unanimously nominated as the Whig candidate for Governor. The president having put the question, the resolution was carried by acclamation, the convention and spectators rising in a body and giving nine enthusiastic cheers. Thus the Whigs of New York, too impatient to testify their confidence in the man of their choice to await the formality of a ballot, promptly made him their candidate with an enthusiasm so spontaneous, a zeal so irrepressible, as to compel his

acceptance of the nomination. We copy two of the resolutions which were unanimously adopted by the convention:

“Resolved, That we announce to the people of this great commonwealth, with peculiar and triumphant satisfaction, the name of our candidate for the chief magistracy of the State—a nomination which we were called together not to suggest but to declare, as the previously expressed will of the people—a nomination which we have therefore made unanimously without a moment's delay, and without a thought of dissent—and that we rejoice in the opportunity thus to show a grateful people's high appreciation of the modest worth, the manly public virtue, the spotless integrity and unchangeable fidelity of that eminent champion of Whig principles, the dauntless vindicator of the outraged popular suffrage in the case of the insulted 'BROAD SEAL' of New Jersey in 1840, the valiant and victorious leader of the patriotic Whigs of the immortal twenty-seventh Congress in their long and trying warfare against corruption and despotism, the laborious author and eloquent defender of the WHIG TARIFF—MILLARD FILLMORE.

“Resolved, That in him, known to the people by long and faithful service in the Legislature of the State and nation, we rejoice to present a true and worthy representative of Democratic Republican principles, born in the forest of the noble western region of our own State, trained among an industrious kindred to hardy toil and manual labor on the farm and in the manufactory—democratic in all his associations and sympathies—called early into honorable public service, and promoted to an unsought distinction by an intelligent constituency, who learned his capacity by experience—free from the degrading and contaminating association of partisan managers and 'spoilers'—one who *never sought to rob the people of the right to choose their own rulers*, but ever distinguished himself in contending for popular rights and constitutional liberty, and in securing to the American laborer his labor's just and high reward.”

It is a well known matter of history, that in the presidential campaign of 1844, the Whig party were disastrously beaten. They had entered the canvass with high and confident hopes

of success, and deep and bitter was their grief when they found that Henry Clay, their general, was defeated by a majority of sixty-six. Mr. Fillmore, of course, shared the defeat of his ally, his failure to be elected Governor of New York affording him no relief, for he had not wanted the office. But he felt, with the whole Whig party, the sorest disappointment and chagrin that the most illustrious statesman in the country should have been vanquished in a contest before the people, by a man of the moderate pretensions of his Democratic competitor. Under the influence of these feelings, Mr. Fillmore wrote the following letter to Mr. Clay, in which he justly attributed his defeat in the State of New York to the Abolitionists and foreign Catholics:

BUFFALO, November 11th, 1844.

"MY DEAR SIR: I have thought for three or four days that I would write you, but really I am unmanned. I have no courage or resolution. All is gone. The last hope, which hung first upon the city of New York and then upon Virginia, is finally dissipated, and I see nothing but despair depicted on every countenance.

"For myself I have no regrets. I was nominated much against my will, and though not insensible to the pride of success, yet I feel a kind of relief at being defeated. But not so for you or for the nation. Every consideration of justice, every feeling of gratitude conspired in the minds of honest men to insure your election; and though always doubtful of my own success, I could never doubt yours, till the painful conviction was forced upon me.

"The Abolitionists and foreign Catholics have defeated us in this State. I will not trust myself to speak of the vile hypocrisy of the leading Abolitionists now. Doubtless many acted honestly but ignorantly in what they did. But it is clear that Birney and his associates sold themselves to Locofocoism, and they will doubtless receive their reward.

"Our opponents, by pointing to the Native Americans and to Mr. Frelinghuysen, drove the foreign Catholics from us and defeated us in this State.

ac But it is vain to look at the causes by which this infamous result has been produced. It is enough to say that all is gone, and I must confess that nothing has happened to shake my confidence in our ability to sustain a free government so much as this. If with such issues and such candidates as the national contest presented, we can be beaten, what may we not expect? A cloud of gloom hangs over the future. May God save the country; for it is evident the people will not."

Mr. Fillmore was not alone in supposing that its foreign population had deprived the country of the services of a statesman pre-eminently fitted for its highest office, whose elevation to the presidency would have been a matter of just national pride. To show how widely this impression prevailed among intelligent men, we make the following quotations from some of the numerous letters addressed to Mr. Clay after the result of the election became known.

The venerable Ambrose Spencer, formerly Chief Justice of the Supreme Court of the State of New York, wrote to Mr. Clay as follows, under the date of Albany, Nov. 21st, 1844:

"You will perceive that the Abolition vote lost you the election, as three-fourths of them were firm Whigs, converted into Abolitionists. The foreign vote also destroyed your election, and there was yet another distinct cause. * * * *. This untoward event has produced universal gloom, and has shaken public confidence to an unexpected extent. Even many of those who voted for Polk, now that he is elected, deeply regret the result. God only knows to what we are destined. One sentiment seems to prevail universally, that the naturalization laws must be altered; that they must be repealed, and the door forever shut on the admission of foreigners to citizenship, or that they undergo a long probation. I am for the former.

"The Germans and the Irish are in the same category; the one who know not our language, and are as ignorant as the lazzaroni of Italy, can never understandingly exercise the franchise; and the other, besides their ignorance, are naturally inclined to go with the loafers of our own population."

Philip Hone, of New York city, under date of Nov. 28th, 1844, writes:

“But the especial object of my writing is to remove any unfavorable impressions (if such there be) from your mind as to the miserable result here. The loss of New York was fatal to the cause of the Whigs, but I pray you, dear sir, to attribute no part of this misfortune to a want of exertion on the part of your friends in the city of New York. Never before did they work so faithfully, and never, I fear, will they again; the man and the cause were equally dear to the noble Whigs, and every honorable exertion was made, every personal sacrifice submitted to; every liberal oblation poured upon the altar of patriotic devotion; nine-tenths of our respectable citizens voted for Clay and Frelinghuysen—the merchants, the professional men, the mechanics and working men, all such as live by their skill and the labor of their honest hands, who have wives whom they cherish and children whom they strive to educate and make good citizens—men who go to church on Sundays, respect the laws and love their country—such men, to the number of twenty-six thousand three hundred and eighty-five, redeemed their pledge to God and the country; but alas! the numerical strength lies not in those classes. Foreigners who have ‘no lot or inheritance’ in the matter, have robbed us of our birth-right, the ‘scepter has departed from Israel.’ Ireland has re-conquered the country which England lost, but never suffer yourself to believe that a single trace of the name of Henry Clay is obliterated from the swelling hearts of the Whigs of New York.”

The following is extracted from a letter to Mr. Clay, written by John H. Westwood, dated Baltimore, Nov. 28th, 1844:

“I well recollect in the family circle, while a boy, sitting around the domestic hearth, hearing my father recount your patriotic deeds. One sentence from a speech of yours, ‘The colors that float from the mast-head should be the credentials of our seamen,’ was indelibly fixed on my mind. Then judge my deep mortification and disappointment to find the sailors’ friend, the master-spirit of the late war, ‘the noblest Roman of them all,’ rejected by the American people, and such a man

as James K. Polk placed in the presidential chair. Did I say American people? I recall that expression, for two-thirds of the native freemen of the United States are your fast friends. "It was foreign influence aided by the Irish and Dutch vote that caused our defeat. As a proof, in my native city alone, in the short space of two months there were over one thousand naturalized. Out of this number nine-tenths voted the Loco-foco ticket. Thus men who could not speak our language were made citizens and became politicians too, who at the polls were the noisy revilers of your fair fame. Thus you have been well rewarded for the interest you ever took for the oppressed of other nations. Notwithstanding the ingratitude of the Irish and German voters, if the Abolitionists of New York had done their duty, all would have been well."

Mr. E. Pettigru, of Magnolia, North Carolina, wrote a letter to Mr. Clay on the occasion of his defeat, from which the following is an extract:

"But on this subject I need say no more. It is all plain to you, and my remarks are only to show how much I deplore the failure of our forefathers, the patriots of the Revolution. But one word on the subject of naturalization. My opinion has been for forty years that there should be no citizens of the United States except those born within its limits. Let every foreigner be satisfied to enjoy all the other privileges that the State in which they chose to live thought proper to grant. Had that been the law, we should not now be like men in a thunder squall waiting, with trembling anxiety for the next clap."

Mr. C. L. L. Leary, of Baltimore, under the date of Nov. 14th, 1844, writes:

"I console myself, too, (and to you it must be a source of unflinching gratulation,) that I find myself arrayed in this contest on the same side with the enlightened intelligence, virtue, and patriotism of the Union, with the line of discrimination so broadly and vividly drawn, that 'the wayfaring man,' though a fool in other matters, 'need not err therein.' Whatever partial triumphs we have won, have been achieved by honest American hearts, and with unstained American hands; no levies

RISE OF THE AMERICAN PARTY.

have been made upon the prisons and lazar-houses, no Canadian mercenaries or Hessian auxiliaries have either pressed or purchased into our service; you are the only choice of the great American party, standing upon a broad American platform, supported and dependent upon an American Constitution, as framed, understood, and construed by the patriot fathers of the republic. We are told in Holy Writ that 'The wicked walk on every side, when the vilest men are exalted;' and in this humiliating posture we now find American affairs. The very fountain of our political system, from whence all authority and power flow, is revoltingly corrupt. The ballot-box is poisoned by gross ignorance and wanton perjury."

Mr. Frelinghuysen, who was candidate for Vice-president on the same ticket with Mr. Clay, says to him in a letter written from New York, Nov. 11th, 1844:

"And then the foreign vote was tremendous. More than three thousand, it is confidently said, have been naturalized in this city alone since the first of October. It is an alarming fact, that this foreign vote has decided the great questions of American policy, and counteracted a nation's gratitude."

We have made these numerous extracts for the purpose of showing how deep, pervading and wide-spread was the impression, among intelligent men in all parts of the country, in 1844, that our foreign population had come to exert a very undue influence in American politics. They show that the feeling of which the present American party has sprung is no hasty impulse, no sudden freak, no transient ebullition of passion, but a deeply seated conviction of the American mind, which has been growing and gathering strength for years. As it has not suddenly sprung up, so it will not rapidly disappear.

The quotations we have just made suggest the propriety of our giving, in this connection, a slight sketch of the first rise of the American party as a distinct political organization.

In the year 1834, Professor Samuel B. Morse, the inventor of the electro-magnetic telegraph, a gentleman whose fame

will be as enduring as the records of science, was run as a candidate for mayor of New York city, by a party which had just been organized for the purpose of withstanding foreign influence in our elections. He received nine thousand votes. An address had previously been issued, which temperately but ably set forth the dangers which threatened our institutions from the abuse of the elective franchise, by the foreign population of the country, the convenient instruments of papal priests and native demagogues. The truths presented in this address were so forcible that they produced a powerful impression, led to a distinctive American organization, and the nomination of a purely American ticket. The vote polled in its favor seemed so indicative of future success, that it excited the apprehensions of the old parties, whose leaders then controlled the political press. They opened their batteries against the rising party, and by the power of the press and the efficiency of party discipline, succeeded in repressing temporarily the outward expression of a sentiment which, though it might be checked, could not be extinguished.

The mention of Professor Morse recalls an incident, which as it connects his name with that of Mr. Fillmore, we will briefly relate:

When Professor Morse had perfected his electric telegraph and secured the patent, its exhibition in Washington excited much attention. Mr. Fillmore, then chairman of the committee of ways and means, was particularly interested in the novel and extraordinary machine, and after making up the details of the annual civil appropriation bill, he proposed an amendment appropriating \$30,000 for the construction of an electric telegraph from Washington to Baltimore. A distinguished member of the House, who was afterward Postmaster General, violently opposed the appropriation, and, in the excitement of the debate, denounced the invention as a worthless humbug. By the urgent and impressive representations

of Mr. Fillmore the amendment was carried, when the gentleman referred to, as a mode of expressing his derision, rose in his place and proposed as a further amendment, an appropriation of sixty thousand dollars to carry on experiments in animal magnetism, as a doubly important and much more rational object. But in spite of sneers and jibes, Mr. Fillmore carried his point, and this great American invention was enabled to give a practical demonstration of its utility.

Although the American party of 1834 did not maintain its organization, the occurrences of subsequent years deepened the conviction of its necessity. Not only did the same corrupt influences which it had tried to stem continue to prevail in the elections, but the papal hierarchy seemed to have made a conquest of the Governor of New York. In 1840, Gov. Seward proposed to the Legislature of the State to innovate upon its school system, by setting apart a portion of its common school fund for the support of sectarian schools, under the control of the Catholic church. This project, warmly advocated by Bishop Hughes, was again obtruded on the New York Legislature by Gov. Seward in 1841, and pressed with all the arguments that could be devised in its favor by an artful and ingenious mind. Events like these, combined with the constantly increasing insolence of foreign voters and office-seekers, deepened the repugnance of American citizens, and led to a revival of the American party as a distinct political organization. The foreign residents in the large cities had not only become numerous, but they exerted a large influence in the elections in proportion to their numbers. They held the balance of power between the two old parties, and were conscious that they could turn the scale whichever way they pleased. Presuming on their strength, they demanded and received a large share of the less important offices, to the exclusion of native born citizens. The services for which they were thus rewarded consisted in thronging caucuses and primary meetings, and so

degrading their character that self-respecting men would take no part in managing the machinery by which nominations were controlled; and in hanging about the polls and bullying quiet native citizens who went to deposit their votes.

These abuses led to the re-organization of the American party in 1843. A declaration of principles was published, and in the city of New York a full municipal ticket was nominated which polled a very considerable vote. Boston, Philadelphia, St. Louis, New Orleans, and other cities followed the patriotic example, and each of them elected either the whole or a part of the American ticket. In the municipal election in New York city in April, 1844, the Native American party nominated James Harper, of the respectable publishing firm of Harper & Brothers, as their candidate for mayor, and elected him by a majority of between four and five thousand. They also elected a majority of the aldermen and assistant aldermen of the city.

The American feeling which gave these powerful evidences of its strength in nearly all our large cities in 1844, was again smothered, as it had been ten years before. True, it was much deeper and more general than it had been in 1834, but besides the discipline of political parties which was put in requisition to crush it, it encountered obstacles in the absorbing topics which then engrossed public attention. The next year Texas was annexed to the United States. Then followed the war with Mexico, large acquisitions of new territory, the discovery of the rich gold mines of California, and the exciting controversies consequent on the application of that rapidly matured State for admission into the federal union. But no sooner had the public mind time to settle into tranquillity after the excitement which attended the adoption of the compromise of 1850, than American sentiments again found expression, and asserted their power as they had never done before. As, in 1844, they had shown themselves much more powerful than in 1834, so, in 1854, all preceding exhibitions of American feeling seemed

but as the drops which precede a copious and refreshing shower. Although by the repeal of the Missouri compromise, the country has been afflicted with another distracting slavery agitation, even that has been unable to arrest or materially retard the progress of Americanism, and however the movement may be obstructed or opposed, it will triumph over all obstacles, because it is founded in the deepest feelings of millions of patriotic hearts.

CHAPTER VI.

ELECTED COMPTROLLER OF NEW YORK.

In the fall of 1847, Mr. Fillmore was elected Comptroller of the State of New York, and entered on the duties of the office on the first of the following January. This office is one of great importance, the Comptroller being the chief financial officer of the State, and entrusted with the management of all its various funds. These, in the State of New York, are numerous and large, some half dozen distinct and separate funds being enumerated, and their condition regularly described, in the annual reports required of the Comptroller. To say nothing of the school funds which amount to between two and three millions of dollars, or the United States deposit fund, amounting to between four and five millions, or the literature fund, or the trust funds, the magnificent and almost gigantic system of public works which are the property of the State, would alone require that its principal financial officer should be a man of great business capacity, experience and skill. At the time Mr. Fillmore held the office, in addition to his other multifarious duties, the Comptroller was superintendent of the bank department in the wealthiest and the most commercial State in the Union, as well as a leading member of the Canal Board. As the citizens of other States have probably a very inadequate conception of the importance of this office, and the high order of ability requisite for the successful discharge of its duties, it may not be amiss to copy the following paragraphs which appeared in the Albany Argus the year previous to Mr. Fillmore's election as Comp-

troller. They are quoted from an article written by an able and highly intelligent correspondent of that paper:

"There is at this day no officer of the State whose duties and powers are so diversified, so extensive, and so complicated, as those of the Comptroller; nor is there any who is placed in a more commanding position for exercising a political influence. From a simple auditor of accounts, and a watch upon the treasury, he has sprung up into an officer of the first eminence in the administration; supplanting by degrees some departments which were once in equal, if not higher regard, as auxiliaries and advisers of the executive power. He is the one-man of the government. He is not simply an officer, but a bundle of officers. There is hardly a branch of the administration of which he is not a prominent member; so prominent, in some cases, that the affairs of that branch can not be conducted without his actual presence, although personally he may be a minority of those having it in charge. He is the chief of the finances; the superintendent of banks; and the virtual quorum of the commissioners of the canal fund, with all the power which such a position gives him in the Canal Board. While other State departments have no more than maintained their original sphere and authority, or have suffered material diminution, particularly of influence, the office of Comptroller has been a favorite of the Legislature, and the chief object of its confidence, entrusted with high if not extraordinary powers of government. An examination of the statutes will show that every year adds to its duties, until they have become, by continual aggregation, a complicated mass, beyond the power of performance by any one man, and almost beyond the reach of his thorough and intelligent supervision."

* * * * *

"To form an adequate idea of the mass of duty he has in charge, it is necessary not only to survey the summary contained in the revised code of our laws, but to trace out the statutes

from year to year; to review the reports of his office; and to follow him and his numerous assistants in the actual discharge of their various labors in the financial, banking, and tax bureaux of his department. But it is inconsistent with the designed brevity of these papers to enter into the details which alone can convey a suitable notion of the magnitude and responsibility of his trust and influence. As the department is now organized, it is overgrown and cumbersome; and to perform with thorough intelligence and conscientiousness, without error or delay, all its requisite offices of supervision and of action, requires the sight of Argus, with his hundred eyes, and the activity of Briareus, with his hundred hands."

Mr. Fillmore's talents peculiarly fitted him for the able discharge of the duties of this office—duties even more important than those of the Governor of the State, and more complicated than any which devolve on the secretary of the national treasury. He possesses in a very high degree the combination of qualities which constitute eminent administrative ability. A native cast of mind which prefers business to show, love of labor, fondness for method, a comprehensive mental grasp united to great capacity for details, energy, inventiveness—these are qualities for which Mr. Fillmore is distinguished, and which form the solid basis on which his reputation as an executive officer has been reared. In mentioning inventiveness as one of his mental characteristics, we must not be understood to mean that light play of fancy which supplies imagery to the poet; for Mr. Fillmore's turn of thought is too earnest and manly to feel much pleasure in frivolous ornaments. He is a greater master of the figures of arithmetic than of the figures of rhetoric; but the mathematician may be original as well as the orator, although it requires more skill to discern and appreciate the originality of the former than of the latter. It is the business of the statesman to deal with grave and important interests, and if he is a man of great resources he shows it rather

by proposing wise measures which will abide the test of time, than by making ingenious speeches that die with the breath that utters them. When Hamilton devised the financial system by which the country was extricated from its difficulties and retrieved its ruined credit, he was as much entitled to the praise of originality as was John Randolph in any of those eccentricities of thought which rendered his speeches so entertaining. The kind of inventiveness by which a statesman becomes fertile in resources, is not that which kindles into brilliant coruscations in popular oratory, but that which enables him to bring to great exigencies the measures best adapted to meet them. In 1842, the national finances were in a most deplorable condition. Millard Fillmore was made chairman of the committee of ways and means, and when he had matured his measures of relief, credit revived and the country entered on a new career of prosperity. In 1850, sectional controversies ran so high as to imperil the existence of the Union; Millard Fillmore became President of the United States, and harmony and tranquillity were perfectly restored.

These remarks in relation to the originality of Mr. Fillmore's mind have been suggested by his report as Comptroller of New York. The merits one would expect to find in such a document are a clear exhibit of the financial condition of the commonwealth and of the state of its various funds, accompanied, perhaps, by suggestions relative to their management. Not only did Mr. Fillmore's report possess these merits; not only did it display clear method, lucid statement and happy suggestions, but it proposed a plan for improving the banking system of the State, which embodied the happiest solution that has ever been offered of the great problem of devising a circulating medium which should combine the lightness and convenience of paper with the security of gold and silver. We quote from his report all that he said on the subject of banks, asking particular attention to the part which recommends

United States stocks as a basis of banking. The reader will be struck with the comprehensiveness of view which so readily combines a measure of State policy with a method for facilitating the collection of the national revenues. The plan proposed by Mr. Fillmore would unite the advantages claimed for both a United States Bank and the sub-treasury system, without the dangers and inconveniences of either:

“In order to determine this question properly, several things are to be taken into consideration, and the first is, what is the duty of the State in reference to banking? It would, doubtless, be desirable to create banks which should be able to discharge every obligation, not only to the bill-holder, but to the depositors, and all others to whom it should incur any liability. But this is impossible. The safety fund, which was intended to provide such security, would have been ample to redeem all the circulation of the banks which have failed, but it has been exhausted in paying depositors and other creditors of the insolvent banks, and is now mortgaged for all it will probably produce for eighteen years to come. Thus by attempting more than could be accomplished, the Legislature failed to secure the bill-holder, which was in its power, and, for the remaining eighteen years that some of these charters have to run, the safety fund yields him no security. It is apparent, then, that security for all liabilities can not be provided, and the State is under no more obligation to attempt this impossibility than it would be the equally absurd one of making every merchant capable of meeting all the obligations he should incur.

“It is humbly conceived the duty of the State in this case begins and ends with furnishing a good and safe currency to the people. To furnish this currency, so far as it consists of paper or credit, is an exclusive privilege granted by the State, and the State should take care that in granting it the people are secured from imposition and loss. Any man may receive deposits, or discount a note, or loan money, or draw a bill of exchange.

“These, it is admitted, are banking operations. But they are open to all. Those who engage in them enjoy no exclusive privilege. But not so with those who are authorized to

issue bank notes to circulate as money. This is a banking operation confined to the few. It is a prerogative enjoyed exclusively by the money kings of the country, and they should not enjoy it without giving the most ample security. This duty is justly imposed for the privilege which is granted.

“Assuming, then, that the great object of legislation on this subject is to provide a sound currency by giving ample security to the bill-holder, the question is, how can this best be accomplished? It must be borne in mind that safety fund banks derive much of their credit from the individuals who were incorporated. By granting a special charter in each case, the Legislature had it in its power in some measure to control this matter.

“But there was an attendant evil that in the opinion of many outweighed the good. The practice of granting exclusive privileges to particular individuals invited competition for these legislative favors. They were soon regarded as part of the *spoils* belonging to the victorious party, and were dealt out as rewards for partisan services.

“This practice became so shameless and corrupt that it could be endured no longer, and in 1838 the legislature sought a remedy in the general banking law. This was the origin of the free bank system. Since that time no safety fund bank has been chartered; and in 1846 the people set their seal of reprobation upon this practice of granting special charters for banks, by providing in the new constitution that ‘the Legislature should have no power to pass any act granting any *special charter* for banking purposes, but that corporations or associations might be formed for such purposes under *general laws*.’

“Would it be safe, then, to provide by general law that voluntary associations or incorporations might be formed any where and by any persons for banking? The Comptroller thinks not. Suppose they were required to pay in all their capital, and the most satisfactory proof should be required of this fact. Even this is no security to the bill-holder. The capital paid in is left in the custody of those who pay it. They can withdraw it at pleasure. It would only be necessary for those who wished to practice a fraud upon the credulity of the community, and reap a golden harvest, to associate together and form a bank, pay in a large capital, appoint one of their associates president, and another cashier, to take charge of it;

prove to this department these facts, and obtain bills for circulation to an equal amount, and then pay them out for property easily transported — take their capital and leave for California, and in one week would be beyond the reach of process or the power of coercion.

“But it has been suggested that each bank might be required to deposit a certain amount, say ten per cent., in the treasury, to constitute a fund for the redemption of its bills. So far as this deposit goes it may be safe. It is on the principle of the free bank system. But if the deposit be intended for the redemption of the bank only which makes the deposit, it is wholly inadequate. It is no more than the banks under the old safety fund system paid to a general fund. Their charters had twenty years to run. They paid half of one per cent. per annum, making in all ten per cent. To say that one dollar is deposited as a security for the redemption of ten, is a mockery.

“But it may be said that the bills constitute a common fund for the redemption of the bills of the insolvent banks only. Then, as many which are solvent will not want it, there will be enough to redeem all the bills of those which shall prove insolvent. This is doubted. This fund, instead of being sufficient to redeem the notes of all insolvent banks, would probably for a time give just credit enough to the fraudulent associations which would be formed, to enable them to get their notes in circulation, and then by withdrawing their capital the more effectually defraud the community. It is believed to be wholly inadequate for the object intended.

“The Comptroller believes that the safest way to make a sound paper currency, is to have at all times ample security for its redemption in the possession of the State. In order to make this security *ample*, it should be not only sufficient in amount, but should be of such a nature that it may be readily converted into cash without loss. It is not enough that the security be ultimately good or collectable; delay in redeeming the circulation causes it to depreciate, and is almost as fatal to the poor man who can not wait, as ultimate insolvency. He becomes at once the victim of the broker.

“A bond and mortgage may be good — that is, the whole amount secured by them may be collectable. But the billholder can not wait for this. They must be convertible into

cash by sale, and if for any reason this can not be promptly done, they are not of that kind of security which should be required. All the experience of this department shows that bonds and mortgages are not the best security for this purpose, and while better security can be had, it is deeply to be regretted that they were ever received. The apprehension that there may be a defect of title, that the lands mortgaged may have been appraised too high, or that there may be some legal defense to a suit of foreclosure, all conspire to depreciate their value in the estimation of purchasers, when offered for sale at auction on the failure of a bank.

“Capitalists are cautious about purchasing, and the consequence is that they have sometimes sold for less than twenty per cent. on the amount received by them, and the average amount for which all have been sold, for the last ten years, is only *thirty-seven and seventy-one hundredths* per cent., while the average amount for which the five per cent. stocks of this State have sold is ninety-two eighty-six one-hundredths per cent., or ninety-two dollars and eighty-six one-hundredths for every hundred dollars of stock. This shows that a six per cent. stock, such as is now required, would doubtless have sold at par, and the bill-holder would have received dollar for dollar for the circulation.

“Should the country remain at peace, it can not be doubted that the stocks of the United States will be a safe and adequate security. The Comptroller would therefore recommend that the law be so changed as to exclude bonds and mortgages from all free banks which shall hereafter commence business, and to prevent the taking of any more from those now in operation, and to require that ten per cent. per annum of those now held as security be withdrawn, and their places supplied by stocks of this State, or of the United States. If this recommendation be adopted, at the end of ten years the whole security will be equal to a six per cent. stock of this State or of the United States, which it is presumed will be ample security for the redemption of all bills in circulation.

“Could this system of banking be generally adopted in the several States, it can hardly be doubted it would prove highly beneficial. It would create a demand for their own State stocks. The interest paid upon them would be paid to their own citizens. Every man who held a bank note, secured by

such stock, would have a direct interest in maintaining inviolate the credit of the State. The blasting cry of *repudiation* would never again be heard, and the plighted faith of the State would be as sacred as national honor; and lastly, it would give them a sound and uniform currency.

"If, then, in addition to this, Congress would authorize such notes as were secured by stocks of the United States to be received for public dues to the national treasury, this would give to such notes a universal credit, co-extensive with the United States, and leave nothing further to be desired in the shape of a national paper currency. This would avoid all objection to a national bank, by obviating all necessity for one, for the purpose of furnishing a national currency. The national government might be made amply secure. The law might provide that all bills secured by United States stock should be registered and countersigned in the treasury department, as the notes circulated by the banks in this State are registered and countersigned in this office. This would enable every collector, postmaster, or other receiver of public moneys, to know that they were receivable for public dues.

"The stock of the United States by which their redemption was secured, might be so transferred to the State officer holding the same, that it could not be sold or transferred by him without the assent of the secretary of the treasury, and in case of the failure of the bank to redeem its notes, it might be optional with the secretary of the treasury to exchange the notes held by the government for an equal amount of United States stock held for their redemption, or let it be sold and receive the government's share of the dividends. In this way the national government would always be secure against loss.

"But this suggestion is foreign from the chief object of this report, and is merely thrown out to invite attention to the subject. But in conclusion, the Comptroller has no hesitation in recommending that the free bank system be modified in the particulars above suggested, and that it be then adopted in preference to the safety fund system, as the banking system of this State.

"It can not be supposed that the banking under this system will be as profitable as it has been under the safety fund system. It is therefore desirable that every facility should be given to capitalists who engage in it that can be granted con-

sistent with the security of the public, and that no unreasonable or unjust system of taxation should be adopted which discriminates invidiously against them; but persons engaged in banking should be taxed like all other citizens."

The report from which this extract is taken is the only one ever prepared by Mr. Fillmore as Comptroller of New York. Soon after its transmission to the Legislature, he resigned that office to enter upon his duties as Vice-president of the United States.

CHAPTER VII.

VICE-PRESIDENT OF THE UNITED STATES.

In accepting the office of Comptroller, Mr. Fillmore had yielded to the urgent persuasions of his political friends at a considerable sacrifice of private interest. He was reluctant to relinquish a large and lucrative professional business, and, in consenting to take the office, he determined that, on the expiration of his term, he would return to private life and devote himself to professional pursuits. When, therefore, he was solicited to allow his name to be presented to the Whig National Convention, in 1848, as a candidate for Vice-president, he refused to entertain the proposal.

Previous to the assembling of the Convention, there existed, in the Whig party, great diversity of opinion as to who should be selected as candidate for President. A majority of the Whigs of New York, and several other States, were in favor of Mr. Clay; but the great personal popularity which always attends successful military exploits, seemed to render it expedient that the Whigs should select one of the two generals who had won great distinction in the war with Mexico. Besides his great military talents, Gen. Scott was supposed to possess such a knowledge of civil affairs as eminently fitted him to administer the government; and in fact, he had been a prominent Whig candidate previous to his brilliant achievements in the Mexican war. But the same objection which was urged against Mr. Clay, applied, in some degree, to Gen. Scott. He too, had for many years been talked of in connection with the presidency,

and was regarded by many in the light of an unsuccessful aspirant. In deciding among the three, if eminent fitness for the office were to determine the choice, there could be no doubt that the nomination should be given to Mr. Clay, while the reasons founded on personal availability seemed to preponderate in favor of Gen. Taylor. He had won the earliest and some of the most brilliant victories in the Mexican war, and, though entirely destitute of civil experience, the people seemed impatient to testify their gratitude for his military services by elevating him to the first office in the republic. In fact, he had been spontaneously nominated, in various parts of the country, without any regard to his party connections, and before it was known in what direction his political sympathies leaned. The principal objection made to him by such Whigs as opposed his nomination, was that there was no evidence that he belonged to their party. Pálo Alto, and Resaca de la Palma, and Monterey, and Buena Vista, were charmed names which would attract a host of supporters; but what evidence is there, inquired many anxious Whigs who were not insensible to Gen. Taylor's great personal strength, what evidence is there, that if elected by Whigs he would carry out Whig principles? The following letter, which found its way into the newspapers, had no tendency to remove their doubts:

“BATON ROUGE, LA., January 30th, 1848.

“SIR: Your communication of the 15th instant has been received, and the suggestions therein offered duly considered.

“In reply to your inquiries, I have again to repeat, that I have neither the power nor the desire to dictate to the American people the exact manner in which they should proceed to nominate for the presidency of the United States. If they desire such a result, they must adopt the means best suited, in their opinion, to the consummation of the purpose; and if they think fit to bring me before them for this office, through their Legislatures, mass meetings, or conventions, I can not object to their designating these bodies as Whig, Democrat, or Native.

But in being thus nominated, I must insist on the condition—and my position on this point is immutable—that I shall not be brought forward by them as the candidate of their party, or considered as the exponent of their party doctrines.

“In conclusion, I have to repeat, that if I were nominated for the presidency, by any body of my fellow-citizens, designated by any name they might choose to adopt, I should esteem it an honor, and would accept such nomination, provided it had been made entirely independent of party considerations.

“I am, sir, very respectfully,

“Your obedient servant,

“Z. TAYLOR.

“PETER SKEN SMITH, Esq., Philadelphia.”

A letter to Captain Allison, which he wrote three months later, did much to efface the impression which the one just quoted was calculated to produce, and so far satisfied a great portion of the Whigs, that General Taylor's name was prominently brought before the Whig Convention, which met at Philadelphia, on the 1st of June, 1848. The portions of his Allison letter in which Gen. Taylor avowed his Whig principles are the following:

“I will proceed, however, now to respond to your inquiries:—

“1. I reiterate what I have so often said: I am a Whig. If elected, I would not be the mere president of a party. I would endeavor to act independent of party domination. I should feel bound to administer the government untrammelled by party schemes.

“2. The Veto Power.—The power given by the constitution to the executive to interpose his veto, is a high conservative power; but, in my opinion, should never be exercised except in cases of clear violation of the constitution, or manifest haste and want of consideration by Congress. Indeed, I have thought that for many years past the known opinions and wishes of the executive have exercised undue and injurious influence upon the legislative department of the government; and for this cause I have thought that our system was in danger of undergoing a great change from its true theory. The personal opinions of the individual who may happen to

occupy the executive chair, ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of government, and acquiesced in by the people.

"3. Upon the subject, of the tariff, the currency, the improvement of our great highways, rivers, lakes, and harbors, the will of the people, as expressed through their representatives in Congress, ought to be respected and carried out by the executive."

The principal feature of this avowal is the implied pledge that, if elected President, he would not thwart the wishes of Congress by the executive veto. The political history of the country, for the preceding thirty years, had led the Whigs to attach great importance to the views expressed by Gen. Taylor respecting the exercise of the veto power. Gen. Jackson's veto of the bill for rechartering the United States Bank, the veto of various internal improvement bills by Democratic presidents, and particularly the vetoes of President Tyler, which had stung them almost to madness, had caused the Whigs to array themselves against the exercise of the veto power by the national executive, except in cases of clear and palpable violation of the constitution. A pledge not to defeat Whig measures by a veto was therefore regarded as of more practical importance than any declaration of principles which a Whig candidate could make. Still there were many Whigs who preferred the old and tried leaders, who had battled for their principles during a whole life-time. The first ballot taken in the Convention, while it showed the popularity of Gen. Taylor, disclosed, at the same time, a strong disposition to select some one of the veteran champions of the party.

The vote stood, on the first ballot, as follows: For Zachary Taylor, one hundred and eleven; Henry Clay, ninety-seven; Winfield Scott, forty-three; Daniel Webster, twenty-two; John M. Clayton, four; John M'Lean, two. Necessary for a choice,

one hundred and forty; the whole number of votes being two hundred and seventy-nine. On the second ballot the vote stood for Taylor, one hundred and eighteen; Clay, eighty-six; Scott, forty-nine; Webster, twenty-two; Clayton, four. Third ballot, Taylor, one hundred and thirty-three; Clay, seventy-four; Scott, fifty-four; Webster, seventeen; Clayton, one. On the fourth and final ballot Taylor received one hundred and seventy-one votes, and was declared elected.

This result had been anticipated from the beginning, but all except five or six of the delegates from New York, and the Whigs of that State in a still larger proportion, preferred Mr. Clay. The friends of Gen. Taylor were understood to favor the nomination of Abbott Lawrence, of Massachusetts, as Vice-president. Mr. Lawrence was a most estimable gentleman and true Whig, personally unobjectionable to any member of the party; but as he was known to have been a Taylor man from the beginning, it was thought that some other name on the ticket with Gen. Taylor would be more likely to insure his success.

In this state of things some of the friends of Mr. Fillmore called on him, on their way to the convention, and solicited his permission to present his name as candidate for Vice-president. He made objections, and expressed his intention to retire to private life on the expiration of his term of office as Comptroller. The representations of his friends were, however, so urgent as finally to draw from him a promise not to refuse in case he should be nominated.

As soon as the fourth ballot, which, as we have seen, resulted in the nomination of Gen. Taylor, was over, and the cheering which greeted the announcement, both within and without the building, had partially subsided, Hon. John A. Collier, a State delegate from New York, and zealous Clay man, took the floor and made a brief speech, which was listened to with great attention. He did not conceal his

disappointment at a result he had done all in his power to defeat, but declared that he would neither bolt the nomination himself, nor countenance bolting in others. And, as a pledge of the good faith with which the friends of Mr. Clay in New York would support Gen. Taylor, he proposed the name of Millard Fillmore as the candidate for Vice-president.

These remarks were received with unbounded applause, and, in a few minutes, the Convention proceeded to ballot. Of the two hundred and seventy-five votes cast on the first ballot, Mr. Fillmore had one hundred and fifteen, Mr. Lawrence one hundred and nine, and the rest were scattering. On the second ballot Mr. Fillmore received one hundred and seventy-three votes, (two more than had been given to Gen. Taylor,) and was declared nominated.

To the letter of the president of the convention, informing him of his nomination, Mr. Fillmore made the following reply:

“ALBANY, N. Y., June 17th, 1848.

“SIR: I have the honor to acknowledge the receipt of your letter of the 10th inst., by which I am notified that at the late Whig Convention held at Philadelphia, Gen. Zachary Taylor was nominated for President and myself for Vice-president, and requesting my acceptance.

“The honor of being thus presented by the distinguished representatives of the Whig party of the Union for the second office in the gift of the people — an honor as unexpected as it was unsolicited — could not fail to awaken in a grateful heart emotions which, while they can not be suppressed, find no appropriate language for utterance.

“Fully persuaded that the cause in which we are enlisted is the cause of our country, that our chief object is to secure its peace, preserve its honor, and advance its prosperity; and feeling, moreover, a confident assurance that in Gen. Taylor (whose name is presented for the first office) I shall always find a firm and consistent Whig, a safe guide, and an honest man, I can not hesitate to assume any position which my friends may assign me.

“Distrusting, as I well may, my ability to discharge satisfactorily the duties of that high office, but feeling that, in case

of my election, I may with safety repose upon the friendly aid of my fellow Whigs, and that efforts guided by honest intentions will always be charitably judged, I accept the nomination so generously tendered, and I do this the more cheerfully, as I am willing, for such a cause and with such a man, to take my chances of success or defeat, as the electors, the final arbiters of our fate, shall, in their wisdom, judge best for the interests of our common country.

“Please accept the assurance of my high regard and esteem, and permit me to subscribe myself

“Your friend and fellow-citizen,

“MILLARD FILLMORE.

“Hon. J. M. MOREHEAD.”

The result of the presidential election which took place in November, 1848, was that Taylor and Fillmore received each one hundred and sixty-three electoral votes, against one hundred and twenty-seven votes given to Cass and Butler, the Democratic candidates for President and Vice-president.

Mr. Fillmore happening to be in New York a few days after the result of the election became known, the Whig general committee, which was in session, waited on him in a body, and tendered him their congratulations on his election. Hon. Philip Hone, chairman of the general committee, addressed Mr. Fillmore as follows:

“SIR: The Whig general committee wait upon you in a body to express the pleasure they feel, not only in the triumph of their principles, but a pleasure augmented by the agreeable fact that it elects you to the second office in the federal government — you, a New York boy, born on our soil, a noble son of our own institutions, who has made his own way ahead by his own industry, and energy, and devotion to correct, sound principles. It is known to you that the first choice of the general committee was not the illustrious man just elected President — for our hearts were pledged elsewhere — but for the position you are to hold, you were our first choice; and whatever temporary disappointment we felt in the first result of the Philadelphia nominations, was immediately alleviated by

the agreeable intelligence that you were to share its fortunes and its honors. New York knew you. Your name was familiar in our ears. You were the real favorite son of the State — and from the moment the ticket was formed, we gave to it our hearty, energetic, and undivided support.

“Sir, in tendering you our congratulations, we may add that we look to you to contribute your part, and we know we look now with no prospect of disappointment from you, to a sound, healthy, and patriotic administration of the government. You will do all you can to put the Ship of State on the right tack. You will engage in no intrigue, and no corruptions, that think only of a party, and nothing of the Republic. You will exercise what influence you have to preserve the public peace, when with honor peace can be preserved. Indeed, we may say we look to you and to the illustrious man connected with you to undo much of what has been done for four years past. We want a patriotic, honest government. We want a government for the good of the people, not the good of party only, and we are sure that in looking to you, we look to one who will ever maintain and never desert the right.”

To this address Mr. Fillmore made the following reply:

“MR. CHAIRMAN: A compliment from a city like yours, the Empire City, not only of the Empire State, but the commercial emporium of our whole common country, could never be properly replied to by me, even if I had time to prepare — but the suddenness of your announcement, and the warmth and heartiness with which you have welcomed me, quite unfit me to make any reply at all. I can only thank you, in my embarrassment; but I am sure it is not to me this tribute is rendered, but to the illustrious man under whose name and whose principles we have achieved the brilliant civil victory that the telegraph for the week past has been sending to us. In that man, and his simplicity, energy and straightforwardness, I have the highest confidence. I have never had the honor of taking him by the hand, or of meeting him face to face, but I have studied well his character, and I feel, therefore, that I know him well; for it is a character plain and open, to be read by every body, and not of that complex nature that deludes and puzzles the observer.

"I have no doubt that under his administration you will realize all the high and patriotic expectations that you entertain, and that the country will receive an impetus and a direction, under his honest hands, that will go far, not only to make it flourish, but to make its institutions endure. I look to him with confidence for a restoration of sound republican principles, and for an administration of honest men; and with him, I am sure, we shall have the government of the popular voice—not the expression of the arbitrary will of one man. What the people demand, the people will have, and upon them will depend the success of the administration of Zachary Taylor. (Cheers.)

"Gentlemen, I thank you heartily for the kindness with which you have welcomed me, and I wish you all happiness and prosperity." (Prolonged cheering.)

About this time Mr. Fillmore wrote a private letter to a friend, which was so honorable, patriotic and truly national, that we copy the following extract:

* * * "To me there is no manifestation of popular sentiment which calls up such deep feelings of gratitude as that generous vote of my old friends and early constituents of the county of Erie. It is now twenty years since they first elected me to the Assembly, and from that day to this they have stood by me through good and through evil report, and sustained me under all circumstances with a zeal and fidelity almost unknown in this country; and the last crowning act of their continued kindness and confidence awakens the deepest emotions of a grateful heart.

"I trust, too, that you will not blame me for expressing the gratification and pride which I feel in receiving so flattering a vote in my native State. But these things are in a measure personal to myself, and therefore of little importance. But the cordiality and unanimity with which the Whig ticket has been sustained every where, North and South, East and West, is a just cause of national felicitation. It proves that the great Whig party is truly a national party—that it occupies that safe and conservative ground which secures to every section of the country all that it has a right to claim under the guaranty of the constitution—that such rights are inviolate—and as to

all other questions of mere policy, where Congress has the constitutional right to legislate, the will of the people, as expressed through their representatives in Congress, is to control, and that will is not to be defeated by the arbitrary interposition of the veto power.

This simple rule which holds sacred all constitutional guarantees, and leaves the law-making power where the constitution placed it, in Congress, relieves the party at once from all the embarrassing questions that arise out of sectional differences of opinion, and enables it to act harmoniously for the good of the country. When the President ceases to control the law-making power, his individual opinions of what the law ought to be, become comparatively unimportant. Hence we have seen Gen. Taylor, though attacked as a slaveholder and a pro-slavery man at the North, cordially supported and triumphantly elected by men opposed to slavery, in all its forms; and though I have been charged at the South, in the most gross and wanton manner, with being an abolitionist and an incendiary, yet the Whigs of the South have cast these calumnies to the winds, and, without asking or expecting any thing more than what the constitution guarantees to them on this subject, they have yielded to me a most hearty and enthusiastic support. This was particularly so in New Orleans, where the attack was most violent.

“Really, these Southern Whigs are noble fellows. Would you not lament to see the Union dissolved, if for no other cause than that it separated us from such true, noble and high-minded associates? But I regard this election as putting an end to all ideas of disunion. It raises up a national party, occupying a middle ground, and leaves the fanatics and disunionists, North and South, without the hope of destroying the fair fabric of our constitution. May it be perpetual!”

In February, 1849, Mr. Fillmore resigned his office as Comptroller of New York, and proceeded to Washington to assume the duties of his new office.

The inauguration which took place on Monday, the 5th of March, 1849, was an occasion of unusual ceremony and festivity. Multitudes of citizens had assembled in Washington from all parts of the Union, the attendance being greater than at

the accession to power of any previous administration. Strains of martial music, the ringing of bells, the waving of hundreds of flags, and the thronged procession, bore witness to the deep interest the occasion had excited. Previous to the appearance of the President elect, the Senate had convened and appointed a temporary president. The diplomatic corps entered in their rich and magnificent costumes, which contrasted finely with the dark robes of the Justices of the Supreme Court, who sat opposite to them.

Mr. Dallas, the late Vice-president, had been for some time in the chamber, his hair of snowy whiteness and his perfect gentlemanly figure, naturally attracting attention. He occupied a seat in front of the secretary's table facing the Senators. Presently Mr. Dallas was observed to retire, and in the course of a few minutes he was seen re-entering the chamber in company with Mr. Fillmore, whom he conducted to the chair of the Senate. The future presiding officer of that body took the vacant seat of his predecessor, where the oath of office was administered to him by the president *pro tempore*, when amid profound stillness he delivered, in the calm and dignified manner for which he is distinguished, the following brief address:

“SENATORS: Never having been honored with a seat on this floor, and never having acted as the presiding officer of any legislative body, you will not doubt my sincerity when I assure you that I assume the responsible duties of this chair with a conscious want of experience and a just appreciation that I shall often need your friendly suggestions, and more often your indulgent forbearance.

“I should indeed feel oppressed and disheartened did I not recollect that the Senate is composed of eminent statesmen, equally distinguished for their high intellectual endowments and their amenity of manners, whose persuasive eloquence is so happily tempered with habitual courtesy as to relieve your presiding officer from all that would be painful in the discharge of his duty, and render his position as agreeable as it must be instructive.

"Thus encouraged and sustained, I enter upon the duties assigned me, firmly resolved to discharge them with impartiality and to the best of my ability. But I should do injustice to the grateful emotions of my own heart, if I did not on this occasion express my warmest thanks for the distinguished honor that has been conferred upon me in being called by the voice of the nation to preside over your deliberations.

"It will not, I trust, be deemed inappropriate to congratulate you on the scene now passing before us. I allude to it in no partisan aspect, but as an ever recurring event contemplated by the constitution. Compare the peaceful changes of chief magistrate of this Republic with the recent sanguinary revolutions in Europe.

"There the voice of the people has only been heard amid the din of arms and the horrors of domestic conflicts; but, here in our own favored land, under the guidance of our constitution, the resistless will of the nation has from time to time been peaceably expressed by the free will of the people, and all have bowed in obedient submission to their decree.

"The administration which but yesterday wielded the destinies of this great nation, to-day quietly yields up its power, and, without a murmur, retires from the Capital.

"I congratulate you, Senators, and I congratulate my country upon these oft-recurring and cheering evidences of our capacity for self-government. Let us hope that the sublime spectacle we now witness may be repeated as often as the people shall desire a change of rulers, and that this venerated constitution and this glorious Union may endure forever."

Mr. Fillmore, while acting as Vice-president, presided over the Senate with a dignity and urbanity which has never been surpassed. Mr. Calhoun, in 1826, had announced to the Senate his opinion that the Vice-president had no authority to call Senators to order for any violation of courtesy or transgression of the rules of debate. He conformed his practice to his opinion, and it had become a settled usage that a member was on no occasion called to order for any words he might utter on the floor of the Senate. Mr. Fillmore made a speech in which he explained the reasons why he thought that it was his

duty to preserve decorum, and, if occasion should render it necessary, reverse the usage of his predecessors. This determination met the warm approval of the Senate, who ordered Mr. Fillmore's speech to be entered at length on their journal.

CHAPTER VIII.

MR. FILLMORE PRESIDENT OF THE UNITED STATES.

The large territorial acquisitions which were the consequence of the Mexican war occasioned controversies that made the brief administration of Gen. Taylor a period of intense public excitement. The annexation of Texas, in which the war originated, met with general approval in the Southern States on account of its supposed tendency to fortify the institution of slavery. But if the territory ceded to the United States by the treaty of Guadalupe Hidalgo should all be carved into free States, the ultimate effect of annexation would be a great loss of power by the South. The fact that a portion of the Northern representatives in Congress insisted on the insertion of the Wilmot Proviso in every act organizing a new territory, would have been productive of considerable irritation, even if there had been nothing else in the circumstances of the time to favor sectional excitement. But the application of California for admission into the Union as a free State, made the only session of Congress which took place under the administration of Gen. Taylor one of the most exciting that had occurred in many years.

The rapid growth of California was without a parallel in history. The discovery of gold mines of extraordinary richness and extent had caused an immense tide of emigration to set toward the new El Dorado, not only from all the Atlantic States, but from almost every quarter of the world. In less than two years from the discovery of her gold mines, California,

previously almost without inhabitants, had become more populous than some of the old States, more wealthy than several of them, and, without passing through the usual territorial pupilage, she had formed a State constitution, organized a State government, and was applying for admission as one of the members of the federal Union. It was objected that her proceedings were irregular, that her territory was too large for a single State, and that her boundaries had been assumed without the authority of Congress. Under different circumstances, these objections would have had but little influence, considering the urgent necessity which existed for a government of some kind. California had, at that time, no authorized government either territorial or state; and yet from the heterogeneous character of her population and the absence of social restraints, no community stood in greater need of a firm and regular government strictly enforced.

The question really in dispute related to the balance of power between the slaveholding and the non-slaveholding States. States had for many years been admitted into the Union by pairs, one from each section of the country; and when California adopted her constitution the two classes of States had, for a long period, possessed an equal representation in the United States Senate. When she applied for admission as a free State, there was no slave State, either forming or likely to be formed, to balance her. From a more rapid growth of population the North had long had a growing preponderance in the lower branch of Congress, and if California were admitted as a free State the South would be in a minority in both Houses, and without any power of effectual resistance to legislative measures, which it might consider hostile to its interests. The Northern majority in the House of Representatives was certain to go on increasing, and if the equilibrium of the Senate were once destroyed, there was no ground to hope that it could ever be recovered. The admission of

California into the Union as a free State, therefore, seemed to place Southern rights and interests forever afterward at the mercy of the North.

It was this state of things which gave so deep a significance to the admission of California, and rendered it the occasion of such earnest and vehement controversy. It was foreseen that the South would struggle against it as if its very existence were in peril, for in all future legislation involving the question of slavery it was regarded as a death blow to its interests. If California were admitted, the South could see no safety except in secession from the Union.

Mr. Clay, with the far-reaching sagacity for which he was distinguished, at once comprehended the magnitude of the crisis. He surrendered his whole mind to earnest and painful reflection, with a view to discover some method by which conflicting interests might be reconciled, and the Union rescued from the imminent peril which threatened its existence. He clearly saw that the loss of the balance of power between the two sections of country would become a matter of trivial importance to the South, if, together with the admission of California, measures could be adopted which would forever remove all questions affecting the interests of slavery beyond the sphere of federal legislation. The South might reconcile themselves to the necessity of passing into a perpetual minority by the admission of California, if there could be coupled with her admission a final settlement of all questions in which the interests of the two great sections of the country were supposed to conflict. It was with a view to accomplish such a settlement, that he brought forward his celebrated Compromise scheme, which its enemies named, in derision, the "Omnibus Bill." It proposed to admit California into the Union as a free State; to organize territorial governments for New Mexico and Utah, leaving the question of slavery to the decision of the inhabitants; to define the boundaries of Texas; and to make

more effectual provision for enforcing the requirements of the constitution relating to fugitives from labor. The combining of so great a variety of measures into one bill, was what led to its being designated as the "Omnibus." Although it is, without doubt, a sound principle of legislation that every measure ought, as far as possible, to stand on its own separate merits, it seemed necessary, in order to accomplish the settlement which Mr. Clay proposed, that these should stand together. Whatever might be the ostensible pretexts for opposing the admission of California, the actual reason was, that it destroyed irrecoverably the balance of power between the Northern and Southern States. This consideration aside, the reasons for her admission were too powerful and urgent to be resisted. But this consideration had so strong a tendency to inflame Southern feeling, that the measure had little chance of success unless the others could be joined with it. The South was not likely to relinquish, voluntarily, all check upon legislation affecting slavery, unless it could be assured that the whole subject was to be withdrawn from future congressional action. Hence the importance Mr. Clay attached to combining all these separate measures into a single bill.

Other public men, who were equally patriotic, and equally solicitous that all the distracting questions growing out of slavery should receive a final settlement, while they admitted the importance of all Mr. Clay's measures, and the indispensable necessity for their all passing, considered it a matter of indifference whether they were embodied in a single bill or acted on separately. Among these was Mr. Webster, who was as earnest in his devotion to the Union, and as ardent in his efforts for the restoration of tranquillity, as any member of the Senate. He thought it due to California that she should be admitted into the Union; to the South that the constitutional provision for the recovery of fugitive slaves should be enforced; to the whole country, that the quarrel between the citizens of

Texas and New Mexico should be settled; but so far as related to slavery in the territories, he thought it a question of no practical importance, and not worth the ill feeling it had engendered. He contended in one of the ablest speeches ever delivered in Congress, that there was not a foot of territory within the limits of the United States whose condition, as regards slavery, was not already fixed by some irrevocable law. Neither he nor any other statesman, North or South — neither he nor any other citizen of any section of the country, supposed, at that time, that a repeal of the Missouri compromise would ever be proposed, much less ever become possible; and when he called it an irrevocable law excluding slavery from all territory north of an established line, nobody questioned or doubted that, as far as that went, he was perfectly correct. Nobody could then have foreseen so gross a political blunder, such a wanton violation of good faith, as has since been committed by a Democratic administration, and sanctioned by the Democratic party. With regard to the territories to which the Missouri compromise did not apply, slavery was excluded from some of them by positive enactment, and from the others by laws equally operative and entirely irrevocable. As there was nothing which was susceptible of alteration in any territory belonging to the United States, so far related to the existence of slavery in it, Mr. Webster judged correctly that agitation on this subject was as idle as it was mischievous. But whatever foundation there might be for agitation, whether much or little, he considered it important that a period should be put to it. At the death of Gen. Taylor, Congress had been in session upward of seven months, and the whole time had been consumed in discussions relating to slavery. Not to dwell on the violent sectional animosities which such discussions can not fail to excite, this neglect of the usual business of legislation is in itself a great evil. It is a great evil to have the wheels of useful legislation blocked by such discussions

even for a single session; but when the whole time of Congress is, year after year, wasted in this mischievous employment, and all the great interests of the country permitted to suffer for want of necessary legislation, it is high time that so troublesome and pernicious a topic should be withdrawn from national politics. This was the general feeling of patriotic men in 1850, and although many statesmen thought the separate portions of Mr. Clay's omnibus bill should receive separate action, they did not doubt that the success of every measure was necessary to the tranquillity of the country and the preservation of the Union.

It was in the midst of those discussions, which had already continued more than seven months, that Gen. Taylor died. His death was sudden and unexpected, and occurring at a time when the public mind was profoundly agitated and full of apprehension, it was calculated to make a deep impression. It was a most trying and critical period for the government to pass into new hands, and the country appreciated the difficulties which would surround Gen. Taylor's successor.

President Taylor died on Tuesday, the 9th of July, 1850, at half past ten in the evening. On the preceding Thursday, which was the anniversary of American independence, he was in the enjoyment of his usual health, and attended the celebration of the day at the Washington Monument. The oration was long, and the President listened to it with his head uncovered, exposed to a breeze which it was feared at the time might be detrimental to his health. Next morning he was attacked with cholera morbus; remittent fever supervened; the disease baffled all the skill of able physicians, and an hour and a half before midnight on Tuesday, his eyes were closed in their last sleep. He retained his reason to the last, and was perfectly calm and tranquil. His last words were, "I AM PREPARED — I HAVE ENDEAVORED TO DO MY DUTY."

Zachary Taylor was born in Orange county, in Virginia, in 1784. He early displayed great energy and boldness of

character, and at the age of twenty-four, was appointed a lieutenant in the army. This was during the administration of President Jefferson. In 1812, he rose to the rank of captain, and after the declaration of war with Great Britain in that year, he was brevetted major by President Madison, for his gallant defense of Fort Harrison against a large body of savages. In 1832, he had been promoted to the rank of colonel, and distinguished himself in the Black Hawk war. Ordered to Florida in 1836, he distinguished himself by his signal services against the Seminoles, and was created brevet brigadier general and commander-in-chief of the United States forces in Florida. He was afterward transferred to the command of the division of the army on the south-western frontier; was ordered to Texas in 1845; advanced to the left bank of the Rio Grande, and, in the early part of the Mexican war, won battles whose names are household words at every American fireside.

When, as a reward for illustrious services in the field, he was called by an admiring and grateful people to the head of the government, he exhibited patriotism, honesty and good sense, united with a kindness and benignity of temper which endeared him to his countrymen.

On the tenth of July, the next day after the decease of Gen. Taylor, Mr. Fillmore sent to the Senate a brief message announcing that he should no longer act as their presiding officer, and another relating to the death of President Taylor, which we copy :

“ WASHINGTON, July 10th, 1850.

“ *Fellow-citizens of the Senate and of the House of Representatives* :—I have to perform the melancholy duty of announcing to you that it has pleased Almighty God to remove from this life Zachary Taylor, late President of the United States. He deceased last evening at the hour of half-past ten o'clock, in the midst of his family, and surrounded by affectionate friends, calmly, and in the full possession of all his faculties. Among his last words were these, which he uttered with

emphatic distinctness: 'I have always done my duty—I am ready to die; my only regret is for the friends I leave behind me.'

"Having announced to you, fellow-citizens, this most afflictive bereavement, and assuring you that it has penetrated no heart with deeper grief than mine, it remains for me to say that I propose this day, at twelve o'clock, in the hall of the House of Representatives, in the presence of both houses of Congress, to take the oath prescribed by the constitution, to enable me to enter on the execution of the office which this event has devolved on me.

"MILLARD FILLMORE."

Mr. Webster then submitted the following resolutions which were unanimously agreed to:

"*Resolved*, That the two houses will assemble this day in the hall of the House of Representatives, at twelve o'clock, to be present at the administration of the oath prescribed by the constitution to the late Vice-president of the United States, to enable him to discharge the powers and duties of the office of President of the United States, devolved on him by the death of Zachary Taylor, late President of the United States.

"*Resolved*, That the secretary of the Senate present the above resolution to the House of Representatives, and ask its concurrence therein."

A message was then received from the House of Representatives transmitting a resolution and requesting the concurrence of the Senate. The resolution was as follows:

"*Resolved*, That the Hon. Messrs. Winthrop, Morse, and Morehead, be appointed a committee on the part of this House, to join such a committee as may be appointed by the Senate, to wait on the President of the United States, and inform him that the Senate and House of Representatives will be in readiness to receive him in the hall of the House of Representatives this day, at twelve o'clock, for the purpose of witnessing the administration of the oath prescribed by the constitution to enable him to enter upon the execution of the office."

The Senate concurred in the resolution, appointed Mr. Soule, Mr. Davis, of Massachusetts, and Mr. Underwood, a committee on their part, and ordered their secretary to notify the House of Representatives accordingly.

Mr. Soule afterward informed the Senate that the committee appointed to wait on the President had performed the duty assigned them, and that they had been informed by the President that he would take the oath of office at twelve o'clock, in the hall of the House of Representatives, and that he desired the attendance of the Senate. Whereupon the Senate proceeded to the hall of the House of Representatives.

In the hall of the House of Representatives after the appearance of the Senate, the President entered accompanied by the cabinet, the members remaining standing as a mark of respect. The oath was administered by Judge Cranch, and after the President of the United States, the cabinet and the Senate had retired, the speaker announced that he had received another message from the President. It was then read as follows:

“WASHINGTON, July 10th, 1850.

“Fellow-citizens of the Senate and of the House of Representatives:— A great man has fallen among us, and a whole country is called to an occasion of unexpected deep and general mourning.

“I recommend to the two Houses of Congress to adopt such measures as in their discretion may seem proper, to perform with due solemnity the funeral obsequies of Zachary Taylor, late President of the United States; and thereby to signify the great and affectionate regard of the American people for the memory of one whose life has been devoted to the public service; whose career in arms has not been surpassed in usefulness or brilliancy; who has been so recently raised by the unsolicited voice of the people to the highest civil authority in the government, which he administered with so much honor and advantage to his country; and by whose sudden death so many hopes of future usefulness have been blighted forever.

“To you, Senators and Representatives of a nation in tears,

I can say nothing which can alleviate the sorrow with which you are oppressed.

"I appeal to you to aid me under the trying circumstances which surround, in the discharge of the duties, from which, however much I may be oppressed by them, I dare not shrink; and I rely upon Him, who holds in his hands the destinies of nations, to endow me with the requisite strength for the task, and to avert from our country the evils apprehended from the heavy calamity which has befallen us.

"I shall most readily concur in whatever measures the wisdom of the two Houses may suggest, as befitting this deeply melancholy occasion.

"MILLARD FILLMORE."

The funeral of President Taylor was celebrated on Saturday the 13th of July, with solemn ceremonies befitting the high character and official dignity of the deceased.

We have already alluded to the agitating controversy in Congress during the pending of which Gen. Taylor was stricken down by a dispensation of providence, leaving the country in a condition so critical as to devolve an immense weight of responsibility on his constitutional successor. To add to the embarrassment of President Fillmore, the cabinet immediately tendered their resignation, and the first question he had to consider was whether he would solicit their continuance in office or appoint a new cabinet.

It was understood that the cabinet of Gen. Taylor were opposed to Mr. Clay's omnibus bill, then pending in the Senate, with a great deal of doubt hanging over its success. The President approved, in the main, of the measures embodied in that bill, and thought it his duty to favor their adoption. He rightly thought that on questions so important there should be no difference of opinion between the President and his constitutional advisers, and that it was necessary to have a cabinet who would sustain him in the course he had determined to adopt, and whose reputation was identified with his success. He therefore decided to accept the resignation of Gen. Taylor's cabinet, and appoint a new one.

CHAPTER IX.

THE COMPROMISE MEASURES AND FUGITIVE SLAVE LAW.

On the 20th of July, ten days after President Fillmore took the oath of office, he transmitted to the Senate a message nominating the following named gentlemen as his cabinet:

DANIEL WEBSTER, of Massachusetts, Secretary of State.

THOMAS CORWIN, of Ohio, Secretary of the Treasury.

JAMES A. PEARCE, of Maryland, Secretary of the Interior.

WILLIAM A. GRAHAM, of North Carolina, Secretary of the Navy.

EDWARD BATES, of Missouri, Secretary of War.

NATHAN K. HALL, of New York, Postmaster-General.

JOHN J. CRITTENDEN, of Kentucky, Attorney-General.

This cabinet embodied eminent ability, large experience in public affairs, and great weight of character. The nominations were all confirmed by the Senate, but Mr. Pearce and Mr. Bates were prevented by circumstances from accepting the places tendered them. After some delay, Alexander H. H. Stuart, of Virginia, was appointed Secretary of the Interior, and C. M. Conrad, of Louisiana, Secretary of War.

Only a few days elapsed after Mr. Fillmore's accession to the presidency, before the "omnibus bill" was brought to a vote in the Senate and defeated.

Affairs were now rapidly approaching a crisis which demanded the calmest wisdom united with the greatest firmness. Strong anti-slavery conventions were held in the North; equally

strong secession conventions were held in the South; the spirit of sectional strife seemed arming itself for a mighty conflict. The Senators and Representatives from California had become weary of their long waiting at Washington knocking at the doors of Congress; Texas and New Mexico, in the midst of an angry controversy relative to their boundaries, were arming for civil war; the disaffected South was ready to sustain Texas in her claims; and it became necessary for the general government to protect New Mexico against armed invasion by that State.

The President ordered the requisite military force and munitions of war to be put in motion for New Mexico, and on the sixth of August, 1850, he sent a message to Congress advising that body of the imminent danger of a collision, and urging, in the strongest terms, a speedy settlement of the controversy. Congress appreciated the danger, renewed its efforts to settle the vexed questions, and soon passed the several acts by which California was admitted into the Union as a State; the boundary line between Texas and New Mexico defined, and an indemnity provided for the claim of Texas; territorial governments established for New Mexico and Utah; the slave trade abolished in the District of Columbia; and more effectual provision made for the rendition of fugitive slaves. These have since been collectively designated as the "compromise measures."

The President had some doubt whether the fugitive slave act did not conflict with the provision of the constitution relating to the writ of *habeas corpus*, and referred the subject to the Attorney-General. Attorney-General Crittenden prepared a written opinion, in which he showed by a clear and conclusive argument, supported by the decisions of the Supreme Court, that there is nothing in the bill submitted to him, which is in conflict with the constitution, or which suspends or was intended to suspend the writ of *habeas corpus*. It is a

well known and admitted fact, proved by abundant historical evidence, and assumed in all judicial decisions relating to the subject, that the clause of the constitution which requires the surrender of fugitive slaves was intended to secure to the citizens of slaveholding States complete ownership in their slaves in every State or territory of the Union into which they might escape. It devolved on the general government to make that security effectual, and accordingly the act of 1793 was passed, which, so far as it respects any constitutional question that can arise out of it, is identical with the bill submitted to the Attorney-General for his opinion. It authorized the like arrest of the fugitive slave, the like trial, the like judgment, the like certificate, with the like authority to the owner, by virtue of that certificate as his warrant, to remove him to the State or territory from which he escaped. And yet the constitutionality of the act of 1793 has been affirmed by the adjudications of State tribunals, and by the courts of the United States, without a single instance of dissent. The Supreme Court of the United States has decided that, independent of any aid from legislation, the owner of a fugitive slave may, in virtue of the constitution and his own right of property, seize and re-capture him in any State or territory in which he may find him, and carry him back to the place from which he escaped. The bill under consideration, therefore, conferred no right on the owner of a fugitive slave, but only gave him an appointed and peaceable remedy, in place of the more exposed and insecure, but not less lawful mode of self-redress. The fugitive has no reason to complain of the bill, for it adds no coercion to that which the owner of the slave might himself exercise without any resort to legal process. It is in fact a benefit to the fugitive so far as it interposes judicial authority between him and the power of his owner.

With regard to whether this act suspended the writ of *habeas corpus*, which was the point to which the President had

more particularly called his attention, the Attorney-General was clearly of the opinion that there was no incompatibility between any of the provisions of the bill and the privilege of that writ, in its utmost constitutional latitude. It is not within the privilege or province of that great writ to loose those whom *the law* has bound, but to discharge persons from *illegal* custody. The writ follows the law and obeys the law. If on application for this writ it shall appear to the court or judge that the confinement of the person asking for it is *lawful*, the writ will always be refused. If a person is in custody by the decision of a court from which there is no appeal, the decision itself is to be regarded as conclusive evidence that the confinement is legal, and not only can the writ of *habeas corpus* not discharge him, but no court or judge has any authority to grant it. There is no process or tribunal by which the decisions of a court of last resort can be reviewed, and there is nothing in the writ of *habeas corpus* by which they can be set aside.

A provision of the constitution of the United States requires that fugitive slaves shall be surrendered to their owners. The bill for their rendition was intended to enforce this requirement. It constitutes a tribunal with exclusive jurisdiction to determine summarily and without appeal, who are fugitive slaves. The judgment of every tribunal of exclusive jurisdiction, where no appeal lies, is of necessity conclusive upon every other tribunal; and therefore the judgment of the tribunal created by the fugitive slave act is conclusive upon all the tribunals. Whenever this judgment is made to appear, it is conclusive of the right of the owner to retain in his custody the fugitive from his service, and to remove him back to the State from which he escaped. If it is shown on the application of the fugitive slave for the writ of *habeas corpus*, it prevents the issuing of the writ — if upon the return, it discharges the writ and restores or maintains the custody.

Such is the substance of the reasoning by which the Attorney-

General supported his opinion, and being satisfactory to the President as to the constitutional question, he signed the fugitive slave law, as well as the other bills previously enumerated, and known as "the compromise measures."

The act for the rendition of fugitive slaves was immediately attacked with great violence by the anti-slavery party of the North. Slaves were rescued from the custody of the United States marshals at Boston, Syracuse, and at Christiana, in the State of Pennsylvania, and, in the last named of these places, one or two persons were killed. The President avowed his intention to execute the law. When intelligence of the proceedings of the Boston mob reached Washington, the President issued his proclamation calling upon all officers to do their duty, and prosecutions were instituted against the rioters, but the prejudices of the jury and the difficulty of identifying the criminals generally enabled them to escape. At Syracuse one was convicted, but he died before sentence was passed upon him.

The vehemence with which the fugitive slave act was assailed, renders it proper that we should explain its necessity more fully than would otherwise be consistent with our limits. The President was denounced for having given it his approval, was even threatened with violence in anonymous communications, and the most strenuous exertions were made to induce the people to resist the execution of the law by force.

The opposition which was ostensibly directed against the law, was really aimed at the provision of the constitution which the law was intended to enforce. It was considered more decorous to assail a particular act of legislation than to make an open declaration of hostility against the constitution of the country; but the transactions of this period will be wholly misconceived unless we look beneath the pretences of the anti-slavery party, and discern the motives by which they were actually governed.

The constitution of the United States declares that "no person held to service or labor in one State *under the laws thereof*, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, *but SHALL be delivered up* on the claim of the party to whom such service or labor may be due."

That the real ground of opposition to the fugitive slave law was a wish to defeat this provision of the constitution, is proved by the fact, that in the violent attempts to rescue negroes from their claimants, there was scarcely a case in which there was any reasonable doubt that the person claimed was *actually* a fugitive slave—that he was *really* one of those persons whom the constitution requires to be delivered up on the claim of the owner.

Another reason for supposing the opposition was aimed at the constitution itself, is found in the admissions and avowals of the anti-slavery party itself. There would perhaps be an unfairness in quoting the language of obscure and irresponsible members of the party; we will therefore draw our proofs from the speeches of the ablest and most respected of its recognized leaders. William H. Seward, of New York, has for many years been regarded as the leading anti-slavery man of the Northern States, and the principal expounder of anti-slavery doctrines. He has repeatedly declared his opposition to that provision of the constitution which requires the surrender of fugitive slaves. In a speech delivered at Cleveland, Ohio, in 1848, Mr. Seward said: "It is written in the constitution of the United States that five slaves shall count equal to three free men, as a basis of representation; it is also written, *in violation of the Divine law*, that we shall surrender the fugitive slave who takes refuge at our fireside from his relentless pursuers." *

* Seward's Works, Vol. III, p. 300.

In the same speech Mr. Seward exhorts his hearers to use their efforts to defeat the operation of that provision of the constitution which he had told them was "in violation of the Divine law." He said: "Inculcate, then, the law of freedom and the equal rights of man; reform your own code — extend a cordial welcome to the fugitive who lays his weary limbs at your door, *and defend him as you would your paternal gods*; correct your own error that slavery has any *constitutional guaranty which may not be released*, and ought not to be relinquished. Say to slavery when it *shows its bond* and demands the pound of flesh, that if it draws one drop of blood, *its life shall pay the forfeit.*" * It is impossible to mistake the meaning of this reference to the bond of Shylock in Shakspeare's Merchant of Venice. The "bond" is that provision in the constitution which he had declared to be "in violation of the Divine law," and the advice is to thwart its operation by subtleties of interpretation which would render its execution impossible. The speech from which these quotations are made, was republished in 1853, with Mr. Seward's approbation, in his collected works, and is introduced by the editor in terms of the highest commendation.

In the year 1850, in the Senate of the United States, Mr. Seward again asserts that the provision of the constitution relating to the rendition of fugitive slaves, is of no binding force. In his speech on the admission of California—a speech which he had prepared with great care—he said: "Your *constitution* and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind except you esteem that hospitality a virtue. * * * I know of only two compacts found in diplomatic history that admitted the extradition of slaves. Here is one of them." (He then quotes from an old treaty between Russia and the

* Seward's Works, Vol. III, p. 301.

Greek Emperors of Constantinople, and says): "This was in the year of Grace, 902, in the period called the 'Dark Ages,' and the contracting powers were despotisms. And here is the other." (After quoting it, he says): "This is from *the constitution of the United States* in 1787, and the parties were the republican States of this Union. *The law of nations disavows such compacts—the law of nature written on the hearts and consciences of men REPUDIATES them.*"* Further on in the same speech he said: "But you answer that the Constitution recognizes property in slaves. It would be sufficient then to reply, that *this constitutional recognition must be void*, because it is repugnant to the law of nature and of nations."*

These quotations are sufficient to show that the violent hostility which was directed against the law of 1850, would have been equally violent against *any* law which *effectually* carried out the provision of the constitution. In fact, the act of 1793, which was signed by Washington, was formerly denounced in much the same manner as that of 1850 has been since its passage.

Neither the law of 1793, nor that of 1850, nor indeed any enactment on the subject, is defensible, except on the supposition that the provision of the constitution relating to fugitives is of binding obligation, and that under it the owner of a fugitive is really entitled to have his property restored to him. All argument in defense of any efficient law on the subject is perfectly idle when addressed to those who, like Mr. Seward and his followers, consider that constitutional provision "in violation of the Divine law," and suppose it is therefore their duty to "repudiate" it. As President of the United States, Mr. Fillmore had taken a solemn oath to support the constitution, and as he did not feel at liberty to violate his oath, his approval of the fugitive slave law must be judged by its

* Seward's Works, Vol. I, pp. 65, 66, and 71.

conformity to the constitution, and not by the principles of "the higher law."

By those who admit the binding force of the constitution, the principal objection to the law of 1850 is, that the proceedings under it are summary. In judging of the validity of this objection, it is necessary to bear in mind that the provision for the surrender of fugitives from labor stands in the constitution coupled with one for the surrender of fugitives from justice. In the case of fugitives from justice, the proceedings are always summary, both in cases arising under the constitution and those arising under treaties with foreign nations for the surrender of such fugitives. The alleged criminal is arrested for the violation of the laws of the State from which he has fled, and it conforms to reason that the laws of a State should be administered by its own tribunals. When a fugitive from justice is surrendered, the proceedings are therefore always summary and preliminary, and the prisoner is carried for trial to the State or country whose laws he has violated. In the case of a fugitive from labor, the same principle applies. The constitutional provision reads, "No person held to service or labor in one State, *under the laws thereof*, escaping into another," etc. As he is made a slave by the laws of the State from which he has escaped, the tribunals of that State are deemed the appropriate ones for determining the question of his liberty. The principles of freedom as much require that a fugitive from justice shall have a trial before he is surrendered to his claimant, as they do that a fugitive from labor shall have such a trial. In all the slave States independent judicial tribunals are always open to receive and decide upon petitions or applications for freedom, and there is no proof that the decisions of these tribunals are not always fair and upright.

Under the act of 1793, the proceedings were likewise summary, and there was no trial by jury. However desirable, on some grounds, a trial by jury in such cases might seem, if

would be practically impossible in several of the non-slaveholding States. To say nothing of the prejudices of the jurors which render it certain beforehand that they would never agree on a verdict of surrender, however clear the evidence that the person was actually a fugitive, the refusal by some of the States of the use of their jails and of the assistance of their officers, would make it impossible to detain the prisoner while preparations could be made for his trial and witnesses summoned from a distant State. The fugitive would no doubt be rescued by a mob in the interim, and sent out of the country by "the underground railroad." Or even if the claimant should finally recover his property, he would incur expenses so great that the provision of the constitution in his favor would be practically annulled.

As President Fillmore's signing the fugitive slave bill is the chief ground of all the assaults which have been made on his public character from that day to this, it may not be out of place to state the reasons which rendered that act necessary.

The act passed February 12th, 1793, and approved by President Washington, prescribed the manner in which fugitives should be claimed and given up. By this act the owner was authorized to seize and arrest his slave wherever he could find him, and take him before a judge of the United States courts, or any magistrate of a county, city or town corporate in the State in which the arrest was made, and if such judge or magistrate was satisfied that his claim was well founded it was made his duty to give a certificate which was declared to be a sufficient warrant for removing the slave to the State from which he had fled.

This law, which was passed soon after the adoption of the constitution, and by a Congress of which some of the framers of the constitution were members, met with general approval in all parts of the country. Although the proceedings under it were summary, without any other trial than an affidavit

before a magistrate, and a fine of five hundred dollars was imposed on any person who should knowingly obstruct the claimant or his agent, the bill passed the Senate without a division, and the House of Representatives by a majority of forty-eight to seven.

After the passage of this law a strong sentiment grew up in the northern States in opposition to slavery. Several States that had previously tolerated it passed acts for its abolition, and some even went so far as to prohibit State officers from affording any assistance in executing the law of Congress for the recovery of fugitives. It seemed to be conceded by the highest authority—the Supreme Court of the United States—that Congress had no power to compel such assistance. The consequence was that the execution of the law devolved on the judges of the United States courts alone; but they were too much occupied to give it their attention, even if the smallness of their number and the distances at which they resided apart had not rendered them inaccessible. The provision of the constitution, therefore, which the law was intended to carry out, was practically annulled.

A case illustrating this occurred in Pennsylvania, in 1839. A female slave from Maryland, who had escaped into the State, was pursued by the agent of her master, arrested, and brought before a Pennsylvania justice of the peace. He declined to take cognizance of the matter, or to grant the certificate the law required, whereupon the agent took her home to her master without any written warrant, was indicted in Pennsylvania for kidnapping, tried and convicted. He appealed to the United States Supreme Court. That tribunal reversed the judgment of the Pennsylvania court, and held that no State law could deprive the owner of the right to seize his slave, even without process, and take him home.

This decision was rendered in 1843. Not long afterward efforts began to be made in Congress for an amendment to the

existing law, which was seen to be defective in the following particulars: *First*, it had not provided a sufficient number of United States officers for its execution; *secondly*, it had not provided for the arrest of the fugitive in any other manner than by the claimant himself; *thirdly*, it had made no adequate provision to resist the force which reckless fanaticism might bring to rescue the slave; and *fourthly*, it had failed to define the kind of proof necessary to justify a certificate for his surrender. These are the defects which were sought to be remedied by the act of 1850.

By this act provision was made for the appointment of a suitable number of commissioners who are to have concurrent jurisdiction with the judges of the United States courts in hearing and determining these cases. Process for the arrest of the fugitive is to be executed by the marshal of the district, who is empowered to call to his assistance any number of persons to aid him in the performance of his duty. Proofs are to be taken by a court in the State from which the fugitive has fled, to establish the fact that he owed service to his claimant, and in case of apprehended resistance to his removal by his master, the commissioner is authorized to direct the marshal to return him to the State whence he fled. These are the leading provisions of the act about which so much clamor has been raised, and we may safely appeal to any intelligent man to say whether they, or some other provisions equally effective, were not demanded of Congress by the requirements of the constitution.

The majority of the people in every section of the country respect the constitution and are disposed to obey the laws. Furiously as the fugitive slave law was for a while resisted by excited fanatics, it, as well as the other compromise measures, gradually came to be acquiesced in by the general and almost unanimous assent of the country. That this acquiescence and the tranquillity which flowed from it have since been disturbed,

is the fault of a Democratic administration, which threw a new brand of discord among the States of this Union in the repeal of the Missouri compromise.

The provision of the constitution for the surrender of fugitive slaves, and laws enacted for its enforcement, have encountered so much intemperate opposition, that we devote space to some extracts from the opinions of Justice M'Lean, of the United States Supreme Court, delivered in the Pennsylvania case, to which we have already alluded; and in other cases which came before him in the Seventh Circuit. We quote these in preference to the opinions of other members of the court, because Judge M'Lean is widely talked of as one of the gentlemen from whom the present anti-slavery party will select its candidate for the presidency.

In the following argument Judge M'Lean not only assents to the opinion of the Supreme Court that Congress has constitutional authority to pass effective laws for the rendition of fugitive slaves, but he overturns the favorite theory of Mr. Seward and other anti-slavery leaders, that the execution of the constitutional provision for their surrender properly belongs to the States. We quote from the sixteenth volume of Peters' Reports:

"That the constitution was adopted in a spirit of compromise, is matter of history. And all experience shows that to attain the great objects of this fundamental law, it must be construed and enforced in a spirit of enlightened forbearance and justice. Without adverting to other conflicting views and interests of the States represented in the general convention, the subject of slavery was then, as it is now, a most delicate and absorbing consideration. In some of the States it was considered an evil, and a strong opposition to it, in all its forms, was felt and expressed. In others it was viewed as a cherished right, incorporated into the social compact and sacredly guarded by law.

"Opinions so conflicting, and which so deeply pervaded the elements of society, could be brought to a reconciled action

only by an exercise of exalted patriotism. Fortunately for the country, this patriotism was not wanting in the convention and in the States. The danger of discord and ruin was seen, and felt, and acknowledged; and this led to the formation of the confederacy. The constitution, as it is, can not be said to have embodied, in all its parts, the peculiar views of any great section of the Union; but it was adopted by a wise and far-reaching conviction, that it was the best which, under the circumstances, could be devised; and that its imperfections would be lost sight of, if not forgotten, in the national prosperity and glory which it would secure.

“A law is better understood by a knowledge of the evils which led to its adoption. And this applies most strongly to a fundamental law.

“At an early period of our history, slavery existed in all the colonies; and fugitives from labor were claimed and delivered up under a spirit of comity or conventional law among the colonies. The articles of confederation contained no provision on the subject, and there can be no doubt that the provision introduced into the constitution was the result of experience and manifest necessity. A matter so delicate, important, and exciting, was very properly introduced into the organic law.

“Does the provision, in regard to the reclamation of fugitive slaves, vest the power exclusively in the federal government?

“This must be determined from the language of the constitution, and the nature of the power.

“The language of the provision is general. It covers the whole ground, not in detail, but in principle. The States are inhibited from passing ‘any law or regulation which shall discharge a fugitive slave from the service of his master;’ and a positive duty is enjoined on them to deliver him up, ‘on claim of the party to whom his service may be due.’

“The nature of the power shows that it must be exclusive.

“It was designed to protect the rights of the master, and against whom? Not against the State, nor the people of the State in which he resides; but against the people and the legislative action of other States where the fugitive from labor might be found. Under the confederation, the master had no legal means of enforcing his rights in a State opposed to slavery. A disregard of rights thus asserted was deeply felt in the South. It produced great excitement, and would have

led to results destructive to the Union. To avoid this, the constitutional guarantee was essential.

"The necessity for this provision was found in the views and feelings of the people of the States opposed to slavery; and who, under such an influence, could not be expected favorably to regard the rights of the master. Now, by whom is this paramount law to be executed?

"It is contended that the power to execute it rests with the States. The law was designed to protect the rights of the slaveholder against the States opposed to those rights; and yet, by this argument, the effective power is in the hands of those on whom it is to operate.

"This would produce a strange anomaly in the history of legislation. It would show an inexperience and folly in the venerable framers of the constitution, from which, of all public bodies that ever assembled, they were, perhaps, most exempt.

"The clause of the constitution under consideration declares that no fugitive from labor shall be discharged from such labor, by any law or regulation of the State into which he may have fled. Is the State to judge of this? Is it left for the State to determine what effect shall be given to this and other parts of the provision?

"This power is not susceptible of division. It is a part of the fundamental law, and pervades the Union. The rule of action which it prescribes was intended to be the same in all the States. This is essential to the attainment of the objects of the law. If the effect of it depended, in any degree, upon the construction of a State by legislation or otherwise, its spirit, if not its letter, would be disregarded. This would not proceed from any settled determination in any State to violate the fundamental rule, but from habits and modes of reasoning on the subject. Such is the diversity of human judgment, that opposite conclusions, equally honest, are often drawn from the same premises. It is, therefore, essential to the uniform efficacy of this constitutional provision that it should be considered, exclusively, a federal power. It is in its nature as much so as the power to regulate commerce, or that of foreign intercourse.

"To give full effect to this provision, was legislation necessary? Congress, by the passage of the act of 1793, legislated on the subject, and this shows how this provision was construed shortly after its adoption: and the reasons which were

deliberately considered, and which led to the passage of the act, show clearly that it was necessary. These reasons will be more particularly referred to under another head of the argument. But looking only at the constitution, the propriety, if not the necessity, of legislation is seen.

“The constitution provides that the fugitive from labor shall be delivered up, on claim being made by the person entitled to such labor; but it is silent as to how and on whom this claim shall be made. The act of Congress provides for this defect and uncertainty, by establishing the mode of procedure.

“It is contended, that the power to legislate on this subject is concurrently in the States and federal government. That the acts of the latter are paramount, but that the acts of the former must be regarded as of authority, until abrogated by the federal power. How a power exercised by one sovereignty can be called concurrent, which may be abrogated by another, I can not comprehend. A concurrent power, from its nature, I had supposed must be equal. If the federal government by legislating on the subject annuls all State legislation on the same subject, it must follow that the power is in the federal government and not in the State.

“Taxation is a power common to a State and the general government, and it is exercised by each independently of the other. And this must be the character of all concurrent powers.

“It is said that a power may be vested in the federal government which remains dormant, and that in such case a State may legislate on the subject. In the case supposed, whence does the Legislature derive its power? Is it derived from the constitution of the State, or the constitution of the United States?

“If the power is given by the State constitution, it must follow that it may be exercised independently of the federal power; for it is presumed no one will sanction the doctrine that Congress, by legislation, may abridge the constitutional power of a State.

“How can the power of the State be derived from the federal constitution? Is it assumed on the ground that Congress having the power have failed to exercise it? Where is such an assumption to end? May it not be applied with equal force and propriety to the whole ground of federal legislation,

excepting only the powers inhibited to the States? Congress have not legislated upon a certain subject, but this does not show that they may not have duly considered it. Or, they may have acted without exhausting the power. Now, in my judgment, it is illogical and unconstitutional to hold that in either of these cases a State may legislate.

“Is this a vagrant power of the State, like a floating land warrant, to be located on the first vacant spot that shall be found? May a State occupy a fragment of federal power which has not been exercised, and, like a tenant at will, continue to occupy it until it shall have notice to quit?

“No such power is derived by implication from the federal constitution. It defines the powers of the general government, and imposes certain restrictions and duties on the States. But beyond this it in no degree affects the powers of the States. The powers which belong to a State are exercised independently. In its sphere of sovereignty it stands on an equality with the federal government, and is not subject to its control. It would be as dangerous as humiliating to the rights of a State, to hold that its legislative powers were exercised to any extent and under any circumstances, subject to the paramount action of Congress. Such a doctrine would lead to serious and dangerous conflicts of power.

“The act of 1793 seems to cover the whole constitutional ground. The third section provides, ‘That when a person held to labor in any State or territory of the United States, under the laws thereof, shall escape into any other of the said States or territories, the person to whom such labor or service may be due, his agent or attorney, is empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made; and upon proof, to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, &c., that the person so seized or arrested, doth, under the laws of the State or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent, or attorney, which shall be sufficient

warrant for removing said fugitive to the State from which he or she fled.'

"The fourth section imposes a penalty on any person who shall obstruct or hinder such claimant, his agent, or attorney, &c., or shall rescue such fugitive, when so arrested, &c.

"It seems to be taken as a conceded point in the argument, that Congress had no power to impose duties on State officers, as provided in the above act. As a general principle this is true; but does not the case under consideration form an exception? Congress can no more regulate the jurisdiction of State tribunals, than a State can define the judicial power of the Union. The officers of each government are responsible only to the respective authorities under which they are commissioned. But do not the clauses in the constitution in regard to fugitives from labor, and from justice, give Congress a power over State officers, on these subjects? The power in both the cases is admitted or proved to be exclusively in the federal government.

"The clause in the constitution preceding the one in relation to fugitives from labor, declares that, 'A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.'

"In the first section of the act of 1793, Congress have provided that on demand being made as above, 'it shall be the duty of the executive authority to cause the person demanded to be arrested,' &c.

"The constitutionality of this law, it is believed, has never been questioned. It has been obeyed by the governors of States, who have uniformly acknowledged its obligation. To some demands surrenders have not been made; but the refusals have, in no instance, been on the ground that the constitution and act of Congress were of no binding force? Other reasons have been assigned.

"Now, if Congress may by legislation require this duty to be performed by the highest State officer, may they not on the same principle require appropriate duties in regard to the surrender of fugitives from labor, by other State officers? Over these subjects the constitutional power is the same.

“In both cases the act of 1793 defines on what evidence the delivery shall be made. This was necessary, as the constitution is silent on the subject. The act provides that on claim being made of a fugitive from labor, ‘it shall be the duty of such judge or magistrate to give a certificate that the person claimed owes services to the claimant.’

“The constitution requires ‘that such person shall be delivered up, on claim of the party to whom the service is due.’ Here is a positive duty imposed; and Congress have said in what mode this duty shall be performed. Had they not power to do so? If the constitution was designed, in this respect, to require, not a negative but a positive duty on the State and the people of the State where the fugitive from labor may be found—of which, it would seem, there can be no doubt—it must be equally clear that Congress may prescribe in what manner the claim and surrender shall be made. I am, therefore, brought to the conclusion that, although, as a general principle, Congress can not impose duties on State officers, yet in the cases of fugitives from labor and justice, they have the power to do so.

“In the case of *Martin’s Lessee v. Hunter*, 1 Wheat. Rep. 304, this court says, ‘The language of the constitution is imperative on the States as to the performance of many duties. It is imperative on the State legislatures to make laws prescribing the time, place, and manner of holding elections for senators and representatives, and for electors of President and Vice-president. And in these, as well as in other cases, Congress have a right to revise, amend, or supersede the laws which may be passed by the State legislatures.’

“Now, I do not insist on the exercise of the federal power to the extent as here laid down. I go no farther than to say, that where the constitution imposes a positive duty on a State or its officers to surrender fugitives, that Congress may prescribe the mode of proof, and the duty of the State officers.”

The opinion from which we have made this extract was delivered several years before the passage of the law of 1850. The following quotation from an opinion of Judge M’Lean in a case which came before him in Ohio, in 1853, fully sustains the constitutionality of the act, for signing which Mr. Fillmore

has been so fiercely denounced. Judge M'Lean's well known anti-slavery sympathies are a sufficient guarantee that he has no bias in favor of the law whose constitutionality he defends. We quote from the fifth volume of M'Lean's Reports:

"It is contended that the law authorizing the reclamation of fugitives from labor is unconstitutional; that the constitution left the power with the States, and vested no power on the subject in the federal government.

"This argument has been sometimes advanced, and it may have been introduced into one or more political platforms. In regard to the soundness of this position, I will first refer to judicial decisions. In the case of *Prigg v. The State of Pennsylvania*, 16 Peters' R. 539, the judges of the Supreme Court of the United States, without a dissenting voice, affirmed the doctrine, that this power was in the federal government. A majority of them held that it was exclusively in the general government. Some of the judges thought that a State might legislate in aid of the act of Congress, but it was held by no one of them, that the power could be exercised by a State, except in subordination of the federal power.

"Every State court which has decided the question, has decided it in accordance with the view of the Supreme Court. No respectable court, it is believed, has sustained the view that the power is with the State. Such an array of authority can scarcely be found in favor of the construction of any part of the constitution, which has ever been doubted. But this construction, sanctioned as it is by the entire judicial power, State as well as federal, has also the sanction of the legislative power.

"The constitution of the United States, it will be observed, was formed in 1787. Afterward it was submitted to the respective States for their ratification. The subject was not only largely discussed in the federal convention, but also in every State convention. No question has ever arisen, in regard to our federal relations, which was of equal importance to that of the adoption of the constitution; none in our political history was more thoroughly discussed. The men of that day may be emphatically said to have understood the constitution.

“In a very few years after the constitution was adopted by the States, the fugitive act of 1793 was passed. That law is still in force, except where the act of 1850 contains repugnant provisions. In the Congress which enacted the act of 1793, it is believed, that some of the members had been members of the convention. They could not have been ignorant of the provision of that instrument. And by the passage of that act they exercised the power, as one that belonged to the federal government. Here is a force of authority, judicial and legislative, which can not be found on any other seriously litigated point in the constitution.

“Such a weight of authority is not to be shaken. If the question is not to be considered authoritatively settled, what part of that instrument can ever be settled? The surrender of fugitive slaves was a matter deeply interesting to the slave States. Under the confederation there was no provision for their surrender. On the principles of comity amongst the States the fugitives were delivered up; at other times they were protected and defended. This state of things produced uneasiness and discontent in the slave States. A remedy of this evil, as it was called, was provided in the constitution.

“An individual who puts his opinion, as to the exercise of this power, against the authority of the nation in its legislative and judicial action, must have no small degree of confidence in his own judgment. A few individuals in Massachusetts may have maintained, at one time, that the power was with the States; but such views were, it is believed, long since abandoned, but they are re-asserted now, more as a matter of expediency than of principle.

“But whether we look at the weight of authority against State power as asserted, or at the constitutional provision, we are led to the same result. The provision reads: ‘No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service may be due.’

“This, in the first place, is a federal measure. It was adopted by the national convention, and was sanctioned as a federal law, by the respective States. It is the supreme law of the land. Now a provision which can not be enforced, and which

has no penalty for its violation, is no law. The highly respectable gentleman who read an ingenious argument in support of these views, is too good a theologian to contend that any rule of action which may be disregarded without incurring a penalty, can be law. It may be a recommendation, but it cannot be a law. This was the great objection to the articles of confederation. There was no power to enforce its provisions. They were recommendatory, and without sanctions.

"There is no regulation, divine or human, which can be called a law, without a sanction. Our first parents, in the garden, felt the truth of this. And it has been felt by violators of the divine or human laws throughout the history of our race.

"The provision in the constitution is prohibitory and positive. It prohibits the States from liberating slaves which escape into them, and it enjoins a duty to deliver up such fugitives on claim being made. The constitution vests no special power in Congress to prohibit the first, or to enforce the observance of the second. Does it, therefore, follow that effect can be given to neither, if a State shall disregard it?

"Suppose a State declares a slave who escapes into it shall be liberated, or that any one who shall assist in delivering him up shall be punished. If this power belongs to the States, and not to the federal government, these regulations would be legal, as within the exercise of their discretion. This is not an ideal case. The principle was involved in the *Prigg* case, and the Supreme Court held the act of the State unconstitutional and void.

"It is admitted that there is no power in the federal government to force any legislative action on a State. But, if the constitution guarantees a right to the master of a slave, and that he shall be delivered up, the power is given to effectuate that right. If this be not so, the constitution is not what its framers supposed it to be. It was believed to be a fundamental law of the Union. A federal law. A law to the States and to the people of the States. It says that the States shall not do certain things. Is this the form of giving advice or recommendation? It is the language of authority, to those who are bound to obey. If a State do the thing forbidden, its acts will be declared void. If it refuse to do that which is enjoyed, the federal government, *being a government, has the means of executing it.*

"The constitution provides, 'that full faith shall be given to public acts, records, and judicial proceedings,' of one State in every other. If an individual claiming this provision as a right, and a State court shall deny it, on a writ of error to the Supreme Court of the Union, such judgment would be reversed. And the provision that, 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.' Congress unquestionably may provide in what manner a right claimed under this clause, and denied by a State, may be enforced. And if a case can be raised under it, without any further statutory provisions, so as to present the point to the Supreme Court, the decision of a State court denying the right would be reversed. So a State is prohibited from passing a law that shall impair the obligations of a contract. Such a law the Supreme Court has declared void. In these cases, and in many others, where a State is prohibited from doing a thing, the remedy is given by a writ of error, under the legislation of Congress. The same principle applies in regard to fugitives from labor.

"A fugitive from justice may be delivered up under a similar provision in the constitution. It declares that, 'A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.' This is contained in the same section as the clause in relation to fugitives from labor, and they both stand upon the same principle. In both cases Congress has provided a mode in which effect shall be given to the provision. No one, it is believed, has doubted the constitutionality of the provision in regard to fugitives from justice.

"The men who framed the constitution, were adequate to the great duties which devolved upon them. They knew that a general government was essential to preserve the fruits of the revolution. They understood the necessities of the country. The articles of confederation had been found as a rope of sand, in all matters of conflict between the different States, and the people of the different States. Without a general government, commerce could not be regulated among the States, or with foreign nations; fugitives from labor could not be reclaimed; State boundaries could not be authoritatively established.

"I am aware it has been stated, that the subject of slavery was not discussed in the convention, and that the reclamation of fugitives from labor was not, at that time, a subject of much interest. This is a mistake. It was a subject of deep and exciting interest, and without a provision on the subject no constitution could have been adopted. I speak from information received from the late Chief-Justice Marshall, who was one of the chief actors in that day, than whom no man then living was of higher authority.

"The want of a general regulation on the subject of fugitives from justice and from labor was felt, and the above provisions in the constitution were intended as a remedy. It has proved to be an adequate remedy as against fugitives from justice. In no instance, it is believed, has the constitutionality of this provision been doubted. But the provision in relation to fugitives from labor, resting upon the same principle, is now opposed.

"If the introduction of this provision into the fundamental law of the Union was not intended to operate as the law of the Union—if it was recommendatory in its character only—it was useless. The power to surrender fugitives from labor, under the confederacy, was with each State. It could be done, or refused, at the discretion of the State. Did the framers of the constitution intend to leave this matter as it was under the confederation? The provision introduced shows an intention to make some provision on the subject. But by the argument, it is said, the provision made left the power with the States, and did not vest it in the general government. The answer to this is, it was in the States before the provision, and on this view, it added nothing to the power of the States. If such be the true construction of the provision, it fixes an act of consummate folly on the framers of the constitution, and on the members of the State conventions who adopted it. In laying the foundation of a general government, they incorporated into the fundamental law a useless provision, and omitted to provide for an emergency which was felt and complained of in one half of the States. The men of that day were not likely to be guilty of such an omission. They understood the federal and State powers too well, not to know that without some effective provision on this subject, the superstructure which they were about to rear would soon be overthrown. These were *the circumstances* under which the constitution was framed

and adopted. With the abstract principles of slavery, courts called to administer this law have nothing to do. It is for the people, who are sovereign, and their representatives, in making constitutions, and in the enactment of laws, to consider the laws of nature, and the immutable principles of right. This is a field which judges can not explore. Their action is limited to conventional rights. They look to the law, and to the law only. A disregard of this, by the judicial powers, would undermine and overturn the social compact. If the law be injudicious or oppressive, let it be repealed or modified. But this is a power which the judiciary can not reach.

"The citizen of a slave State has a right, under the constitution and laws of the Union, to have the fugitive slave 'delivered up on claim being made,' and no State can defeat or obstruct this constitutional right. The judiciary power of the Union has the primary or eventual power to determine all rights arising under the constitution. This will not be controverted by any legal mind, which has properly investigated the great principles of the constitution. And the question now made is not, in principle, different from a numerous class of cases arising under powers prohibited to the States.

"The worthy and estimable gentleman who read an argument on this occasion, in commenting on the cases covered by the fugitive law, embraced all cases of contract, and even that between a minister and his congregation. He supposes if the minister should leave his congregation before his stipulated engagement had transpired, that he was liable to be arrested and returned to his congregation under the fugitive law.

"This is a case, under this law, which no one before has supposed to be embraced by it. And if the law did cover such a case, it would be the most difficult to carry out of any other which has been imagined. If the minister could be returned, neither the court nor the congregation could compel him to preach. No profession or class of men would be less likely to do anything on *compulsion*.

"But the law applies to no case of contract. Where the parties to the agreement are capable of making a contract, the remedy for a breach of it is by action at law. In the case of slaves and of apprentices, there is no remedy against the individual who absconds, by an action.

"Various objections are stated to the fugitive slave law of

1850. The duties of the commissioners, the penalties inflicted, the bribe secured to the commissioner, for remanding the fugitive, are all objected to as oppressive and unconstitutional. In regard to the five dollars, in addition, paid to the commissioner, where the fugitive is remanded to the claimant, in all fairness, it can not be considered as a bribe, or as so intended by Congress; but as a compensation to the commissioner for making a statement of the case, which includes the facts proved, and to which his certificate is annexed. In cases where the witnesses are numerous, and the investigation takes up several days, five dollars would scarcely be a compensation for the statement required. Where the fugitive is discharged, no statement is necessary.

“The powers of the commissioner, or the amount of the penalties of the act, are not involved in this inquiry. If there be an unconstitutional provision in an act, that does not affect any other part of the act. But I by no means intimate that any part of the act referred to is in conflict with the constitution. I only say that the objections made to it do not belong to the case under consideration.

“The act of 1850, except by repugnant provisions, did not repeal the act of 1793. The objection that no jury is given does apply to both acts. From my experience in trying numerous actions for damages against persons who obstructed an arrest of fugitives from labor, or aided in their escape, I am authorized to say, that the rights of the master would be safe before a jury. I recollect an instance where a strong anti-slavery man, called an abolitionist, was on the jury in a case for damages, but who, being sworn to find as the evidence and the law required, agreed to a verdict for the plaintiff. He rightly determined that his own opinions could not govern him in deciding a controversy between parties, but that under his oath he was bound by the law and the evidence of the case.

“It was in the power of Congress to give a jury in cases like the present, but the law contains no such provision, and the question raised is, whether the act without it is constitutional.

“This question has been largely discussed in Congress, in the public press, and in conventions of the people. It is not here raised as a question of expediency or policy, but of power. In that aspect only is it to be considered.

"The act of 1793 has been in operation about sixty years. During that whole time it has been executed as occasion required, and it is not known that any court, judge, or other officer has held the act, in this, or in any other respect, unconstitutional. This long course of decision, on a question so exciting as to call forth the sympathies of the people, and the astuteness of lawyers, is no unsatisfactory evidence that the construction is correct.

"Under the constitution and act of Congress, the inquiry is not strictly whether the fugitive be a slave or a freeman, but whether he owe service to the claimant. This would be the precise question in the case of an apprentice. In such a case the inquiry would not be, whether the master had treated the apprentice so badly as to entitle him to his discharge. Such a question would, more probably, arise under the indenture of apprenticeship, and the laws under which it was executed. And if the apprentice be remanded to the service of his master, it would in no respect affect his right to a discharge, where he is held, for the cruelty of his master or any other ground.

"The same principle applies to fugitives from labor. It is true in such cases evidence is heard that he is a freeman. His freedom may be established, by acts done or suffered by his master, not necessarily within the jurisdiction where he is held as a slave. Such an inquiry may be made, as it is required by the justice of the case. But on whatever ground the fugitive may be remanded, it can not, legally, operate against his right to liberty. That right when presented to a court in a slave State, has, generally, been acted upon with fairness and impartiality. Exceptions to this, if there be exceptions, would seem to have arisen on the claims of heirs or creditors, which are governed by local laws, with which the people of the other States are not presumed to be acquainted."

CHAPTER X.

FIRST ANNUAL MESSAGE.

Mr. Fillmore was suddenly called to the presidency while Congress was in session, and amid the preparations for the funeral of President Taylor. These circumstances prevented his delivering an inaugural address. He therefore took occasion in his first annual message, at the opening of the next session of Congress, to promulgate some general principles by which he would be governed in his administration of the government. This message is so admirable in style, so truly national in its spirit, so statesmanlike in its recommendations, and, compared with most documents of the kind, is such a model of brevity and directness, that we copy it without abridgment:

*"Fellow-Citizens of the Senate, and of the House of Representatives:—*Being suddenly called, in the midst of the last session of Congress, by a painful dispensation of Divine Providence, to the responsible station which I now hold, I contented myself with such communications to the legislature as the exigency of the moment seemed to require. The country was shrouded in mourning for the loss of its venerated chief magistrate, and all hearts were penetrated with grief. Neither the time nor the occasion appeared to require or to justify, on my part, any general expression of political opinions, or any announcement of the principles which would govern me in the discharge of the duties to the performance of which I had been so unexpectedly called. I trust, therefore, that it may not be deemed inappropriate, if I avail myself of this opportunity of the re-assembling of Congress, to make known my sentiments in a general manner, in regard to the policy which

ought to be pursued by the government, both in its intercourse with foreign nations, and in its management and administration of internal affairs.

“ Nations, like individuals in a state of nature, are equal and independent, possessing certain rights, and owing certain duties to each other, arising from their necessary and unavoidable relations; which rights and duties there is no common human authority to protect and enforce. Still, they are rights and duties, binding in morals, in conscience, and in honor, although there is no tribunal to which an injured party can appeal, but the disinterested judgment of mankind, and ultimately the arbitrament of the sword.

“ Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens; of changing that form, as circumstances may require; and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. Hence it becomes an imperative duty not to interfere in the government or internal policy of other nations; and, although we may sympathize with the unfortunate or the oppressed, everywhere, in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no wars to promote or to prevent successions to thrones; to maintain any theory of a balance of power; or to suppress the actual government which any country chooses to establish for itself. We instigate no revolutions, nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national, as well as a personal and individual, application. We should act toward other nations as we wish them to act toward us; and justice and conscience should form the rule of conduct between governments, instead of mere power, self-interest, or the desire of aggrandizement. To maintain a strict neutrality in foreign wars, to cultivate friendly relations, to reciprocate every noble and generous act, and to perform punctually and scrupulously every treaty obligation — these are the duties which we owe to other States, and by the performance of which we best entitle ourselves to like treatment from them; or if that, in any case, be refused,

we can enforce our own rights with justice and with a clear conscience.

“In our domestic policy, the constitution will be my guide; and in questions of doubt, I shall look for its interpretation to the judicial decisions of that tribunal which was established to expound it, and to the usage of the government, sanctioned by the acquiescence of the country. I regard all its provisions as equally binding. In all its parts it is the will of the people, expressed in the most solemn form, and the constituted authorities are but agents to carry that will into effect. Every power which it has granted is to be exercised for the public good; but no pretense of utility, no honest conviction, even, of what might be expedient, can justify the assumption of any power not granted. The powers conferred upon the government and their distribution to the several departments, are as clearly expressed in that sacred instrument as the imperfection of human language will allow; and I deem it my first duty, not to question its wisdom, add to its provisions, evade its requirements, or nullify its commands.

“Upon you, fellow-citizens, as the representatives of the States and the people, is wisely devolved the legislative power. I shall comply with my duty, in laying before you, from time to time, any information calculated to enable you to discharge your high and responsible trust, for the benefit of our common constituents.

“My opinions will be frankly expressed upon the leading subjects of legislation; and if, which I do not anticipate, any act should pass the two Houses of Congress which should appear to me unconstitutional, or an encroachment on the just powers of other departments, or with provisions hastily adopted, and likely to produce consequences injurious and unforeseen, I should not shrink from the duty of returning it to you, with my reasons, for your further consideration. Beyond the due performance of these constitutional obligations, both my respect for the legislature and my sense of propriety will restrain me from any attempt to control or influence your proceedings. With you is the power, the honor, and the responsibility of the legislation of the country.

“The government of the United States is a limited government. It is confined to the exercise of powers expressly granted, and such others as may be necessary for carrying

those powers into effect; and it is at all times an especial duty to guard against any infringement on the just rights of the States. Over the objects and subjects intrusted to Congress, its legislative authority is supreme. But here that authority ceases, and every citizen who truly loves the constitution, and desires the continuance of its existence and its blessings, will resolutely and firmly resist any interference in those domestic affairs which the constitution has clearly and unequivocally left to the exclusive authority of the States. And every such citizen will also deprecate useless irritation among the several members of the Union, and all reproach and crimination tending to alienate one portion of the country from another. The beauty of our system of government consists, and its safety and durability must consist, in avoiding mutual collisions and encroachments, and in the regular separate action of all, while each is revolving in its own distinct orbit.

“The constitution has made it the duty of the President to take care that the laws be faithfully executed. In a government like ours, in which all laws are passed by a majority of the representatives of the people, and these representatives are chosen for such short periods, that any injurious or obnoxious law can very soon be repealed, it would appear unlikely that any great numbers should be found ready to resist the execution of the laws. But it must be borne in mind that the country is extensive, that there may be local interests or prejudices rendering a law odious in one part, which is not so in another, and that the thoughtless and inconsiderate, misled by their passions or their imaginations, may be induced madly to resist such laws as they disapprove. Such persons should recollect that, without law there can be no real practical liberty; that, when law is trampled under foot, tyranny rules, whether it appears in the form of a military despotism or of popular violence. The law is the only sure protection of the weak, and the only efficient restraint upon the strong. When impartially and faithfully administered, none is beneath its protection, and none above its control. You, gentlemen, and the country, may be assured, that to the utmost of my ability, and to the extent of the power vested in me, I shall at all times, and in all places, take care that the laws be faithfully executed. In the discharge of this duty, solemnly imposed upon me by the constitution, and by my oath of office, I shall shrink from no

responsibility, and shall endeavor to meet events as they may arise, with firmness, as well as with prudence and discretion.

"The appointing power is one of the most delicate with which the executive is invested. I regard it as a sacred trust, to be exercised with the sole view of advancing the prosperity and happiness of the people. It shall be my effort to elevate the standard of official employment, by selecting for places of importance individuals fitted for the posts to which they are assigned, by their known integrity, talents, and virtues. In so extensive a country, with so great a population, and where few persons appointed to office can be known to the appointing power, mistakes will sometimes unavoidably happen, and unfortunate appointments be made, notwithstanding the greatest care. In such cases, the power of removal may be properly exercised; and neglect of duty or malfeasance in office will be no more tolerated in individuals appointed by myself than in those appointed by others.

"I am happy in being able to say that no unfavorable change in our foreign relations has taken place since the message at the opening of the last session of Congress. We are at peace with all nations, and we enjoy in an eminent degree the blessings of that peace, in a prosperous and growing commerce, and in all the forms of amicable national intercourse. The unexampled growth of the country, the present amount of its population, and its ample means of self-protection, assure for it the respect of all nations, while it is trusted that its character for justice, and a regard to the rights of other States, will cause that respect to be readily and cheerfully paid.

"A convention was negotiated between the United States and Great Britain, in April last, for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific Oceans, and for other purposes. This instrument has since been ratified by the contracting parties, the exchange of ratifications has been effected, and proclamation thereof has been duly made.

"In addition to the stipulations contained in this convention, two other objects remain to be accomplished between the contracting powers.

"First, the designation and establishment of a free port at each end of the canal.

"Second, an agreement fixing the distance from the shore

within which belligerent maritime operations shall not be carried on. On these points there is little doubt that the two governments will come to an understanding.

"The company of citizens of the United States who have acquired from the State of Nicaragua the privilege of constructing a ship canal between the two oceans, through the territory of that State, have made progress in their preliminary arrangements. The treaty between the United States and Great Britain, of the 19th of April last, above referred to, being now in operation, it is to be hoped that the guarantees which it offers will be sufficient to secure the completion of the work with all practicable expedition. It is obvious that this result would be indefinitely postponed, if any other than peaceful measures, for the purpose of harmonizing conflicting claims to territory in that quarter, should be adopted. It will consequently be my endeavor to cause any further negotiations on the part of this government, which may be requisite for this purpose, to be so conducted as to bring them to a speedy and successful close.

"Some unavoidable delay has occurred, arising from distance and the difficulty of intercourse between this government and that of Nicaragua; but, as intelligence has just been received of the appointment of an Envoy Extraordinary and Minister Plenipotentiary of that government to reside at Washington, whose arrival may soon be expected, it is hoped that no further impediments will be experienced in the prompt transaction of business between the two governments.

"Citizens of the United States have undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under grants of the Mexican government to a citizen of that republic. It is understood that a thorough survey of the course of the communication is in preparation, and there is every reason to expect that it will be prosecuted with characteristic energy, especially when that government shall have consented to such stipulations with the government of the United States as may be necessary to impart a feeling of security to those who may embark their property in the enterprise. Negotiations are pending for the accomplishment of that object, and a hope is confidently entertained that, when the government of Mexico shall become duly sensible of the advantages which that country can not fail to derive from the

work, and learn that the government of the United States desires that the right of sovereignty of Mexico in the isthmus shall remain unimpaired, the stipulations referred to will be agreed to with alacrity.

“By the last advices from Mexico it would appear, however, that that government entertains strong objections to some of the stipulations which the parties concerned in the project of the railroad deem necessary for their protection and security. Further consideration, it is to be hoped, or some modification of terms, may yet reconcile the differences existing between the two governments in this respect.

“Fresh instructions have recently been given to the Minister of the United States in Mexico, who is prosecuting the subject with promptitude and ability.

“Although the negotiations with Portugal, for the payment of claims of citizens of the United States against that government, have not yet resulted in a formal treaty, yet a proposition made by the government of Portugal for the final adjustment and payment of those claims, has recently been accepted on the part of the United States. It gives me pleasure to say that Mr. Clay, to whom the negotiation on the part of the United States had been entrusted, discharged the duties of his appointment with ability and discretion, acting always within the instructions of his government.

“It is expected that a regular convention will be immediately negotiated for carrying the agreement between the two governments into effect.

“The commissioner appointed under the act of Congress for carrying into effect the convention with Brazil, of the 27th of January, 1849, has entered upon the performance of the duties imposed upon him by that act. It is hoped that those duties may be completed within the time which it prescribes. The documents, however, which the imperial government, by the third article of the convention, stipulates to furnish to the government of the United States, have not yet been received. As it is presumed that those documents will be essential for the correct disposition of the claims, it may become necessary for Congress to extend the period limited for the duration of the commission. The sum stipulated by the fourth article of the convention to be paid to this government has been received.

"The collection in the ports of the United States of discriminating duties upon the vessels of Chili and their cargoes, has been suspended, pursuant to the provisions of the act of Congress of the 24th of May, 1828. It is to be hoped that this measure will impart a fresh impulse to the commerce between the two countries, which, of late, and especially since our acquisition of California, has, to the mutual advantage of the parties, been much augmented.

"Peruvian guano has become so desirable an article to the agricultural interest of the United States, that it is the duty of the government to employ all the means properly in its power for the purpose of causing that article to be imported into the country at a reasonable price. Nothing will be omitted on my part toward accomplishing this desirable end. I am persuaded that in removing any restraints on this traffic, the Peruvian government will promote its own best interests, while it will afford a proof of a friendly disposition toward this country, which will be duly appreciated.

"The treaty between the United States and His Majesty the King of the Hawaiian Islands, which has recently been made public, will, it is believed, have a beneficial effect upon the relations between the two countries.

"The relations between those parts of the Island of St. Domingo, which were formerly colonies of Spain and France, respectively, are still in an unsettled condition. The proximity of that island to the United States, and the delicate questions involved in the existing controversy there, render it desirable that it should be permanently and speedily adjusted. The interests of humanity and of general commerce also demand this; and, as intimations of the same sentiment have been received from other governments, it is hoped that some plan may soon be devised to effect the object in a manner likely to give general satisfaction. The government of the United States will not fail, by the exercise of all proper friendly offices, to do all in its power to put an end to the destructive war which has raged between the different parts of the island, and to secure to them both the benefits of peace and commerce.

"I refer you to the report of the Secretary of the Treasury for a detailed statement of the finances.

"The total receipts into the treasury, for the year ending 30th of June last, were forty-seven millions four hundred and

twenty-one thousand seven hundred and forty-eight dollars and ninety cents, (\$47,421,748 90.)

"The total expenditures during the same period were forty-three million two thousand one hundred and sixty-eight dollars and ninety cents, (\$43,002,168 90.)

"The public debt has been reduced, since the last annual report from the treasury department, four hundred and ninety-five thousand two hundred and seventy-six dollars and seventy-nine cents, (\$495,276 79.)

"By the nineteenth section of the act of 28th January, 1847, the proceeds of the sales of the public lands were pledged for the interest and principal of the public debt. The great amount of those lands subsequently granted by Congress for military bounties, will, it is believed, very nearly supply the public demand for several years to come, and but little reliance can, therefore, be placed on that hitherto fruitful source of revenue.

"Aside from the permanent annual expenditures, which have necessarily largely increased, a portion of the public debt, amounting to eight million seventy-five thousand nine hundred and eighty-six dollars and fifty-nine cents, (\$8,075,986 59,) must be provided for within the next two fiscal years. It is most desirable that these accruing demands should be met without resorting to new loans.

"All experience has demonstrated the wisdom and policy of raising a large portion of revenue for the support of government from duties on goods imported. The power to lay these duties is unquestionable, and its chief object, of course, is to replenish the treasury. But if, in doing this, an incidental advantage may be gained by encouraging the industry of our own citizens, it is our duty to avail ourselves of that advantage.

"A duty laid upon an article which can not be produced in this country — such as tea or coffee — adds to the cost of the article, and is chiefly or wholly paid by the consumer. But a duty laid upon an article which may be produced here, stimulates the skill and industry of our own country to produce the same article, which is brought into the market in competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article can be sold, thereby throwing a part of the duty upon the producer of the foreign article. The continuance of this process creates

the skill, and invites the capital, which finally enables us to produce the article much cheaper than it could have been procured from abroad, thereby benefitting both the producer and the consumer at home. The consequence of this is, that the artisan and the agriculturalist are brought together, each affords a ready market for the produce of the other, the whole country becomes prosperous, and the ability to produce every necessary of life renders us independent in war as well as in peace.

"A high tariff can never be permanent. It will cause dissatisfaction and will be changed. It excludes competition, and thereby invites the investment of capital in manufactures to such excess, that when changed it brings distress, bankruptcy, and ruin, upon all who have been misled by its faithless protection. What the manufacturer wants, is uniformity and permanency, that he may feel a confidence that he is not to be ruined by sudden changes. But to make a tariff uniform and permanent, it is not only necessary that the law should not be altered, but that the duty should not fluctuate. To effect this, all duties should be specific, wherever the nature of the article is such as to admit of it. Ad valorem duties fluctuate with the price, and offer strong temptations to fraud and perjury. Specific duties, on the contrary, are equal and uniform in all ports, and at all times, and offer a strong inducement to the importer to bring the best article, as he pays no more duty upon that than upon one of inferior quality. I therefore strongly recommend a modification of the present tariff, which has prostrated some of our most important and necessary manufactures, and that specific duties be imposed sufficient to raise the requisite revenue, making such discrimination in favor of the industrial pursuits of our own country as to encourage home production, without excluding foreign competition. It is also important that an unfortunate provision in the present tariff, which imposes a much higher duty upon the raw material that enters into our manufactures than upon the manufactured article, should be remedied.

"The papers accompanying the report of the Secretary of the Treasury will disclose frauds attempted upon the revenue, in variety and amount so great, as to justify the conclusion that it is impossible, under any system of ad valorem duties levied upon the foreign cost or value of the article, to secure an

honest observance and an effectual administration of the laws. The fraudulent devices to evade the law, which have been detected by the vigilance of the appraisers, leave no room to doubt that similar impositions not discovered, to a large amount, have been successfully practiced since the enactment of the law now in force. This state of things has already had a prejudicial influence upon those engaged in foreign commerce. It has a tendency to drive the honest trader from the business of importing, and to throw that important branch of employment into the hands of unscrupulous and dishonest men, who are alike regardless of law and the obligations of an oath. By these means the plain intentions of Congress, as expressed in the law, are daily defeated. Every motive of policy and duty, therefore, impel me to ask the earnest attention of Congress to this subject. If Congress should deem it unwise to attempt any important changes in the system of levying duties at this session, it will become indispensable to the protection of the revenue that such remedies, as in the judgment of Congress may mitigate the evils complained of, should be at once applied.

“As before stated, specific duties would, in my opinion, afford the most perfect remedy for this evil; but, if you should not concur in this view, then, as a partial remedy, I beg leave respectfully to recommend that, instead of taking the invoice of the article abroad as a means of determining its value here, the correctness of which invoice it is in many cases impossible to verify, the law be so changed as to require a home valuation or appraisal, to be regulated in such manner as to give, as far as practicable, uniformity in the several ports.

“There being no mint in California, I am informed that the laborers in the mines are compelled to dispose of their gold dust at a large discount. This appears to me to be a heavy and unjust tax upon the labor of those employed in extracting this precious metal; and I doubt not you will be disposed, at the earliest period possible, to relieve them from it by the establishment of a mint. In the meantime, as an assayer's office is established there, I would respectfully submit for your consideration the propriety of authorizing gold bullion, which has been assayed and stamped, to be received in payment of government dues. I can not conceive that the treasury would suffer any loss by such a provision, which will at once raise bullion to its par value, and thereby save, (if I am rightly

informed,) many millions of dollars to the laborers which are now paid in brokerage to convert this precious metal into available funds. This discount upon their hard earnings is a heavy tax, and every effort should be made by the government to relieve them from so great a burden.

“More than three-fourths of our population are engaged in the cultivation of the soil. The commercial, manufacturing, and navigating interests are all, to a great extent, dependent on the agricultural. It is, therefore, the most important interest of the nation, and has a just claim to the fostering care and protection of the government, so far as they can be extended consistently with the provisions of the constitution. As this can not be done by the ordinary modes of legislation, I respectfully recommend the establishment of an Agricultural Bureau, to be charged with the duty of giving to this leading branch of American industry the encouragement which it so well deserves. In view of the immense mineral resources of our country, provision should also be made for the employment of a competent mineralogist and chemist, who should be required, under the direction of the head of the bureau, to collect specimens of the various minerals of our country, and to ascertain, by careful analysis, their respective elements and properties, and their adaptation to useful purposes. He should also be required to examine and report upon the qualities of different soils, and the manures best calculated to improve their productiveness. By publishing the results of such experiments, with suitable explanations, and by the collection and distribution of rare seeds and plants, with instructions as to the best system of cultivation, much may be done to promote this great national interest.

“In compliance with the act of Congress, passed on the 23d of May, 1850, providing, among other things, for taking the seventh census, a superintendent was appointed, and all other measures adopted which were deemed necessary to ensure the prompt and faithful performance of that duty. The appropriation already made will, it is believed, be sufficient to defray the whole expense of the work; but further legislation may be necessary in regard to the compensation of some of the marshals of the territories. It will also be proper to make provision, by law, at an early day, for the publication of such abstracts of the returns as the public interests may require.

"The unprecedented growth of our territories on the Pacific in wealth and population, and the consequent increase of their social and commercial relations with the Atlantic States, seem to render it the duty of the government to use all its constitutional power to improve the means of intercourse with them. The importance of opening 'a line of communication, the best and most expeditious of which the nature of the country will admit,' between the valley of the Mississippi and the Pacific, was brought to your notice by my predecessor, in his annual message; and as the reasons which he presented in favor of the measure still exist in full force, I beg leave to call your attention to them, and to repeat the recommendations then made by him.

"The uncertainty which exists in regard to the validity of land titles in California is a subject which demands your early consideration. Large bodies of land in that State are claimed under grants said to have been made by authority of the Spanish and Mexican governments. Many of these have not been perfected, others have been revoked, and some are believed to be fraudulent. But until they shall have been judicially investigated, they will continue to retard the settlement and improvement of the country. I, therefore, respectfully recommend that provision be made by law, for the appointment of commissioners to examine all such claims with a view to their final adjustment.

"I also beg leave to call your attention to the propriety of extending, at an early day, our system of land laws, with such modifications as may be necessary, over the State of California and the territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the government and to afford the best security against monopolies: but further reflection, and our experience in leasing the lead mines and selling lands upon credit, have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor, between the citizens and the government, would be attended with many mischievous consequences. I, therefore, recommend that, instead of retaining

the mineral lands under the permanent control of the government, they be divided into small parcels and sold, under such restrictions, as to quantity and time, as will insure the best price, and guard most effectually against combinations of capitalists to obtain monopolies.

"The annexation of Texas and the acquisition of California and New Mexico have given increased importance to our Indian relations. The various tribes brought under our jurisdiction by these enlargements of our boundaries are estimated to embrace a population of one hundred and twenty-four thousand.

"Texas and New Mexico are surrounded by powerful tribes of Indians, who are a source of constant terror and annoyance to the inhabitants. Separating into small predatory bands, and always mounted, they overrun the country, devastating farms, destroying crops, driving off whole herds of cattle, and occasionally murdering the inhabitants or carrying them into captivity. The great roads leading into the country are infested with them, whereby traveling is rendered extremely dangerous, and immigration is almost entirely arrested. The Mexican frontier, which, by the eleventh article of the treaty of Guadalupe Hidalgo, we are bound to protect against the Indians within our border, is exposed to these incursions equally with our own. The military force stationed in that country (although forming a large proportion of the army) is represented as entirely inadequate to our own protection and the fulfillment of our treaty stipulations with Mexico. The principal deficiency is in cavalry; and I recommend that Congress should, at as early a period as practicable, provide for the raising of one or more regiments of mounted men.

"For further suggestions on this subject, and others connected with our domestic interests, and the defense of our frontier, I refer you to the reports of the Secretary of the Interior and of the Secretary of War.

"I commend also to your favorable consideration the suggestion contained in the last mentioned report, and in the letter of the general-in-chief, relative to the establishment of an asylum for the relief of disabled and destitute soldiers. This subject appeals so strongly to your sympathies that it would be superfluous in me to say anything more than barely to express my cordial approbation of the proposed object.

"The navy continues to give protection to our commerce and other national interests in the different quarters of the globe, and, with the exception of a single steamer on the northern lakes, the vessels in commission are distributed in six different squadrons.

"The report of the head of that department will exhibit the services of these squadrons, and of the several vessels employed in each during the past year. It is a source of gratification that, while they have been constantly prepared for any hostile emergency, they have everywhere met with the respect and courtesy, due as well to the dignity as to the peaceful dispositions and just purposes of the nation.

"The two brigantines accepted by the government from a generous citizen of New York, and placed under the command of an officer of the navy, to proceed to the Arctic seas in quest of the British commander, Sir John Franklin, and his companions, in compliance with the act of Congress, approved in May last, had, when last heard from, penetrated into a high northern latitude; but the success of this noble and humane enterprise is yet uncertain.

"I invite your attention to the view of our present naval establishment and resources presented in the report of the Secretary of the Navy, and the suggestions therein made for its improvement, together with the naval policy recommended for the security of our Pacific coast, and the protection and extension of our commerce with Eastern Asia. Our facilities for a larger participation in the trade of the East, by means of our recent settlements on the shores of the Pacific, are too obvious to be overlooked or disregarded.

"The questions in relation to rank in the army and navy, and relative rank between officers of the two branches of the service, presented to the Executive by certain resolutions of the House of Representatives, at the last session of Congress, have been submitted to a board of officers in each branch of the service, and their report may be expected at an early day.

"I also earnestly recommend the enactment of a law authorizing officers of the army and navy to be retired from the service, when incompetent for its vigorous and active duties, taking care to make suitable provision for those who have faithfully served their country, and awarding distinctions, by retaining in appropriate commands those who have been particularly

conspicuous for gallantry and good conduct. While the obligation of the country to maintain and honor those who, to the exclusion of other pursuits, have devoted themselves to its arduous service, this obligation should not be permitted to interfere with the efficiency of the service itself.

"I am gratified in being able to state, that the estimates of expenditure for the navy in the ensuing year are less, by more than one million of dollars, than those of the present, excepting the appropriation which may become necessary for the construction of a dock on the coast of the Pacific, propositions for which are now being considered, and on which a special report may be expected early in your present session.

"There is an evident justness in the suggestion of the same report, that appropriations for the naval service proper should be separated from those for fixed and permanent objects, such as building docks and navy-yards, and the fixtures attached, and from the extraordinary objects under the care of the department, which, however important, are not essentially naval.

"A revision of the code for the government of the navy seems to require the immediate consideration of Congress. Its system of crimes and punishments had undergone no change for half a century, until the last session, though its defects have been often and ably pointed out, and the abolition of a particular species of corporal punishment, which then took place, without providing any substitute, has left the service in a state of defectiveness which calls for prompt correction. I therefore recommend that the whole subject be revised without delay, and such a system established for the enforcement of discipline, as shall be at once humane and effectual.

"The accompanying report of the postmaster-general presents a satisfactory view of the operations and condition of that department.

"At the close of the last fiscal year, the length of the inland mail routes in the United States (not embracing the service in Oregon and California) was one hundred and seventy-eight thousand six hundred and seventy-two miles; the annual transportation thereon forty-six million five hundred and forty-one thousand four hundred and twenty-three miles; and the annual cost of such transportation two millions seven hundred and twenty-four thousand four hundred and twenty-six dollars.

"The increase of the annual transportation over that of the preceding year, was three millions nine hundred and ninety-seven thousand three hundred and fifty-four miles, and the increase in cost was three hundred and forty-two thousand four hundred and forty dollars.

"The number of post-offices in the United States, on the first day of July last, was eighteen thousand four hundred and seventeen—being an increase of sixteen hundred and seventy during the preceding year.

"The gross revenues of the department for the fiscal year ending June 30th, 1850, amounted to five millions five hundred and fifty-two thousand nine hundred and seventy-one dollars and forty-eight cents, including the annual appropriation of two hundred thousand dollars for the franked matter of the departments, and excluding the foreign postages collected for and payable to the British government.

"The expenditures for the same period were five millions two hundred and twelve thousand nine hundred and fifty-three dollars and forty-three cents—leaving a balance of revenue over expenditures of three hundred and forty thousand and eighteen dollars and five cents.

"I am happy to find that the fiscal condition of the department is such as to justify the postmaster-general in recommending the reduction of our inland letter postage to three cents the single letter when prepaid, and five cents when not prepaid. He also recommends that the prepaid rate shall be reduced to two cents whenever the revenues of the department, after the reduction, shall exceed its expenditures by more than five per cent. for two consecutive years; that the postage upon California and other letters sent by our ocean steamers shall be much reduced; and that the rates of postage on newspapers, pamphlets, periodicals, and other printed matter, shall be modified, and some reduction thereon made.

"It can not be doubted that the proposed reductions will, for the present, diminish the revenues of the department. It is believed that the deficiency, after the surplus already accumulated shall be exhausted, may be almost wholly met, either by abolishing the existing privileges of sending free matter through the mails, or by paying out of the treasury to the post-office department a sum equivalent to the postage of which it is deprived by such privileges. The last is supposed to be the

preferable mode, and will, if not entirely, so nearly supply that deficiency as to make any further appropriation that may be found necessary so inconsiderable as to form no obstacle to the proposed reductions.

“I entertain no doubt of the authority of Congress to make appropriations for leading objects in that class of public works comprising what are usually called works of internal improvement. This authority I suppose to be derived chiefly from the power of regulating commerce with foreign nations, and among the States, and the power of levying and collecting imposts. Where commerce is to be carried on, and imposts collected, there must be ports and harbors, as well as wharves and custom-houses. If ships, laden with valuable cargoes, approach the shore, or sail along the coast, light-houses are necessary at suitable points for the protection of life and property. Other facilities and securities for commerce and navigation are hardly less important; and those clauses of the constitution, therefore, to which I have referred, have received from the origin of the government a liberal and beneficial construction. Not only have light-houses, buoys, and beacons been established, and floating lights maintained, but harbors have been cleared and improved, piers constructed, and even breakwaters for the safety of shipping, and sea walls to protect harbors from being filled up, and rendered useless, by the action of the ocean, have been erected at very great expense. And this construction of the constitution appears the more reasonable from the consideration, that if these works, of such evident importance and utility, are not to be accomplished by Congress, they can not be accomplished at all. By the adoption of the constitution the several States voluntarily parted with the power of collecting duties of impost in their own ports, and it is not to be expected that they should raise money, by internal taxation, direct or indirect, for the benefit of that commerce, the revenues derived from which do not, either in whole or in part, go into their own treasuries. Nor do I perceive any difference between the power of Congress to make appropriations for objects of this kind on the ocean and the power to make appropriations for similar objects on lakes and rivers, wherever they are large enough to bear on their waters an extensive traffic. The magnificent Mississippi and its tributaries, and the vast lakes of the north and the northwest, appear to me to

fall within the exercise of the power, as justly and as clearly as the ocean and the Gulf of Mexico. It is a mistake to regard expenditures judiciously made for these objects as expenditures for local purposes. The position, or site of the work, is necessarily local; but its utility is general. A ship canal around the falls of St. Mary of less than a mile in length, though local in its construction, would yet be national in its purpose and its benefits, as it would remove the only obstruction to a navigation of more than a thousand miles, affecting several States, as well as our commercial relations with Canada. So, too, the breakwater at the mouth of the Delaware is erected, not for the exclusive benefit of the States bordering on the bay and river of that name, but for that of the whole coastwise navigation of the United States, and, to a considerable extent also, of foreign commerce. If a ship be lost on the bar at the entrance of a southern port for want of sufficient depth of water, it is very likely to be a northern ship; and if a steamboat be sunk in any part of the Mississippi, on account of its channel not having been properly cleared of obstructions, it may be a boat belonging to either of eight or ten States. I may add, as somewhat remarkable, that among all the thirty-one States, there is none that is not, to a greater or less extent, bounded on the ocean, or the Gulf of Mexico, or one of the great lakes, or some navigable river.

"In fulfilling our constitutional duties, fellow-citizens, on this subject, as in carrying into effect all other powers conferred by the constitution, we should consider ourselves as deliberating and acting for one and the same country, and bear constantly in mind, that our regard and our duty are due, not to a particular part only, but to the whole.

"I therefore recommend that appropriations be made for completing such works as have been already begun, and for commencing such others as may seem to the wisdom of Congress to be of public and general importance.

"The difficulties and delays, incident to the settlement of private claims by Congress, amount in many cases to a denial of justice. There is reason to apprehend that many unfortunate creditors of the government have thereby been unavoidably ruined. Congress has so much business of a public character, that it is impossible it should give much attention to mere private claims, and their accumulation is now so great

that many claimants must despair of ever being able to obtain a hearing. It may well be doubted whether Congress, from the nature of its organization, is properly constituted to decide upon such cases. It is impossible that each member should examine the merits of every claim on which he is compelled to vote; and it is preposterous to ask a judge to decide a case which he has never heard. Such decisions may, and frequently must, do injustice either to the claimant or the government; and I perceive no better remedy for this growing evil than the establishment of some tribunal to adjudicate upon such claims. I beg leave, therefore, most respectfully to recommend that provision be made by law for the appointment of a commission to settle all private claims against the United States; and, as an *ex parte* hearing must in all contested cases be very unsatisfactory, I also recommend the appointment of a solicitor, whose duty it shall be to represent the government before such commission, and protect it against all illegal, fraudulent or unjust claims, which may be presented for their adjudication.

"This district, which has neither voice nor vote in your deliberations, looks to you for protection and aid, and I commend all its wants to your favorable consideration, with a full confidence that you will meet them not only with justice, but with liberality. It should be borne in mind that in this city, laid out by Washington, and consecrated by his name, is located the capitol of our nation, the emblem of our Union and the symbol of our greatness. Here also are situated all the public buildings necessary for the use of the government, and all these are exempt from taxation. It should be the pride of Americans to render this place attractive to the people of the whole Republic, and convenient and safe for the transaction of the public business and the preservation of the public records. The government should, therefore, bear a liberal proportion of the burdens of all necessary and useful improvements; and as nothing could contribute more to the health, comfort, and safety of the city, and the security of the public buildings and records, than an abundant supply of pure water, I respectfully recommend that you make such provisions for obtaining the same as in your wisdom you may deem proper.

"The act passed at your last session, making certain propositions to Texas for settling the disputed boundary between that State and the territory of New Mexico, was, immediately on its

passage, transmitted by express to the Governor of Texas, to be laid by him before the General Assembly for its agreement thereto. Its receipt was duly acknowledged, but no official information has yet been received of the action of the General Assembly thereon; it may, however, be very soon expected, as, by the terms of the propositions submitted, they were to have been acted upon, on or before the first day of the present month.

“It was hardly to have been expected that the series of measures passed at your last session, with the view of healing the sectional differences which had sprung from the slavery and territorial questions, should at once have realized their beneficent purposes. All mutual concession in the nature of a compromise must necessarily be unwelcome to men of extreme opinions. And though without such concessions our constitution could not have been formed, and can not be permanently sustained, yet we have seen them made the subject of bitter controversy in both sections of the Republic. It required many months of discussion and deliberation to secure the concurrence of a majority of Congress in their favor. It would be strange if they had been received with immediate approbation by people and States, prejudiced and heated by the exciting controversies of their representatives. I believe those measures to have been required by the circumstances and condition of the country. I believe they were necessary to allay asperities and animosities that were rapidly alienating one section of the country from another, and destroying those fraternal sentiments which are the strongest supports of the constitution. They were adopted in the spirit of conciliation, and for the purpose of conciliation. I believe that a great majority of our fellow-citizens sympathize in that spirit, and that purpose, and in the main approve, and are prepared, in all respects, to sustain these enactments. I can not doubt that the American people, bound together by kindred blood and common traditions, still cherish a paramount regard for the Union of their fathers, and that they are ready to rebuke any attempt to violate its integrity, to disturb the compromises on which it is based, or to resist the laws which have been enacted under its authority.

“The series of measures to which I have alluded are regarded by me as a settlement, in principle and substance—a

final settlement of the dangerous and exciting subjects which they embraced. Most of these subjects, indeed, are beyond your reach, as the legislation which disposed of them was, in its character, final and irrevocable. It may be presumed from the opposition which they all encountered that none of those measures were free from imperfections, but in their mutual dependence and connection they formed a system of compromise, the most conciliatory, and best for the entire country, that could be obtained from conflicting sectional interests and opinions.

"For this reason I recommend your adherence to the adjustment established by those measures, until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

"By that adjustment we have been rescued from the wide and boundless agitation that surrounded us, and have a firm, distinct, and legal ground to rest upon. And the occasion, I trust, will justify me in exhorting my countrymen to rally upon and maintain that ground as the best, if not the only means of restoring peace and quiet to the country, and maintaining inviolate the integrity of the Union.

"And now, fellow-citizens, I can not bring this communication to a close without invoking you to join me in humble and devout thanks to the Great Ruler of nations, for the multiplied blessings which he has graciously bestowed upon us. His hand, so often visible in our preservation, has stayed the pestilence, saved us from foreign wars and domestic disturbances, and scattered plenty throughout the land.

"Our liberties, religious and civil, have been maintained; the fountains of knowledge have all been kept open, and means of happiness widely spread and generally enjoyed, greater than have fallen to the lot of any other nation. And, while deeply penetrated with gratitude for the past, let us hope that his all-wise Providence will so guide our counsels, as that they shall result in giving satisfaction to our constituents, securing the peace of the country, and adding new strength to the united government under which we live.

"MILLARD FILLMORE.

"WASHINGTON, December 2d, 1850."

As there was a large political majority against the President in both Houses of Congress, none of his excellent recommend-

ations requiring legislation were adopted, except those for an asylum for disabled and destitute seamen, and for the settlement of land claims in California, and the survey of the public lands. A bill making appropriations for the improvement of rivers and harbors passed the House, but was defeated in the Senate, by Senators "talking against time" on the last day of the session, and preventing a vote until the constitutional term of Congress had expired.

CHAPTER XI.

CUBA AND THE FILLIBUSTERS.

The able and patriotic message which we have copied in the preceding chapter, furnishes abundant proof of the wisdom of Mr. Fillmore's views on questions of domestic policy. He labored during the whole period of his administration under the disadvantage of an adverse political majority in Congress; but the fact that all his recommendations were not immediately adopted, did not impair his confidence in their propriety, and he repeated such as remained unacted on, in subsequent annual messages.

Important as it is that the chief magistrate of the nation should entertain sound and enlightened opinions on domestic questions, it can hardly be disputed that his foreign policy is fraught with still weightier consequences. In a country like ours, whose commerce is second to that of none on the globe, whose sails whiten every sea, and whose flag is seen in every port, the most important of all our interests is the preservation of peace and friendly relations with the other powers of the world. Our foreign relations are more especially committed to the management of the national executive, than any other branch of the diversified interests which require the protection of the government. The influence of the President on the domestic policy of the country is comparatively limited. So far as he is an executive officer, he has no choice but to enforce the laws as they actually exist, whatever may be his opinion of their wisdom. In the enactment of laws, he has merely the

power of making recommendations which Congress adopts or rejects at its pleasure. The veto power gives him a check on hasty or unconstitutional legislation; but the occasions are rare on which the President would judge it necessary to thwart the will of Congress, and even then, things are merely left as they were. But while he is thus powerless to impress any change on the domestic policy of the country, all changes in its foreign policy are entirely in his hands. The Senate may revise his action and refuse to ratify treaties negotiated by his authority, but they have no power to initiate anything, nor any other choice than either to sanction the foreign policy of the executive or leave matters in their former condition. The President negotiates treaties which, when ratified, become the supreme law of the land; he receives and dismisses foreign ambassadors; he recognizes or refuses to recognize governments that have been newly established; he orders our naval forces to whatever part of the world, and charges them with whatever duties he pleases; and by the exercise of these powers he can promote or imperil the prosperity of the country to an extent which is impossible by his participation in measures of domestic legislation. When the people are deliberating on the choice of a chief magistrate, they should never overlook the important fact, that while the domestic policy of the country is more especially under the control of Congress, its foreign policy is in the hands of the President, and demands that he should be a wise, firm, experienced, and patriotic statesman. The party which have nominated Mr. Fillmore appeal with confidence to the history of his administration for sure guaranties that the honor and interests of the country would be safe in his hands, so far as they can be affected by the management of our foreign relations.

* Soon after the close of the session of Congress to which Mr. Fillmore's first message was addressed, the public prints were filled with rumors of a new expedition against Cuba, which

was to sail from some of our southern ports. Armed expeditions against a foreign country with which we are at peace, are in direct violation of our laws, and the President thought it his duty to issue the following proclamation:

“Whereas, there is reason to believe that a military expedition is about to be fitted out in the United States with intention to invade the island of Cuba, a colony of Spain, with which this country is at peace; and whereas it is believed that this expedition is instigated and set on foot chiefly by foreigners, who dare to make our shores the scene of their, guilty and hostile preparations against a friendly power, and seek, by falsehood and misrepresentation, to seduce our own citizens, especially the young and inconsiderate, into their wicked schemes—an ungrateful return for the benefits conferred upon them by this people in permitting them to make our country an asylum from oppression, and in flagrant abuse of the hospitality thus extended to them.

“And whereas, such expeditions can only be regarded as adventures for plunder and robbery, and must meet the condemnation of the civilized world, whilst they are derogatory to the character of our country, in violation of the laws of nations, and expressly prohibited by our own. Our statutes declare, ‘that, if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign Prince or State, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.’

“Now, therefore, I have issued this, my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition, in violation of our laws and national obligations, that they will thereby subject themselves to the heavy penalties denounced against such offenders, and will forfeit their claim to the protection of this government, or any interference on their behalf, no matter to what extremities they may be reduced in consequence of their illegal conduct. And,

therefore, I exhort all good citizens, as they regard our national reputation, as they respect their own laws and the laws of nations, as they value the blessings of peace and the welfare of their country, to discountenance, and by all lawful means prevent, any such enterprise; and I call upon every officer of this government, civil or military, to use all efforts in his power to arrest for trial and punishment every such offender against the laws of the country.

“Given under my hand the twenty-fifth day of April, in the year of our Lord one thousand eight hundred and fifty-one, and the seventy-fifth of the independence of the United States.

“MILLARD FILLMORE.

“By the President:

“W. S. DERRICK, Acting Secretary of State.”

If this proclamation warning them of the consequences of their rash and unlawful enterprise, rendered the fillibusters more guarded and cautious, it did not lead them to relinquish their designs. As several months elapsed before their preparations were matured, we will relate some intervening occurrences, before completing the history of Mr. Fillmore's policy in relation to Cuba.

The New York and Erie Railroad, the most costly work of the kind in the United States, had just been finished, and the President and his cabinet had been invited to assist in celebrating its completion. The interest which Mr. Fillmore had always felt in works of internal improvement led him to accept the invitation, and on the morning of the 12th of May, 1851, he left Washington accompanied by Mr. Webster, Mr. Crittenden, Mr. Graham, and Mr. Hall. Several months had elapsed since the passage of the compromise measures, and notwithstanding the clamorous opposition of anti-slavery fanatics to the execution of the fugitive slave law, the public mind was settling into acquiescence. But it was not anticipated that the people of the northern States were so soon ready to testify, by the most impressive demonstrations, their warm approbation of that

settlement regarded as a whole, and their lively admiration of the patriotism which had been willing to incur reproach in the cause of the Union. All the way from Washington to Lake Erie the presidential tour was a triumphal progress. Nothing was ever more spontaneous, cordial and enthusiastic than the greetings with which the President and his party were welcomed. At Baltimore, at Philadelphia, at New York, at Buffalo, at Rochester, at all the intermediate towns, at every railroad station, multitudes thronged to see the President and pay him their respects. Processions were formed, flags with complimentary devices and mottoes were displayed, banquets were spread, speeches were made, and all the cities through which he passed vied with each other in the warmth, the heartiness, and the extent of their demonstrations. Never since the presidential tour of Mr. Monroe, in 1817, had a President been received through the country with such hospitable and enthusiastic cordiality. Party spirit seemed to have been forgotten, and every man was anxious to testify his admiration of the eminent services of an honest and faithful public servant. From this succession of splendid ovations, Mr. Fillmore returned to Washington, on the 24th of May, after an absence of twelve days. It must have been gratifying to him, after the obloquy he had braved in the discharge of his duty, to find that the praise of patriotic intentions and statesmanlike conduct was freely awarded him in that section of the country where it was supposed his course would have proved least acceptable. Everywhere during his tour, the voice of factious opposition had been hushed, and there had been no discord to mar the general harmony.

A few weeks after his return to Washington, the cares of office were relieved by an interesting event, in which he participated. Congress, during the preceding session, had made an appropriation for the extension of the Capitol according to such plan as might be offered by the President. By the plan

which he adopted two wings were to be added to the previous edifice, connected with it by corridors. Excavations for the foundation were immediately commenced, and agreeably to the wishes of the President, the work was in sufficient forwardness to allow the corner stone to be laid on the fourth of July. This was done by the President's own hand, with imposing ceremonies, and amid a great concourse of people; who were eloquently addressed by Mr. Webster, the Secretary of State. The President was assisted in laying the corner stone by the Grand Master of the Masonic Grand Lodge, who wore the same regalia and used the identical gavel which Washington had used fifty-eight years before in laying the corner stone of the original edifice.

During an interval of apparent quiet since the publication of the President's proclamation, the fillibusters had not been idle. The memorable and disastrous expedition of Lopez was fitted out, and sailed from the port of New Orleans by the connivance of the collector. The history of that unfortunate affair was so clearly and succinctly given in the President's next annual message to Congress, that we transcribe that portion of the message which relates to it:

"Very early in the morning of the third of August, a steamer called the Pampero departed from New Orleans for Cuba, having on board upwards of four hundred armed men, with evident intentions to make war upon the authorities of the island. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers, and some others engaged in it, were foreigners. The persons composing it, however, were mostly citizens of the United States.

"Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was unfortunately so much exaggerated in the accounts of it published in this country, that these adventurers seem to have been led

to believe that the Creole population of the island not only desired to throw off the authority of the mother country, but had resolved upon that step, and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill-informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and, on the night between the 11th and 12th of August, landed the persons on board at Playtas, within about twenty leagues of Havana.

“The main body of them proceeded to, and took possession of, an inland village, six leagues distant, leaving others to follow in charge of the baggage, as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about four leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued; after which they retreated to the place of disembarkation, where about fifty of them obtained boats and reëmbarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured, and carried to Havana, and, after being examined before a military court, were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

“On receiving information of what had occurred, Commodore Foxhall A. Parker was instructed to proceed in the steam-frigate Saranac to Havana, and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him, and of his letters to that department, are herewith submitted.

“According to the record of the examination, the prisoners all admitted the offenses charged against them, of being hostile invaders of the island. At the time of their trial and execution, the main body of the invaders was still in the field, making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August. Lopez, their leader, was captured some days after, and executed on the 1st

of September. Many of his remaining followers were killed, or died of hunger and fatigue, and the rest were made prisoners. Of these none appear to have been tried or executed. Several of them were pardoned upon application of their friends and others, and the rest, about one hundred and sixty in number, were sent to Spain. Of the final disposition made of these we have no official information.

“Such is the melancholy result of this illegal and ill-fated expedition. Thus, thoughtless young men have been induced, by false and fraudulent representations, to violate the law of their country, through rash and unfounded expectations of assisting to accomplish political revolutions in other States, and have lost their lives in the undertaking. Too severe a judgment can hardly be passed, by the indignant sense of the community, upon those who, being better informed themselves, have yet led away the ardor of youth, and an ill-directed love of political liberty. The correspondence between this government and that of Spain relating to this transaction is herewith communicated.

“Although these offenders against the laws have forfeited the protection of their country, yet the government may, so far as is consistent with its obligations to other countries, and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly no proper effort has been spared, and none will be spared, to procure the release of such citizens of the United States, engaged in this unlawful enterprise, as are now in confinement in Spain; but it is to be hoped that such interposition with the government of that country may not be considered as affording any ground of expectation that the government of the United States will, hereafter, feel itself under any obligation of duty to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. These laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behooves us to enforce steadily the neutrality acts passed by Congress, and to follow, as far as may be, the violation of those acts with condign punishment.

“But what gives a peculiar criminality to this invasion of Cuba is, that under the lead of Spanish subjects, and with the

aid of citizens of the United States, it had its origin, with many, in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign states by means like these, are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined, with coolness and system, upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offenses in future.

“No individuals have a right to hazard the peace of the country, or to violate its laws, upon vague notions of altering or reforming governments in other states. This principle is not only reasonable in itself, and in accordance with public law, but is engrafted into the codes of other nations as well as our own. But while such are the sentiments of this government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The government of the United States, at all times since its establishment, has abstained, and has sought to restrain the citizens of the country from entering into controversies between other powers, and to observe all the duties of neutrality. At an early period of the government, in the administration of Washington, several laws were passed for this purpose. The main provisions of these laws were reenacted by the act of April, 1818, by which, amongst other things, it was declared that, if any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide or prepare the means for any military expedition or enterprise, to be carried

on from thence against the territory or dominion of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined, not exceeding three thousand dollars, and imprisoned not more than three years; and this law has been executed and enforced, to the full extent of the power of the government, from that day to this.

“In proclaiming and adhering to the doctrine of neutrality and non-intervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves, and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a minister of the crown, that, ‘if he wished for a system of neutrality, he should take that laid down by America in the days of Washington and the secretaryship of Jefferson;’ and we see, in fact, that the act of Congress of 1818 was followed, the succeeding year, by an act of the Parliament of England, substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II, prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was, that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

“All must see that difficulties may arise in carrying the laws referred to into execution in a country now having three or four thousand miles of sea-coast, with an infinite number of ports and harbors, and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of government, against the possessions of foreign states.

“Friendly relations with all, but entangling alliances with none, has long been a maxim with us. Our true mission is not to propagate our opinions, or impose upon other countries our form of government, by artifice or force: but to teach by example, and show by our success, moderation and justice, the blessings of self-government, and the advantages of free institutions. Let every people choose for itself, and make and alter its political institutions to suit its own condition and con-

venience. But, while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to a case in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country."

That portion of the misguided followers of Lopez who were sent to Spain were finally pardoned, and Congress provided for their expenses home. The collector of New Orleans was removed from office for neglect of duty, and the Pampero was seized by order of government, near Jackson, Florida, and tried, condemned, and sold, for a violation of our neutrality laws.

President Fillmore's course in relation to Cuba was very generally approved by the country. The fundamental principle of his policy was, that the people of one nation are no proper judges of the political necessities of another, particularly when they differ in language, religion, habits of thought, traditions, prejudices, and training. By a powerful and instinctive impulse, every people indignantly repel foreign interference in their government; and this spontaneous dictate of patriotism is reinforced by the conclusions of the calmest and most enlightened reason. None except those who live among a people, and share their feelings and prejudices, are proper judges of the kind of government that is suited to their wants. It is therefore as absurd in itself as it is contrary to the law of nations, for one people to attempt to revolutionize the government of another. This principle, which lay at the foundation of Mr. Fillmore's foreign policy, is also the cardinal principle of the American party. It matters little whether a foreign people, who have no appreciation of our political wants, attempt to subvert our institutions by the force of arms or the

agency of the ballot box. In either case they are meddling with matters they do not understand, and exercise a kind of interference which a patriotic spirit can not brook.

Although it will involve a departure from strict chronological order, we will complete the history of Mr. Fillmore's policy respecting Cuba before concluding this chapter.

The unfortunate termination of the Lopez expedition did not quell the filibustering spirit in the United States, nor quiet the suspicions of the authorities of Cuba. In the autumn of 1852, the steamer *Crescent City*, which plied regularly between New York and New Orleans, touching at Havana, and carrying the United States mail, had a purser by the name of Smith, who was suspected of being an agent of mischief between the revolutionists in the island and their abettors in New York. He was charged by the Cuban authorities with bearing messages back and forth, and communicating inflammatory articles to the New York newspapers for the purpose of fomenting the discontent which threatened the loss of the island by Spain. This individual having thus become obnoxious, the Captain-general of Cuba objected to his landing. This he had an undoubted right to do; for no principle is better established than that the government of every nation has a right to exclude from its territories all persons whom it may consider dangerous to its peace. The owner of the *Crescent City*, however, declined to remove purser Smith from his steamer — insisted that it should land at Havana with him on board, and threatened to seek redress by force if the vessel should not be permitted to land. This would amount to a declaration of war by a private individual. Although the President did not approve the conduct of the Captain-general of Cuba, and made it the subject of diplomatic representations to the Court of Spain, he did not recognize the right of a private citizen to take the redress of his supposed grievances into his own hands, and he addressed a letter to the collector of New York, stating that

if the owner of the Crescent City should repeat his attempts to enter the port of Havana, and by violating the laws of a foreign nation within its own jurisdiction, should forfeit his vessel, he could expect no indemnity for such an act of folly from the United States government. As we regulate the conditions on which all foreign vessels may enter our ports, and fix the penalties for the violation of our laws, and never allow the right to do so to be questioned by foreigners, so we are not permitted to question their right to make and enforce their own regulations. The President, therefore, decided that the owner of the Crescent City must wait the result of the negotiations between the two governments. It was not a question to be settled between him and Cuba, nor even between the United States and Cuba, but between the United States and Spain, which is responsible for the conduct of the governor of Cuba. The course of the President on this occasion was warmly approved by the public press.

The forays against Cuba by armed filibusters from this country, attracted the attention of European governments, and the supposed danger that the island would be wrested from Spain and fall into the possession of the United States, alarmed that jealousy of our growth which is habitual with those governments. In the early part of the year 1852, a proposal was made to the Secretary of State, by the French and English ministers, to enter into a tripartite treaty by which the three powers should bind themselves for all coming time neither to make any attempt to acquire Cuba for themselves, nor to countenance any such attempts by others. Although this proposal evinced a disposition on the part of foreign governments to impertinent interference in our affairs, the communication of the French minister was treated respectfully. Mr. Webster addressed him a note stating that the President would take the proposal of the French and English governments into consideration and make the questions it involved the subject of

mature reflection. Although the President had, with the most unflinching determination, exerted his official authority for repressing the attempts of the fillibusters, which were made the occasion of this proposal, and was opposed, for reasons of domestic policy, to the immediate acquisition of Cuba, even if it could be gained by purchase and without an interruption of friendly relations with Spain, he was nevertheless decidedly opposed to entering into any such arrangement as that proposed by France and England. He adhered to the wise policy of Washington and Jefferson, which was opposed to entangling alliances with foreign powers. He was not willing to place the government of this country in such a condition that it would be responsible to others for the proper discharge of its duty. So far as related to the acquisition of Cuba by other powers, he knew that this country had both the will and the ability to prevent it, without foreign assistance. As to its acquisition by ourselves, although we did not want it at present, he regarded it as a geographical and political necessity that it would, at some future time, fall into our hands; and he would not allow a treaty with foreign nations to fetter the march of our destiny.

The final reply of our government to this proposal for a tripartite treaty was not made until after the death of Mr. Webster. In the fall of 1852, Mr. Everett had accepted the office of Secretary of State, and on the first of December, in that year, he addressed to the Count de Sartiges, by the direction of the President, a letter which ranks among the ablest state papers ever issued by the American government.

Mr. Everett stated that the most serious attention had been given to this proposal by the President, who at the same time that he did not covet the acquisition of Cuba for the United States, considered the condition of the island as an American and not a European question, and objected to the proposed treaty because it assumed that the United States have no other or greater interest in it than France and England. If

the treaty should be assented to by the President, its certain rejection by the Senate would leave the question of Cuba more unsettled than when the arrangement was proposed. This, however, would not require the President to withhold his concurrence, if no other objections existed. But the convention would be of no value unless it were lasting; and the President did not consider it within the competence of the treaty-making power to bind the government for all time to come not to make a purchase of Cuba. He was likewise unwilling to depart from the traditional policy of the government which had always been averse to political alliances with European powers. After stating these preliminary objections, Mr. Everett, in his admirable letter, goes on to say:

“But the President has a graver objection to entering into the proposed convention. He has no wish to disguise the feeling that the compact, although equal in its terms, would be very unequal in substance. England and France by entering into it would disable themselves from obtaining possession of an island remote from their seats of government, belonging to another European power, whose natural right to possess it must always be as good as their own—a distant island in another hemisphere, and one which by no ordinary or peaceful course of things could ever belong to either of them. If the present balance of power in Europe should be broken up—if Spain should become unable to maintain the island in her possession, and England and France should be engaged in a death struggle with each other, Cuba might then be the prize of the victor. Till these events all take place, the President does not see how Cuba can belong to any European power but Spain. The United States, on the other hand, would by the proposed convention disable themselves from making an acquisition which might take place without any disturbance of existing foreign relations, and in the natural order of things.

“The island of Cuba lies at our doors; it commands the approach to the Gulf of Mexico, which washes the shores of five of our States; it bars the entrance to that great river which drains half the North American continent, and, with its

tributaries, forms the largest system of internal water communication in the world; it keeps watch at the doorway of our intercourse with California by the Isthmus route. If an island like Cuba, belonging to the Spanish crown, guarded the entrance to the Thames or the Seine, and the United States should propose a convention like this to England and France, those powers would assuredly feel that the disability assumed by ourselves was far less serious than that which we asked them to assume.

"The opinion of American statesmen at different times, and under varying circumstances, have differed as to the desirability of the acquisition of Cuba by the United States. Territorially and commercially, it would in our hands be an extremely valuable possession. Under certain contingencies, it might be almost essential to our safety; still, for domestic reasons on which, in a communication of this kind, it might not be proper to dwell, the President thinks that the incorporation of the island into the Union at the present time, although effected with the consent of Spain, would be a hazardous measure, and he would consider its acquisition by force, except in a just war with Spain, should an event so greatly to be deprecated take place, as a disgrace to the civilization of the age. The President has given ample proof of the sincerity with which he holds these views. He has thrown the whole force of his constitutional power against all illegal attacks upon the island. It would have been perfectly easy for him, without any seeming neglect of duty, to allow projects of a formidable character to gather strength by connivance. No amount of obloquy at home, no embarrassments caused by the indiscretions of the colonial government of Cuba, have moved him from the path of duty. In this respect the Captain-general of that island, an officer apparently of upright and conciliatory character, but probably more used to military command than the management of civil affairs, has, on a punctilio, in reference to the purser of a private steamship, who seems to have been entirely innocent of the matters laid to his charge, refused to allow passengers and the mails of the United States to be landed from a vessel having him on board. This certainly is a very extraordinary mode of animadverting upon a supposed abuse of the liberty of the press by the subject of a foreign government in his native country. The Captain-general is not

permitted by his government, three thousand miles off, to hold any diplomatic intercourse with the United States. He is subject in no degree to the direction of the Spanish Minister at Washington; and the President has to choose between a resort to force to compel the abandonment of this gratuitous interruption of commercial intercourse, which would result in a war—and a delay of weeks and months, necessary for a negotiation with Madrid, with all the chances of the most deplorable occurrences in the interval, and all for a trifle, that ought to have admitted of a settlement by an exchange of notes between Washington and Havana. The President has, however, patiently submitted to these evils, and has continued faithfully to give to Cuba the advantage of those principles of the public law under the shadow of which she has departed in this case from the comity of nations. But the incidents to which I allude, and which are still in train, are among many others which point decisively to the expediency of some change in the relations of Cuba, and the President thinks that the influence of England and France with Spain, would be well employed in inducing her so to modify the administration of the government of Cuba as to afford the means of some prompt remedy for evils of the kind alluded to, which have done much to increase the spirit of unlawful enterprise against the island. That a convention, such as is proposed, would be a transitory arrangement, sure to be swept away by the irresistible tide of affairs in a new country, is to the apprehension of the President too obvious to require a labored argument. The project rests on principles, applicable, if at all, to Europe, where international relations are in their basis of great antiquity, slowly modified for the most part in the progress of time and events, and not applicable to America, which, but lately a waste, is filling up with intense rapidity and adjusting on natural principles those territorial relations which on the first discovery of the continent were in a good degree fortuitous. The comparative history of Europe and America, even for a single century, shows this.

“In 1752, England, France, and Spain, were not materially different in their political position in Europe from what they now are. They were ancient, mature, consolidated States, established in their relations with each other and the rest of the world—the leading powers of Western and Southern Europe. Totally different was the state of things in America. The

United States had no existence as a people—a line of English colonies not numbering much over a million of inhabitants, stretched along the coast. France extended from the Bay of St. Lawrence to the Gulf of Mexico, and from the Alleghanies to the Mississippi, beyond which westward the continent was a wilderness, occupied by wandering savages, and subject to a conflicting and nominal claim on the part of France and Spain. Everything in Europe was comparatively fixed—everything in America provisional, incipient, and temporary, except the law of progress, which is as organic and vital in the youth of States, as of individual men. A struggle between the provincial authorities of England and France, for the possession of a petty stockade at the confluence of the Monongahela and the Alleghany, kindled the seven years' war, at the close of which, the great European powers, not materially affected in their relations at home, had undergone astonishing changes on this continent. France had disappeared from the map of America, whose inmost recesses had been penetrated by her zealous missionaries, and her resolute and gallant adventurers. England had added the Canadas to her transatlantic dominions. Spain had become the mistress of Louisiana, so that, in the language of the Archbishop of Mexico, in 1770, she claimed Siberia as the northern boundary of New Spain.

“Twelve years only, from the treaty of Paris, elapsed, and another great change took place, fruitful of still greater changes to come. The American revolution broke out. It involved England, France, and Spain, in a tremendous struggle, and at its close the United States of America had taken their place in the family of nations. In Europe, the ancient States were restored substantially to their former equilibrium, but a new element, of incalculable importance in reference to territorial arrangements, is henceforth to be recognized in America. Just twenty years from the close of the war of the American revolution, France, by a treaty with Spain, of which the provisions have never been disclosed, possessed herself of Louisiana, but did so only to cede it to the United States, and in the same year Lewis and Clark started on their expedition to plant the flag of the United States on the shores of the Pacific. In 1819 Florida was sold by Spain to the United States, whose territorial possessions, in this way, had been increased three-fold in half a century. This last acquisition was so much a

matter of course that it had been distinctly foreseen by the Count Aranda, then Prime Minister of Spain, as long ago as 1783. But even these momentous events are but the forerunners of new territorial revolutions still more stupendous.

“A dynastic struggle, between the Emperor Napoleon and Spain, commencing in 1808, convulsed the peninsula, the vast possessions of the Spanish crown on this continent, vice-royalties and captain-generalships filling the space between California and Cape Horn. One after another asserted their independence; no friendly power in Europe, at that time, was able, or if able, was willing, to succor Spain or aid her to prop the crumbling buttresses of her colonial empire. So far from it, when France, in 1823, threw an army of one hundred thousand men into Spain, to control her domestic politics, England thought it necessary to counteract the movement by recognizing the independence of the Spanish provinces in America; in the remarkable language of the distinguished minister of the day, in order to redress the balance of power in Europe, he called into existence a new world in the west, somewhat overrating perhaps the extent of the derangement in the old world, and not doing full justice to the position of the United States in America, or their influence on the fortunes of their sister republics on this continent.

“Thus, in sixty years from the close of the seven years' war, Spain, like France, had lost the last remains of her once imperial possessions in this hemisphere. The United States, meantime, were, by the arts of peace and the healthful progress of things, rapidly enlarging their dimensions and consolidating their power. The great march of events still went on. Some of the new republics, from the effect of a mixture of races, or the want of training in liberal institutions, showed themselves incapable of self-government. The province of Texas revolted from Mexico by the same right by which Mexico revolted from Spain; at the memorable battle of San Jacinto, in 1836, she passed the great ordeal of nascent States, and her independence was recognized by this government, by England, by France, and other European powers. Mainly peopled from the United States, she sought naturally to be incorporated into the Union. The offer was repeatedly rejected by Presidents Jackson and Van Buren, to avoid a collision with Mexico. At last the annexation took place. As a domestic question, it

is no fit subject for comment in a communication to a foreign minister; as a question of public law, there never was an extension of territory more naturally or justifiably made; it produced a disturbed relation with the government of Mexico; war ensued, and in its results other extensive territories were, for a large pecuniary compensation on the part of the United States, added to the Union.

“Without adverting to the divisions of opinion which arose in reference to this war—as must always happen in free countries in reference to great measures—no person surveying these events with the eye of comprehensive statesmanship, can fail to trace in the main result the undoubted operation of the law of our political existence. The consequences are before the world; vast provinces, which had languished for three centuries under the leaden sway of a stationary system, are coming under the influences of an active civilization, freedom of speech and the press—the trial by jury, religious equality, and representative government, have been carried by the constitution of the United States into extensive regions in which they were unknown before. By the settlement of California the great circuit of intelligence round the globe is completed. The discovery of the gold of that region, leading as it did to the same discovery in Australia, has touched the nerves of industry throughout the world.”

This fine picture of the territorial development of the United States, must gratify the pride of every patriotic heart. When Mr. Everett's letter was published in the newspapers, it was greeted with a universal expression of satisfaction. The whole country approved of the course of the President in repelling the impertinent attempts of foreign governments to impose diplomatic fetters on our future growth. The careful reader of the foregoing extract will have discovered in it a full recognition of one of the leading principles of the American party. In speaking of the melancholy fate of the republics of South America, Mr. Everett attributes the incapacity which their people had shown for self-government to “the effect of a mixture of races or the want of training in liberal institutions.”

Knowing that like causes produce like effects, the American party are disposed to take warning from the anarchy and mis-rule which have prevailed in our sister republics of South America.

The President, likewise, in his next annual message, which was presented to Congress a few days afterward, recognizes the principles of the American party, in stating the reasons why he did not consider the immediate acquisition of Cuba desirable. He said: "Were this island comparatively destitute of inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But under existing circumstances I should look upon its incorporation into our Union as a most hazardous measure. *It would bring into the confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members.* It would probably affect in a prejudicial manner the industrial interests of the South, and it might revive those conflicts of opinion between the different sections of the country, which lately shook the Union to its center, and which have been so happily compromised." This extract shows how deeply Mr. Fillmore was even then impressed with the idea that the safety of our institutions depends on our being a homogeneous people.

CHAPTER XII.

EXPLORING EXPEDITIONS TO FOREIGN COUNTRIES.

The disbanding of the Mexican army had thrown upon the community a large number of idle but enterprising vagabonds, who were ready to engage in any plausible expedition that promised excitement, notoriety, and plunder. The discovery of the gold mines of California had unsettled the public mind, and instead of seeking a gradual accumulation of wealth by the regular course of patient industry, the restless spirit of the country was growing wild in the pursuit of foreign enterprises.

While, therefore, strong measures were necessary to prevent marauding expeditions against our peaceful neighbors, it seemed desirable to turn this spirit of enterprise to some good account, by fitting out exploring expeditions to foreign countries, which should add to our geographical knowledge, extend our commerce, offer a field of enterprise to some of the most worthy of those who sought it, and present subjects of legitimate interest to occupy the public mind. With this view great efforts were made by the President to secure to our citizens the Tehuantepec route to the Pacific through Mexico, and the Nicaragua route through Central America.

Japan also attracted attention. Some of our sailors, who had been shipwrecked and cast upon her shores, were inhospitably treated; and the President determined to attempt a negotiation with that country for their protection, and for such

commercial privileges as could be obtained. With a view to open commercial intercourse with this empire, which had for several centuries been a sealed book to the various nations of the civilized world, the President ordered Commodore Aulick to the command of the East India squadron, and empowered him to open negotiations with Japan. We copy the following paragraphs from the letter of instructions to Commodore Aulick, which was drawn up by Mr. Webster:

“The moment is near when the last link in the chain of oceanic steam navigation is to be formed. From China and the East Indies to Egypt; thence through the Mediterranean and the Atlantic ocean to England; thence again to our happy shores, and other parts of this great continent; from our own ports to the southernmost part of the isthmus that connects the two western continents; and from its Pacific coast, north and southward, as far as civilization has spread, the steamers of other nations, and of our own, carry intelligence, the wealth of the world, and thousands of travelers.

“It is the President’s opinion, that steps should be taken at once to enable our enterprising merchants to supply the last link in that great chain which unites all nations of the world, by the early establishment of a line of steamers from California to China. In order to facilitate this enterprise, it is desirable that we should obtain, from the Emperor of Japan, permission to purchase from his subjects the necessary supplies of coal, which our steamers, in their out and inward voyages, may require. The well known jealousy with which the Japanese Empire has, for the last two centuries, rejected all overtures from other nations to open its ports to their vessels, embarrasses all new attempts to change the exclusive policy of that country.

* * * * *

“The President, although fully aware of the great reluctance hitherto shown by the Japanese government to enter into treaty stipulations with any foreign nation—a feeling which it is sincerely wished that you may be able to overcome—has thought it proper, in view of this latter favorable contingency, to invest you with full power to negotiate and

sign a treaty of amity and commerce between the United States and the Empire of Japan."

Commodore Aulick became involved in difficulty in consequence of alleged misconduct to the Brazilian minister, who was a passenger on board his vessel to Rio Janeiro. This difficulty resulted in his recall; and it was afterward concluded to give a more imposing aspect to the mission by sending out an independent fleet, under the command of Commodore Perry, who was clothed with full powers of negotiation. The difficulty of obtaining sailors, and delay in finishing some vessels intended for the squadron, detained it in port till the fall of 1852, when it sailed from Norfolk with fewer vessels than had been intended. The success of the expedition, however, was complete, and its history is to be found in the State and Navy Departments at Washington.

As soon as Rosas was driven from Buenos Ayres, and a prospect began to dawn of opening to the commerce of other nations the immense country bordering on the La Plata and its confluent, our ministers at Rio and Buenos Ayres were directed to go to the seat of power wherever it should be found, whether in a confederation or in separate states, and negotiate treaties of amity and commerce. Treaties had already been made during this administration, with Peru, Costa Rica, Uruguay, and Brazil; and the ministers just alluded to secured others. In furtherance of the same object the President sent one of our naval officers, with a small steamer, to survey the La Plata and its branches.

Inferring from the gold washings of the rivers of Africa, that when the interior mountains in which they take their rise are discovered and examined, they may prove to be another California; and believing that, if the conjecture were confirmed, the existence of gold mines would act as a powerful motive in inducing the free blacks of this country to

emigrate to that part of the world, Lieutenant Lynch was sent thither on an exploring expedition, the result of which has not yet been published. Like the reports of the Japan expedition, it sleeps in the archives of the Navy Department at Washington.

By the act of August 31st, 1852, Congress provided for an exploring expedition to the Chinese seas, which was dispatched by the President under Captain Ringgold, who was sent home insane before the completion of the survey.

An expedition was also sent to explore the valley of the Amazon, which accomplished its object. The reports of the officers in command, which are printed among the Senate documents, are well worthy a perusal.

Efforts were also made to open the guano trade, which is a monopoly; and an unfortunate letter was written by the Secretary of State to Mr. Jewett; and, without the knowledge of the President, an order was sent to Commodore McAuley to protect our vessels in taking guano from the Lobos Islands. As soon as the President discovered it, the order was countermanded, and an arrangement was made with the Peruvian government to freight the vessels which had been sent out at a stipulated price.

The various expeditions to which allusion has been made in this chapter show that the administration of President Fillmore was characterized not less by enterprise than by wise and salutary caution, and that he fully sympathized with the progressive spirit of the age, whenever its indulgence was consistent with our obligations to others. This happy union of enterprise without rashness, with caution without timidity, is as rare as it is fortunate, and entitles Mr. Fillmore to the very first rank as a practical statesman. Firm when a right is involved; bold when occasion demands; far-sighted respecting the consequences of measures; quick to perceive where an advantage is to be gained for his country; cool, sagacious,

deliberate, and inflexibly just, he combines more of the requisites for a great and able chief magistrate than any other man in the country. Others may possess single qualifications in greater perfection, and therefore be regarded as more brilliant; but no one combines so many of the requisites for eminent usefulness in the discharge of high and responsible trusts.

CHAPTER XIII.

AMERICAN PRINCIPLES.

The limits to which we are restricted do not permit a detailed account of all the measures of President Fillmore's administration. A number of domestic reforms, of which the reduction of letter postage to the uniform rate of three cents, may be considered a specimen, are necessarily passed over without mention, in order that we may present with more fullness some of those prominent features of Mr. Fillmore's policy which afford criterions of his wisdom and ability as a statesman.

After the passage of the compromise measures, no event occurred during the administration of Mr. Fillmore, which produced so profound a sensation, and awakened so much popular excitement, as the visit to this country of Louis Kossuth, the ex-governor of Hungary. The participation of the administration in measures for the release of the Hungarian exiles from their imprisonment in Turkey, and its refusal to participate in measures for rescuing fallen Hungary from the dominion of Austria, furnish illustrations of Mr. Fillmore's tone of thinking on questions pertaining to immigration and foreign influence, and will enable the reader to understand why he so promptly perceived the importance of the American movement, and so readily united with the American party. Mr. Fillmore's accession to this party was a necessary consequence of principles he had entertained and acted upon before the party had risen into notice.

The American party is not founded, as its enemies represent, on hostility to the residence of foreigners in this country, but to their participation in our politics before they have become imbued with American sentiments. The American party cherishes a lively sympathy with all efforts in favor of free institutions in other countries, and cordially welcomes to our shores the oppressed inhabitants of the old world, who have either failed in such efforts, or, from any other cause, seek protection and repose for themselves, and a home for their posterity, in this free and happy republic. Our right to watch the progress of liberty in other lands, to sympathize with its struggles, and to recognize its achievements, was nobly and eloquently vindicated by President Fillmore's administration, in Mr. Webster's celebrated letter to the Chevalier Hulsemann, which was written by the direction of the President. The following extracts will show that the policy of strict neutrality and non-intervention, which was so firmly enforced during Mr. Fillmore's administration, was not the fruit of cold indifference to the fortunes of freedom on the eastern continent.

"The undersigned will first observe," says Mr. Webster, "that the President is persuaded, his majesty the emperor of Austria does not think that the government of the United States ought to view, with unconcern, the extraordinary events which have occurred, not only in his dominions, but in many other parts of Europe, since February, 1848. The government and people of the United States, like other intelligent governments and communities, take a lively interest in the movements and events of this remarkable age, in whatever part of the world they may be exhibited. But the interest taken by the United States in those events, has not proceeded from any disposition to depart from that neutrality toward foreign powers, which is among the deepest principles and the most cherished traditions of the political history of the Union. It has been the necessary effect of the unexampled character of the events themselves, which could not fail to arrest the attention of the cotemporary world; 'as they

will doubtless fill a memorable page in history. But the undersigned goes further, and freely admits that in proportion as these extraordinary events appeared to have their origin in those great ideas of responsible and popular governments, on which the American constitutions themselves are wholly founded, they could not but command the warm sympathy of the people of this country.

“The power of this republic, at the present moment, is spread over a region, one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the House of Hapsburg are but as a patch on the earth's surface. Its population, already twenty-five millions, will exceed that of the Austrian empire within the period during which it may be hoped that Mr. Hulsemann may yet remain in the honorable discharge of his duties to his government. Its navigation and commerce are hardly exceeded by the oldest and most commercial nations; its maritime means and its maritime power may be seen by Austria herself, in all seas where she has ports, as well as it may be seen, also, in all other quarters of the globe. Life, liberty, property, and all personal rights, are amply secured to all citizens, and protected by just and stable laws; and credit, public and private, is as well established as in any government of Continental Europe. And the country, in all its interests and concerns, partakes most largely in all the improvements and progress which distinguish the age. Certainly the United States may be pardoned, even by those who profess adherence to the principles of absolute governments, if they entertain an ardent affection for those popular forms of political organization which have so rapidly advanced their own prosperity and happiness; which enabled them, in so short a period, to bring their country, and the hemisphere to which it belongs, to the notice and respectful regard, not to say the admiration, of the civilized world. Nevertheless, the United States have abstained, at all times, from acts of interference with the political changes of Europe. They can not, however, fail to cherish always a lively interest in the fortunes of nations struggling for institutions like their own. But this sympathy, so far from being necessarily a hostile feeling toward any of the parties to these great national struggles, is quite consistent with amicable relations with them all. The Hungarian people are three or four

times as numerous as the inhabitants of these United States were when the American revolution broke out. They possess, in a distinct language, and in other respects, important elements of a separate nationality, which the Anglo-Saxon race in this country did not possess; and if the United States wish success to countries contending for popular constitutions and national independence, it is only because they regard such constitutions and such national independence, not as imaginary, but as real blessings. They claim no right, however, to take part in the struggles of foreign powers in order to promote these ends. It is only in defense of his own government, and its principles and character, that the undersigned has now expressed himself on this subject. But when the United States behold the people of foreign countries, without any such interference, spontaneously moving toward the adoption of institutions like their own, it surely can not be expected of them to remain wholly indifferent spectators."

A proof of the sincerity with which these sentiments were entertained is furnished by the subsequent action of Mr. Fillmore's administration in relation to Kossuth. When he was an exile and a prisoner in the Turkish dominions, the Secretary of State was directed to write a letter to Mr. Marsh, the American minister at Constantinople, instructing him to apply to the Sublime Porte for the release of the Hungarian refugees, and to offer them a passage to this country in national vessels. The most prominent of the reasons for their release, which were urged in that letter, was the great improbability of their renewing any attempts tending to disturb the tranquillity of the old world. They were invited and welcomed here as men who sought an asylum from oppression, and without the most distant expectation that Kossuth and his companions would traverse the country with the avowed purpose of subverting the settled policy of the American government.

"But at this time," says the letter of instructions, "all possible apprehension of danger and disturbance, to result from their liberation, has ceased.

"It is now more than a year since the last Hungarian army surrendered, and the attempts at revolution and the establishment of an independent government, in which they were engaged, were most sternly crushed by the united forces of two of the greatest powers of Europe.

"Their chief associates are, like themselves, in exile, or they have perished on the field, or on the scaffold, or by military execution; their estates are confiscated, their families dispersed, and every castle, fortress, and city of Hungary is in the possession of the forces of Austria.

"They themselves, by their desire to remove so far from the scene of their late conflict, declare that they entertain no hope or thought of other similar attempts, and wish only to be permitted to withdraw themselves altogether from all European associations, and seek new homes in the vast regions of the United States.

"For their attempts at independence they have most dearly paid; and now, broken in fortune and in heart, without home or country — a band of exiles whose only future is a fearful remembrance of the past; whose only request is to spend their remaining days in obscure industry — they want the permission of his imperial majesty to remove themselves, and all that may remain to them, across the ocean to the uncultivated regions of America, and leave forever a continent which has become more gloomy than the wilderness, more lone and dreary than the desert."

No foreigner ever approached our hospitable shores who excited so much interest and sympathy as was felt for Kossuth. Little was it dreamed that in the very act of accepting our hospitality he would turn our accuser. Little was it thought that he would immediately arraign our government as recreant to the cause of universal liberty, because it adhered to the wise policy of Washington, and declined to take part in the struggles of foreign nations. Little was it supposed that this illustrious Hungarian exile would appeal from the American government to the American people, and attempt to compel acquiescence in his schemes by influencing the presidential election. But, little as it was expected, all this turned out to

be true. No one can have forgotten the effect produced on the public mind by Kossuth's seductive eloquence. If, during the two or three weeks when the excitement was at its height, the proposal to abandon the neutral policy of the government could have been decided by a popular vote, there would probably have been a large majority in favor of Kossuth. Happily, by the firmness of the government, and the returning good sense of the people, this dangerous mania subsided, and gradually disappeared; and Kossuth, who was received on his arrival with great ovations, became so unpopular before he left the country, that he deemed it prudent to engage his passage on board the steamer under an assumed name.

His visit to this country was calculated to lead thoughtful minds to reflect on the growing danger of foreign influence. Had the President shown any marks of sympathy with the popular excitement which, for several weeks, ran so high, there is no doubt that the foreign policy of the government would have undergone a complete revolution. Mr. Clay, who was then living, fully coincided in the views of the President, and in his interview with Kossuth explained, with his accustomed eloquence, the reasons why it was not expedient for our government to embark in the cause of Hungary. Colonel Benton, in addressing a meeting of citizens in Missouri, paid a deserved tribute to Mr. Fillmore and Mr. Clay, in connection with this subject. "I am opposed," said Colonel Benton, "to intervening, and under all its forms; and as much as any, in the form of 'protest,' to be unsupported by acts if the protest should be disregarded. Of the eminent public men of our country who have accosted this question most to my satisfaction, Mr. Fillmore and Mr. Clay are the two foremost; they have given it a prompt and unqualified opposition in all its forms. This, in my opinion, is the American position."

When Kossuth had failed in his application to the American government, and in his appeal to the great body of the Ameri-

can people, he attempted to carry out his project by operating on the prejudices of our foreign-born citizens. His efforts in this direction afford a striking illustration of the dangers which result from having a large body of voters in our midst, whose political sympathies are more fully given to the revolutionary movements of the old world than to the institutions of their adopted country. In a speech to German citizens in the city of New York, on the 14th of June, 1852, Kossuth said:

"You are strong enough to effect the election of that candidate for the Presidency who gives the most attention to the European cause. I find that quite natural, because between both parties there is no difference as regards the internal policy, and because only by the inanity of the German citizens of this country, the election will be such that, by and by, the administration will turn their attention to other countries, and give every nation free scope. No tree, my German friends, falls with the first stroke; it is therefore necessary that, inasmuch as you are citizens, and can command your votes, you support the candidate who will pursue the external policy in our sense, and endeavor to effect that all nations become free and independent, such as is the case in happy America."

On the 23d of the same month, Kossuth addressed a large assemblage of Germans at the Broadway Tabernacle. After the close of his speech a series of resolutions were adopted, of which the following are specimens:

"Resolved, That, as American citizens, we will attach ourselves to the Democratic party, and will devote our strength to having a policy of intervention in America carried out."

"Resolved, That we expect that the candidate of the Democratic party will adopt the principles of this policy, which has been sanctioned by all distinguished statesmen of his party."

"Resolved, That we protest against the manner in which, heretofore, the government of the United States has interpreted and applied the policy of neutrality, which is in violation of the spirit of the constitution of the United States."

“*Resolved*, That we ask that every American citizen, *not being attached to the soil*, may support the strength of any other people in the sense as the juries have interpreted the principles of the American constitution, and especially of the policy of neutrality.”

A few days afterward, Kossuth prepared a secret circular, which commenced as follows:

NEW YORK, June 28th, 1852.

“SIR:—I hope you have read already my German farewell speech, delivered June 23d, in the Tabernacle at New York, and also the resolutions of the meeting, which were passed consequently.

“I hope, further, that the impression which this matter has made *upon both political parties* has not escaped your attention.

“Indeed, it is not easy to be mistaken, that the German citizens of America will have *the casting vote* in the coming election, if they are united in a joint direction upon the platform of the principles set forth in the speech aforementioned.

“They may *decide* upon the exterior policy of the next administration of the United States, and with that upon the triumph or the fall of liberty in Europe.”

No careful reader of these extracts can fail to perceive that they disclose a method by which the presidential election of this country might be carried, and the policy of the government controlled by persons of foreign birth and sympathies. The only sure preventive of so great an evil is to exclude from any share in the government all except citizens who are thoroughly imbued with American sentiments.

After the close of Mr. Fillmore's administration, it was his intention, before returning to his home in Buffalo, to comply with numerous invitations he had received to visit the South. But severe domestic affliction compelled him to postpone this intention, and it was not till the spring of 1854 that he was able to make the proposed tour. He then visited all the principal south-western and southern cities, and was everywhere received

with demonstrations of respect and welcome, more spontaneous, cordial and extensive than had ever before been bestowed on a private citizen. In the summer of that year Mr. Fillmore was compelled again to drink deep of the cup of affliction, and some months afterward he was induced to seek relief from the loneliness of a home which death had rendered nearly desolate, by a visit to the old world. During the season of retirement and domestic grief which preceded his embarkation for Europe, Mr. Fillmore took no active part in politics, beyond the exercise of the citizen's right of voting. When the American party arose, he approved of its objects, and, in the first election in which he had an opportunity to do so, voted for its candidates. In the early part of the year 1855, he formally united with the American party, and assumed its obligations. How fully he appreciated the necessity of the American movement, and endorsed the principles in which it had its origin, may be seen in the following private letter, written to a friend in Philadelphia:

“BUFFALO, New York, Jan. 3d, 1855.

“RESPECTED FRIEND ISAAC NEWTON—

“It would give me great pleasure to accept your kind invitation to visit Philadelphia, if it were possible to make my visit private, and limit it to a few personal friends whom I should be most happy to see. But I know that this would be out of my power; and I am therefore reluctantly compelled to decline your invitation, as I have done others to New York and Boston for the same reason.

“I return you many thanks for your information on the subject of politics. I am always happy to hear what is going forward; but, independently of the fact that I feel myself withdrawn from the political arena, I have been too much depressed in spirit to take an active part in the late elections. I contented myself with giving a silent vote for Mr. Ullman for governor.

“While, however, I am an inactive observer of public events, I am by no means an indifferent one; and I may say to you, in the frankness of private friendship, I have for a long time

looked with dread and apprehension at the corrupting influence which the contest for the foreign vote is exciting upon our elections. This seems to result from its being banded together, and subject to the control of a few interested and selfish leaders. Hence, it has been a subject of bargain and sale, and each of the great political parties of the country have been bidding to obtain it; and, as usual in all such contests, the party which is most corrupt is most successful. The consequence is, that it is fast demoralizing the whole country; corrupting the very fountains of political power; and converting the ballot-box — that great palladium of our liberty — into an unmeaning mockery, where the rights of native-born citizens are voted away by those who blindly follow their mercenary and selfish leaders. The evidence of this is found not merely in the shameless chaffering for the foreign vote at every election, but in the large disproportion of offices which are now held by foreigners, at home and abroad, as compared with our native citizens. Where is the true-hearted American whose cheek does not tingle with shame and mortification, to see our highest and most coveted foreign missions filled by men of foreign birth, to the exclusion of native born? Such appointments are a humiliating confession to the crowned heads of Europe, that a republican soil does not produce sufficient talent to represent a republican nation at a monarchical court. I confess that it seems to me, with all due respect to others, that, as a general rule, our country should be governed by American-born citizens. Let us give to the oppressed of every country an asylum and a home in our happy land; give to all the benefits of equal laws and equal protection; but let us at the same time cherish as the apple of our eye the great principles of constitutional liberty; which few who have not had the good fortune to be reared in a free country know how to appreciate, and still less how to preserve.

“Washington, in that inestimable legacy which he left to his country — his farewell address — has wisely warned us to beware of foreign influence as the most baneful foe of a republican government. He saw it, to be sure, in a different light from that in which it now presents itself; but he knew that it would approach in all forms, and hence he cautioned us against the insidious wiles of its influence. Therefore, as well for our own sakes, to whom this invaluable inheritance of self-govern-

ment has been left by our forefathers, as for the sake of the unborn millions who are to inherit this land—foreign and native—let us take warning of the father of his country, and do what we can to preserve our institutions from corruption, and our country from dishonor; but let this be done by the people themselves in their sovereign capacity, by making a proper discrimination in the selection of officers, and not by depriving any individual, native or foreign-born, of any constitutional or legal right to which he is now entitled.

“These are my sentiments in brief; and although I have sometimes almost despaired of my country, when I have witnessed the rapid strides of corruption, yet I think I perceive a gleam of hope in the future, and I now feel confident that, when the great mass of intelligence in this enlightened country is once fully aroused, and the danger manifested, it will fearlessly apply the remedy, and bring back the government to the pure days of Washington’s administration. Finally, let us adopt the old Roman motto, ‘Never despair of the republic.’ Let us do our duty, and trust in that providence which has so signally watched over and preserved us, for the result. But I have said more than I intended, and much more than I should have said to any one but a trusted friend, as I have no desire to mingle in political strife. Remember me kindly to your family, and, believe me,

“I am truly yours,

“MILLARD FILLMORE.”

20
18





3 2044 010 631 76

THE BORROWER WILL BE CHARGED AN OVERDUE FEE IF THIS BOOK IS NOT RETURNED TO THE LIBRARY ON OR BEFORE THE LAST DATE STAMPED BELOW. NON-RECEIPT OF OVERDUE NOTICES DOES NOT EXEMPT THE BORROWER FROM OVERDUE FEES.

WIDENER
FEB 15 1992
CANCELLED
BOOK DUE

