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John Taylor: a study in American social philosophy

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JOHN TAYLOR
A STUDY IN
AMERICAN SOCIAL PHILOSOPHY

By
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Submitted for the Degree of Master of
Arts at Clark University, Worcester, Mass.
and accepted on the recommendation of

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Chapter I.

John Taylor was born in Orange County in the year 1750, near the birthplace of Madison. At the age of ten he was left an orphan and was adopted by his uncle, Edmond Pendleton, a man of influence in Virginia, whose home was in Caroline County. Pendleton gave him very good care and education and in 1770 he graduated from William and Mary College.

Four years later, (1774), Taylor was admitted to the bar. Patrick Henry was his idol, and associated with him and Richard Henry Lee, he took part in the reform movement which culminated in the overthrow of the machine of Speaker Robinson.^{1.}

When the Revolutionary War broke out, Taylor immediately volunteered, serving in the First Brigade of Virginia troops under Patrick Henry. He was later appointed a Major in the Continental Army under George Washington, by the Continental Congress. Like Patrick Henry and Lee, however, he was very dubious as to the fitness of Washington for the position of Commander-in-

1. J.P.Branch Historical Papers, Vol. II., Page 214.

2.

Chief of the American Army and was very active in his
opposition.^{1.} After the change of affairs at Valley
Forge he resigned and on his return to Caroline he was
appointed to the Virginia House of Delegates from this
County. Later, when Lafayette began his campaign
against Cornwallis in North Carolina, (1780), Taylor
volunteered again and was made a Lieutenant-Colonel.^{2.}

By the war he lost most of his fortune but was
given by Congress 5,000 acres of land. To recuperate
his losses, he turned his attention to law and in the
period from 1781-1792 acquired a fortune of nearly
\$100,000, a quite respectable fortune in those days.

During the war, from 1776-1781, Taylor had
opposed any attempts at "more perfect union" and this
attitude was characteristic, foreshadowing his stand in
later years.^{3.} He continued his opposition right up to
the Constitutional Convention and when the Constitution
was submitted to Virginia, no man more ardently devoted
himself to preventing its ratification. He wrote dozens
of pamphlets and newspaper articles (according to Dodd)

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|----|-------------|------|------|
| 1. | Eoc. Cit. - | Page | 215 |
| 2. | " | " | 216 |
| 3. | " | " | 217. |

3.

under various pseudonyms, and his uncle, Pendleton, remarked that he (Taylor) thought he knew more about government than the rest of the world together.^{1.}

In a letter dated October 24th, 1787, Madison wrote to Jefferson: "It appears, however, that individuals of great weight, both within and without the Legislature are opposed to it. A letter I have just received from A. Stuart names Mr. Henry, General Nelson, W. Nelson, the family of Cabells, Senator George Tucker, John Taylor and the judges of the General Court except P. Carrington."^{2.}

However, the Constitution was ratified despite this opposition and Taylor turned to agriculture. This was his hobby all through his life, and a subject concerning which he wrote much to Jefferson. He was elected the first president of the Virginia Agricultural Society and in 1803 he published the first edition of the "Arator," which consisted of 64 essays, agricultural and political, a book which ran to several editions and was one of the first of its kind published in the United States. It treats of diverse subjects, planting, rotation of crops, slavery and labor, and recommends an awakening of interest in politics on the part of the agricultural class to prevent complete control of the

1. Ebc. Cit. Page 217

2. Madison Vol. I, Page 357

manufacturing capitalist group over the government. 1.

In 1792, Richard Henry Lee resigned from the Senate because of tuberculosis, and Taylor was appointed to take his place. On October 18th, 1792, he was re-elected but disgust at the way things were being managed caused him to resign in May, 1794. Hamilton's bank scheme was particularly obnoxious to him and in 1793 he published a pamphlet against this with Jefferson's hearty approval.

Madison wrote to Monroe in a letter dated September 15th, 1793:

"Mr. Jefferson is in raptures with the performance of our friend in Caroline. He means to have it appear about two weeks before the meeting of Congress. This will not coincide with the plan of the author who wished its publication to be in time for the meeting of the State Legislature. Think of this and let me know your ideas." 2.

Taylor approved William B. Giles' motion to investigate the Treasury for he was always suspicious of Hamilton because of his Nationalistic, and to Taylor, Monarchistic tendencies, and he recommended that the Senate be opened to the public. 3.

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1. Branch Hist. Papers - Page 218.
 2. Madison Vol.I - Page 602.
 3. Gaillard Hunt - Disunion Sentiment in Congress in 1794 - Intro.

5.

Throughout this term, however, he was continually threatening to resign. On February 23rd, 1793, Jefferson wrote to Edmund Pendleton:

"His (Taylor's) talents, during the fraction of time he has been on the federal theatre, have been of such infinite service to the Republican cause and such a terror to his adversaries, that his sudden retirement, on which he is so strongly bent, ought to be regarded as a public calamity, and counterworked by all the means his friends can use. We think it essential that he should be prevailed upon to prolong his stay in the Government, at least through the next session, which will form a critical epoch in our political history." 1.

This influence must have been successful for he did not leave the Senate, but in May, 1794, he again announced his intentions of resigning. In this connection we have a very interesting memorandum communicated by Taylor to Madison, which related an occurrence not generally known until discovered in 1905 by Gaillard Hunt.

On May 6th, Taylor and Monto~~e~~, in accordance with instructions from the Virginia Legislature, had introduced a motion before the Senate to sequester British debts. Taylor, in his speech, declared that he had little interest in the British debts, but that he disapproved of the supplicating course which had been exer-

1. Jefferson "Writings" Vol.I, Page 574-575. W.C.Ford.Ed.

cised toward Great Britain, and thought that the question of making her pay for the negroes she had taken, which affected the South, and of surrendering the frontier posts she held, which affected the West, was just as important as the question of compensating the East for the spoilation of its commerce.^{1.}

A few days after this speech, Taylor was approached in a committee room in the Senate by Senators Rufus King of Massachusetts and Oliver Ellsworth of Connecticut, on the subject of disunion. King declared that it was impossible for the union to continue, that the South and East never agreed, the former clogging and vountering every operation of Government, and more in the same vein. It was evident to him, he said, that when Senators Ralph Izard and William Smith (two Federalists from South Caroline) should be superceded by Anti-Federalists, that the Southern interest would prevail in Congress. This the East could never submit to, therefore, the union should be peaceably dissolved before there was a forced dissolution. Ellsworth said little but agreed with King's point of view in all his statements. Taylor

1. Gaillard Hunt - Disunion Sentiment in Congress in 1794 - Introduction.

7.

argued that such extreme measures were hardly advisable and suggested that the question be discussed in a cool and friendly manner, so as to keep the union if possible. Let there be an effort to unite the two parties, introduce economy into the Government and thus cut down the public debt, the chief bugbear of the union. King was unconvinced and the conversation came to an end. Taylor was somewhat alarmed and submitted the information to Madison.

It is interesting to note here that King and Ellsworth were then in close co-operation with two men, who, a few years later, were so-prominent in the secession movement in New England, George Cabot, of the Essex Junts, Chairman of the Hartford Convention in 1814, and Caleb Strong, who as Governor of Massachusetts in 1812, resisted the President's call for troops.^{1.}

In 1794, Taylor published a pamphlet, entitled "Definition of Parties" or the "POLITICAL Effects of the Paper System" in which he harrangued against the evils of exclusive privileges, banking, monopoly, and the growth of a non-working capitalistic class.

1. Gaillard Hunt - Disunion Sentiment in Congress.

8.

Of this Jefferson wrote to Madison on May 15th, 1794:

"I wrote lately to Mr. Taylor for the pamphlet on the bank. Since that I have seen the "Definition of Parties" and must pray you to bring it to me. It is one of those things which merits to be preserved."¹

From the publication of this pamphlet to 1798, we hear little of Taylor. Undoubtedly he was devoting the greater part of his time to farming and preparing (for publication) the "Arator." However, Congress, in its summer session of 1798, started something which was to draw Taylor from his obscurity. The infamous Alien and Sedition Laws were enacted, approved on June 25th, to remain in force until March 3rd, 1801. The Republicans were aghast and with one accord hastened to attack the laws and on December 13th, 1798, John Taylor introduced the famous "Virginia Resolutions"².

These consisted of nine resolutions³ directed at the course of the Federal Government and particularly at the Alien and Sedition Acts. James Madison was author, and they were probably formulated by a conference at which Jefferson, Madison, Monroe and Taylor were

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1. Jefferson "Writings" Vol.VI, Page 511
 2. Howison - History of Virginia Vol.II Pages 351-59.
 3. Text of Resolutions - Elliot's "Debates on the Federal Constitution Vol.IV. Pages 528-532.

present. Yet, Taylor was their advocate in the Assembly. He opened his speech by declaring

1. The Alien and Sedition Acts were unconstitutional since power was nowhere delegated to Congress to make such laws as to alien friends.

2. Aliens had rights under the common laws which these Acts took away. They were deprived of these laws of trial by jury.

3. By these Acts the three powers of Government were delegated to one hand, the President being authorized to make the rule, judge the accused and execute the sentence.

4. These Acts took away the freedom of the press, an act which Congress, not only had no right to do, but which was, on the contrary, expressly prohibited to them. 1.

Taylor was supported by General Henry Lee and after considerable debate, in the course of which on Taylor's own motion, the wording of the 7th Resolution, which read "The Acts aforesaid are unconstitutional, and not law, but utterly void, and of no force or effect" was modified by striking out of the resolution the words underlined.

It was not generally known that Madison was the author, and Taylor was for a long time considered by most Virginians as responsible. Even as late as 1809, Thomas Richie, Editor of the "Enquirer," in his attacks

1. Howison - History of Virginia - Pages 351-359.

on Taylor mentioned Taylor's one claim to fame as the fact that he had been the author of the "Virginia Resolutions." He was somewhat surprised when informed by Taylor that he would have to disclaim the honor since they had come from the pen of Mr. Madison.

During all this time Taylor was becoming more and more alarmed at the growth of party spirit and sectional interests, as well as at his perpetual enemies, capital monopolies, protecting duties and their train of evils. This alarm evidently caused him to propose extreme measures if this letter from Jefferson, dated June 1st, 1798, is any evidence.

"Mr. New showed me your letter, which gave me an opportunity of observing what you said as to the effect with you of public proceedings, and that it was not unwise (1) now to estimate the separate mass of Virginia and North Carolina with a view to their separate existence. It is true that we are completely under the saddle of Massachusetts and Connecticut and that they ride us very hard, cruelly insulting our feelings as well as exhausting our strength and subsistence. Their National friends, the three other eastern states, join with them from a sort of family pride, and they have the art to divide certain other parts of the union, so as to make use of the government as a whole.-----
But who can say what would be the effect of a session and where they would end. Better keep as we are, hands off from Europe as soon as we can, and from all attachments to any portion of it.

1. George Tucker in the "So.Lit.Messenger" for May, 1838 (IV-344) declares that word "unusual" should be substituted for "unwise" but there is no proof for this assertion except this statement by a kinsman of Taylor's.

11.

P.S. It is hardly necessary to caution you to let nothing of mine get before the public. A single sentence got hold by the "Porcupines" will suffice to abuse and persecute me in their papers for months." (1)

On February 15th, 1799, Taylor wrote to Jefferson:

"I hope I have mistaken our national character but it appears to unfold itself by an insensibility to the efforts, both of tyranny and despotism, exulting in the background sordid avarice and skulking fear. A taxgatherer, you think, is the doctor which will cure the disease; but this doctor is now under the protection of an army and navy. He may safely administer what doses he pleases." (2)

Eight months later he wrote again to Jefferson:

"But I give up all for lost. The malady of all governments is monopoly. This is creeping and creeping into ours." (3)

He was, as these letters indicate, very close to Jefferson and his plans. The two following incidents will bring out this fact even more definitely.

In 1799, one Callender, a Scotchman with a temperative tongue, wrote a pamphlet, denouncing, in most scurrilous terms, the Adams' administration. This pamphlet was done at Jefferson's instigation, and the cost of the service is said to have been \$50.00. ^{4.}

1. Jefferson's "Writings" Vol. VII - Page 263.
2. Branch Hist. Papers - Vol. II - Letters of Taylor edited by Worthington Ford - Page 279.
3. Loc. Cit. - Page 283 - (October 14th, 1799)
4. Administrations of Washington & Adams - Vol. II Page 294. George Gibbs, author, includes letters from Jefferson to Callender.

The work was so abusive and libelous that Callender was summoned before the courts for trial. Mason, Giles and John Taylor were asked to appear as witnesses for Callender's defence. Taylor alone acceded to the request, the other two remaining away. He was called upon to substantiate all of the pamphlet's statements. On his expressing his inability to do this, his evidence was ruled out and Callender was sentenced to nine (9) months in jail, plus a fine of \$200.00. To an impartial observer, it would seem that Jefferson was the gainer in this little transaction.^{1.}

In January, 1799, Henry Tazewell died and before he was buried Jefferson wrote to Taylor:

"The object of this letter (and which I beseech you to mention as from me to no mortal) is the replacement of him (Tazewell) by the Legislature. Many points in Monroe's character would render him the most valuable acquisition the Republican interest in this Legislature could make. There is no chance of bringing him into the other House as some had wished because the present representation of his district will not retire. I salute you affectionately." (2)

In the reform movement of 1800, Taylor was so active that numerous individuals looked upon him askance, many going so far as to charge him with aiding and abetting anarchy. From this charge Taylor's uncle, Edmund

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1. Howison's Hist. of Va. Vol. II. Page 379.
 2. Jefferson's "Writings" - Vol. VII, Page 322.

Pendleton, ably defended him.

Throughout his first administration, Jefferson found in Taylor an ardent supporter but after 1804 there began to be a little difference in opinion, due as much to distrust on the part of Taylor for office and man's power to resist the temptations which high office puts in man's way, as to his opposition to Madison, whom Jefferson favored, and his friendship for Monroe.

Taylor favored the abolition of the courts which Adams had appointed just before Jefferson's coming into office. Of this he said in a letter to John Breckenridge, dated December, 1801:

"Whether courts are erected by a regard to the administration of justice or with the purpose of rewarding a meritorious faction, the Legislature may certainly abolish them without infringing upon the Constitution, whenever they are required by the administration of justice or the merit of the faction is exploded and their claim for reward is disallowed." (2)

In 1805, a pamphlet was printed in Providence under the pseudonym "Curtins," the authorship to which Taylor is credited with. It is entitled "A Defence of the Measures in the Administration of Thomas Jefferson."

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1. Branch Hist. Papers - Page 217.
 2. " " " " 219.

14.

In this the author takes up approvingly Jefferson's selection of cabinet officers, the Louisiana Purchase,¹ Jefferson's economy in cutting down the army and navy, his policy of isolation from foreign entangling alliances, and compares very favorably with the Adams and Washington Administrations, the first term of the third President of the United States. It is frankly a piece of propogandist material and was written primarily to aid Jefferson in his second election.^{2.}

In 1803, General Stevens T. Mason, Senator from Virginia, died and Taylor was appointed by the Legislature to succeed him. His period in the Senate, however, was quite short, and he only served from June 3rd, 1803, until December 7th, of the same year.^{3.}

As I mentioned before, after 1805, Taylor began to break away from Jefferson, although the two men corresponded with each other and worked together regularly until Taylor's death. Jefferson had determined on Madison as his successor. Taylor, for various reasons, the chief among which was his suspicion that

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1. For discussion of Taylor on the Louisiana Purchase vide Henry Adams - Hist. of the U.S. Vol. II 105-7.
 2. Pamphlet was not printed until 1805, but the various articles were written in 1804.
 3. Adams - Vol. II - Page 94.

Madison had nationalistic leanings, and that he would become involved in a war with Great Britain or with France, did not approve of this choice and strenuously advocated his friend Monroe for the position. As we all know, Madison was elected and Taylor came in for considerable abuse on the part of the strong Republicans of Virginia.

Monroe was the editor of the "Spirit of '76" and Thomas Richie was the editor of the Virginia "Enquirer", the paper to which was entrusted the furthering of Madison's interests. Richie, in 1809, accused Taylor of favoring Monroe¹ in the election of 1808, because, if Monroe were elected, his chances for a high place in the administration would be very good. Taylor immediately wrote a letter to Richie denying the allegation and expressing his resentment at Richie's attack. Richie did not print the letter and quite a feud sprung up.

Of this letter Richie said in an editorial of February 3rd, 1809:

"I am not astonished, Sir, at the petulance and spite which your composition breathes. It would be a pity to deprive those of the benefits of abuse.

1. Virginia "Enquirer" - February 3rd, 1809.

who have not the power to injure. It is the proverbial privilege of monks and old women to rail. You are welcome to all the benefits of this accomplishment."

Taylor answered Richie in a pamphlet¹ published in 1809, which consisted of seven letters in which he gave his reasons for supporting Monroe as against Madison. These letters are exceedingly interesting for they give a very good picture of Taylor's attitude on many matters of public concern at the time.

A few quotations here will show the character of this pamphlet.

Page 11 - " 'Open to all parties and influenced by none' is the best and 'Open to abuse but shut against defence' the most despicable motto which can define the character of a newspaper."

Page 12 - "An adherence to men is often disloyalty to principle and the ambushes of revolution are constantly laid behind the profession of patriotism."

He then goes into a discussion of the principles of the Federal and Anti-Federal Parties, characterizing the Federal Party as one "in favor of a government founded upon the principle of a balance of power between the departments of one government" and the Anti-Federal

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1. A pamphlet containing a series of letters written by John Taylor of Caroline vs. Thomas Richie, editor of the "Enquirer" - Richmond, 1809.

17.

government as "one founded upon the division between gov-
ernment and the people, and between two governments."^{1.}

He explains how the party (Federal), which had, during the framing of the Constitution, been defeated in its plan of a balance of power^{2.} came into power when the Constitution was adopted. Mr. Madison, by his authorship of articles in the "Federalist" proved himself, in Taylor's opinion, interested in consolidation and a destruction of the principle of division, an interest for which Taylor, who was always opposed to consolidation, had only censured.

Further, Madison had been instrumental in proposing the Resolution of 1793,³ encouraging manufactures and Taylor had opposed this, another reason for opposing Madison in 1808.

Madison, according to Taylor, had a tendency to oppose amendments to the Constitution⁴ and to deify the executive, a tendency which Taylor could not accede to; hence, another reason for his opposition to Monroe.

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1. Page 16 - Pamphlet containing letters, etc.
 2. Loc. Cit. - Page 17
 3. " " " 22
 4. " " " 29

18.

Further, Madison seemed to favor the approaching war with England.¹ Monroe did not. Therefore, Taylor, who eyed the coming conflict with doubt, was compelled to advocate Mr. Monroe for the presidency.

All these reasons, therefore, plus, of course, Taylor's personal friendship for Monroe, caused him to oppose Madison. This opposition won for him considerable disfavor from the administration of Madison, as well as from its Virginia supporters.²

However, when it was decided that Madison was to get the presidency, Taylor set himself the task of reconciling Monroe with the administration. In March, 1808, he wrote to Monroe "Difference with Jefferson will destroy your popularity and many will desert you. A coalition between Clinton and yourself is baleful and preposterous."³ He cautioned him that Jefferson was his best friend and that a break with him would destroy his following. Monroe was reluctant to take his advice but finally was prevailed upon to come back to the fold.

In November, 1809, Taylor wrote Monroe that he heartily wished to see the Republicans united, and

1. Loc. Cit. - Page 38.

2. Branch Hist. Papers - Page 230

3. " " " " 294-295.

that he and Madison should make friends. Madison, at¹ least, would keep the government in status quo.

At last the administration of Monroe saw light and, in 1810, Monroe was elected Governor of Virginia, a very popular choice. Madison attempted to get Monroe in the cabinet as Secretary of State. Jefferson was consulted and it was finally decided that Monroe should² be the party choice for President in 1817. Monroe consulted Taylor and Taylor advised him to accept.

In the letter, March 31st, 1811, Taylor congratulated Monroe but made a cryptic statement to the effect that^{he} would always esteem Mr. Monroe as a friend, but that as President Monroe this friendship would have³ to be terminated. This peculiar quirk in Taylor's character, a characteristic one, for he always dreaded the effect of high office on men, is shown very well in⁴ his letter to Monroe, October 26th, 1810. In this he says:

"All history shows that the most ambitious power hitherto invented is an elective individual executive. It pants for control and permanency. Hereditary

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1. Branch Hist. Papers - Dodd - Page 232
 2. Loc. Cit. - Page 233
 3. " " " 234
 4. " " Letters section - Page 310.

power has seldom anything to gain. A president at the head of a party stands above constitutional checks, and is possessed of the very best means for surmounting control and procuring permanency. His object is to overturn a constitution, that of a hereditary king, to maintain one. The moment, therefore, a man is made President, he ought to be discarded as a party leader."

Taylor was opposed to the war with England from the beginning and was convinced as to its needlessness, particularly with England. In a letter to Monroe dated January 2nd, 1812, he writes:

1

"The people do not seem to me to possess the slightest tincture of a desire for war. This is indeed confessed by the whisperings of friends of the administration 'that it will carry its point without it.' Nay, I have heard many of them, highly respectable, express their fears, lest the President, in order to influence England by an appearance of war, should prime Congress so high, that it will not be in his power to prevent an explosion. ----- I hope the administration will succeed in every measure, fraught with the public good, and particularly in the project for intimidating England into a repeal of the orders in Council. But if this project fails, I hope it will not fall upon this country a remedy worse than the disease, likely to be ineffectual, a danger to our form of government.

If this reasoning is sound, hitherto, it follows that a war with England will be infinitely more calametous and useless to us than one with France, because we can affect her interest more deeply than we can affect the interest of France, and she ours more deeply than France can." 2.

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1. Henry Adams Vol. VI, Page 414-17, gives further proof of this assertion.
 2. Branch Hist. Papers, Pages 328-31.

21.

However, when the war began, he, though exceedingly doubtful as to its wisdom and successful outcome, determined to support it. In a letter to Monroe, dated May 10th, 1812, he says:

"War being determined on it is useless to reason further about it. Everyone will contribute what he can to its success, and I ardently wish, what I do not expect, -----

My chance for reaping from the war a crop of odium for defending integrity is, I really think, better than the government's for reaping a crop of applause. May God send you a safe deliverance! Farewell! 1.

In 1814, the "Inquiry" was published, a lengthy work which caused quite a stir when it was published. It was intended as an answer to Adams' famous defense of the American government, directed against the English aristocracy which Adams favored. Taylor had been dabbling at this work for years and it was hailed with great delight by Jefferson, Monroe and the whole Virginia group.^{2.}

Jefferson wrote in a letter, dated May 29th, 1816:

"I see in it much matter for profound reflection, much which should confirm our adhesion, in practice to the good moral principle of our Constitution.

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1. Branch Hist. Papers - Page 341.
 2. Henry Adams History of U.S. Vol. IX. Pages 195-197.

The 6th section on the good moral principles of our government, I found so interesting and so replete with sound principles as to postpone my letter writing to its thorough perusal and consideration." 1.

Meanwhile Taylor had not forgotten Monroe and² was actively campaigning for him now that his difference with Madison and Jefferson had been settled. This little quotation from a letter³ to Monroe of December 3rd, 1815, will illustrate his active interest in the coming political campaign.

"We had heard before the late publication in the newspapers that the preservation of New Orleans was owing to you, which obtained for you credit and great applause in this quarter. If it is true, the fact ought not to die but should be kept alive and represented in all the lights it will bear. I wish I had vouchers to fix it, that I might retail them gradually in the newspapers at a proper crisis. The mob (and any twelve men can make a mob) must be fed by novelty."

Taylor had always opposed the selection of John Marshall as the Chief Justice of the Supreme Court and frequently, as did many others, criticize his decisions. In 1815,⁴ an incident occurred which accentuated his antipathy for Marshall and almost aroused him to fury. During the revolution, a large tract of land in Virginia, commonly known as the "Fairfax Grant", was seized as alien property. After the war, naturally the seizure

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1. Jefferson's "Writings" Vol. X, Page 827
 2. Henry Adams Hist. of U.S. Vol. V Pages 368-70.
 3. Branch Hist. Papers- Pages 347-48
 4. Loc. Cit. Page 238.

23.

was questioned and in 1815 Marshall handed out a decision restoring the property to the original owners.

Again in 1819¹ the famous McCulloch vs. Maryland decision was rendered, which definitely gave a legal right to the National Banks to exist, and guaranteed the exemption from state taxes. Taylor, who had all his life opposed the National Bank, and considered that exemption of the National Bank from state taxation was a restriction of a right of taxation guaranteed the states by the Constitution, naturally condemned Marshall's decision, and in his later books used this verdict as a definite example of usurpation of power by the federal judiciary, a step leading to consolidation, monarchy and tyranny.

In this same year, the American Colonization Society was formed, Justice Busher I. Washington being made president. This was an organization founded to attempt some settlement of the negro question and their remedy was, as the name of the society indicates, deportation of the negro and colonization. Taylor was interested in the project and was elected one of the Vice Presidents.²

1. Loc. Cit. Page 238

2. Virginia History Collections Vol. VI, Page 26.

In 1820, "Construction Construed" was published. It is interesting to note that by this time the feud between Taylor and Richie had been settled as a note from Jefferson to Richie ¹ shows. In this Jefferson thanked Richie for sending "Construction Construed" to him for perusal and asked him to convey his thanks to his friend, John Taylor, with whom he always agreed. Dodd, in the Branch History Papers, mentions Jefferson as later endorsing every word of this volume, and as favoring putting it into the hands of every member of Congress as standing instruction. ²

In 1822, "Tyranny unmasked" was published. This was intended as an answer to the report of the Committee on Manufacturers of January 15th, 1821. The reason for the title is shown in this quotation from the preface of the work.

"I believe that a loss of internal independent power by our confederated states, and an acquisition of supreme power by the Federal Department, or by any branch of it, will substantially establish a consolidated republic over all the territories of the United States. though a federal phraseology might still remain; that this consolidation would introduce a monarchy; and that the monarchy, however limited, checked, or balanced would finally become a complete tyranny."

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1. Jefferson's "Writings" - Letter of Dec. 25th, 1820.
 2. Dodd - Page 243. Jefferson's "Writings" Vol. X
Pages 184, 189.

In 1822, Taylor was elected to the Senate for the third time, to succeed James Pleasants, who had just resigned. This office he held until his death. In the following year his "New Views" was published. In this he attempted to show that the original government of the United States, as drawn up by the framers of the Constitution, was directly opposed to the rapidly growing tendency towards nationalization. He points out how, in the convention, all attempts at forming a national government were opposed and rejected, and concludes with an appeal for a return to the original plan of government of the United States.

The above plea is interesting when we remember that in 1788, when the question of ratification of the Federal Constitution came up in Virginia, Taylor had opposed this document on the grounds that it provided for a national government which would usurp the sovereignty of the states.

Of the last book of Taylor's, Jefferson wrote to Robert J. Garnett, in a letter dated February 14th,

1824:

"Dear Sir:- I have to thank you for the copy of Colonel Taylor's "New Views of the Constitution" and shall read them with the satisfaction and edification which I have ever derived from whatever he has written. But I fear it is the voice of one crying in the wilder-

ness. Those who formerly usurped the name of "Federalists", which, in fact, they never were, have now openly abandoned it, and are as openly marching by the road of construction in a direct line to that consolidation which was always their object."

The book was his last effort at participation in public affairs. He had, it is true, just before his death, expressed his intention of supporting Calhoun for the presidency against Adams, although not entirely in favor of Calhoun's philosophy.¹ But death prevented any real activity in Calhoun's behalf.

He died on August 20th, 1824, at his home in Caroline County. Not one Virginia Newspaper² devoted more than three inches to death notices for this fearless reformer, who had devoted his life to opposing the inevitable. A Virginian first of all even before he was an American, he was, like the prophet, "without honor in his own country." His influence in Virginian politics and in the Virginia dynasty can hardly be overestimated.

William E. Dodd ably characterized the group:
"It required leadership, knowledge of the world, phil-

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1. Branch Hist. Papers Vol. II, Page 249 - Also, Letters, J. Taylor to Monroe, April 29th, 1823 Pages 349.
 2. Loc. Cit.- Page 252.

osphy (to make Virginia great) and these elements Jefferson and his group, Madison, John Taylor and Spencer Roane, all trained in the best schools of the time, students and philosophers by nature, supplied." 1

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1. Dodd, William E., Statesmen of the Old South
Page 21.

Chapter II.

While there is no particular emphasis on the theory of a state of nature in Taylor's writings, certain remarks of his argue that he believed in such a state and considered that any enlargement of this point was unnecessary. At any rate he constantly refers to natural rights of liberty, property and labor and a positive statement to the effect that the state of nature was not a political state indicates this assumption. Thus he says in a letter ¹ to Jefferson, dated June 27th, 1798:

"Indeed, I am unable to discern any natural political state; not only is a political state in the antithesis to a state of nature, but all countries and nations seem liable to revolutions in government and even in character from artificial causes."

Man is compounded of two qualities, matter and mind. By mind he analyzes the powers of matter; by matter he cannot analyze the powers of mind. To human agencies, arising from the mind's powers of abstraction, Taylor applies the term "moral". To such as are the direct immediate effect of matter independent of abstraction, he applies the terms "natural" or "physical." ²

1. Letters edited by W.C.Ford - Branch Hist.Papers
Vol. II, page 272.

2. An Inquiry into the Prin. & Policy of the Govt.
of the U.S. Page 1. ff

There is no natural form of government, for human nature has been perpetually escaping from all forms of government by revolution, and government is capable of unascertained modification and improvement from moral causes. There can be and is no "natural" aristocracy, be it of virtue, talents or wealth, or, at least, there is no class of people who have a monopoly on virtue and talent, though there may be a class with an unjust monopoly on wealth.

Men have, by nature, the power of discriminating between good and evil; they have a freedom of will. Hence, though men are naturally both vicious and virtuous, they have a power of regulating motives and electing¹ principles, which will cultivate either virtue or vice.

In the "Inquiry" he makes the following statement:

"This essay proceeds upon an opinion that man can regulate motives and enjoys volition, adequate to the election of virtue and rejection of vice." 2.

Those who held to the theory that man was by nature depraved and by this fact incapable of self-government,³ are disposed of in this fashion.

1. Op. Cit. - Page 165
 2. " " " 165
 3. " " " 436

"Horrible or impious as the atomical philosophy may be, it cannot be more so than the idea of a natural depravity in man, rendering him unfit for self-government. One doctrine assails the existence of a God; the other, his power or goodness."

Man, therefore, has a power of determining good and evil, and may, with this volition "infuse into governments and constitutions, good and bad principles, with more certainty than into men by education," and, therefore, "a government corrupted by an infusion of bad principles, can more justly complain of the nation for making it wicked, than the nation can complain of the government for making it miserable."¹

A free government is distinguished from a tyrannical one by equal laws and rights in the former. Societies grew up from this principle. Governments received man, animated by the Creator with free will over mind and labour,² and were instituted to protect this divine bounty.

Men voluntarily, therefore, subjected themselves to contributions for the support of the civil power, but these contributions were essentially for the purchase of protection, not for the creation of a supe-

1. Op. Cit. - Page 167.

2. "Constructions Construed" Page 203.

31.

rior power which should be able to transfer the fruits of labor from one man to another. As well as freedom¹ of conscience there must be a freedom of property.

This last right Taylor emphasizes as most important. IN "Construction Construed"² he says,

"The rights of man include life, liberty and property.----- The last right is the chief hinge upon which social happiness depends."

Absolute power over property flows only from sovereignty and sovereignty rests, not in government, but in the people. Hence, there can be no transference of property from one class to another through governmental agency, any more than there can be any interference with the other natural rights of life and liberty.

On page 71, he writes,

"The first, most obvious and most conclusive argument to prove that our governments, including those of the states, do not possess an absolute or sovereign power over the national property, arises from the admission that they are the trustees of the people."

From the above, the reader, it is hardly necessary to caution, should not be deluded into thinking that Taylor would be a champion of the capitalist, although it is quite true that the above doctrine is one which the plutocracy would be only too glad to sanction.

1. Op. Cit., Page 204
2. " " " 67

It should be remembered that at the time this was written the Industrial Revolution had hardly as yet affected the United States. There was, it is true, considerable progress in manufacturing, particularly in the eastern states, and some effort to get governmental sanction by means of bounties and protecting duties, which process was strongly opposed by Taylor and his group of states rights advocates. The United States bank was in existence and the recent decision of the Supreme Court in McCullough vs. Maryland (1819) in which it had been decided that the bank was a corporation, not to be taxed by state governments, was still a subject of much controversy. But there was no definite capitalist class as we now have it. This was then but an embryo, as yet immature and undeveloped. But the seed had been sowed, and sprouts were bursting through the earth, and none opposed the growth more strenuously than Taylor, who looked upon it as a noxious weed, which was nurtured by the labor and sweat of the agricultural class, and was to flower as a result of nourishment illegally taken from this class.

Thus we see that when Taylor argued concerning the sanctity of property, the property he thought

of wasthat which had been accumulated by labor, primarily that of the agriculturalists, and not that which capital had accumulated by means of unearned interest, and protecting duties which discriminated against the farmers and favored the manufacturers.

¹
To quote

"I do not include under the idea of property any artificial establishment which subsists by taking away property. I consider those possessions as property which are fairly gained by talents and industry, or are capable of subsisting, without taking property from others by law."

Among the numerous attributes which man by nature possesses is that of freedom of expression, verbal and written, and Taylor is most insistent that this be unlimited.

Indeed, the fact that he introduced the "Virginia Resolutions" in protest against the "Alien and Sedition Laws" is sufficient evidence of this fact without any further comment. But a few quotations from the "Inquiry", in which he has a rather extended treatment of the question would hardly be superfluous,

He says in part:

"Expression is the respiration of the mind, Deprived of respiration, the mind sickens, languishes

and dies, like the body.

The objection against a free expression is that it may occasionally emit from its lungs noxious vapors. If we deprive mind of the health or life, because its breath is sometimes noxious, let us finish the work by smothering the body also."¹

He then points out that political prosecutions for opinion are as obsolete as those for witchcraft. Every attempt of governments to control free discussion, is proof of fear and jealousy, a jealousy which must be criminal for a nation cannot usurp its own rights. Free discussion, on the other hand, will instruct the public mind in what is just in government and refine the taste and judgment of men. Hence, those who intend to perpetrate fraud or injustice feel the need of rules to check and limit free discussion for, if this were permissible, the fraud or injustice would soon be recognized and prevented.²

The effects³ of a sovereignty of law over discussion, he summarizes as follows:

"It begins by making it criminal to calumniate a form of government; it proceeds to make it criminal to calumniate those in power, and most subject to the crime of usurpation; and it ends by making every species

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| 1. | Op. | Cit. | Pages | 472-73. |
| 2. | " | " | " | 473-85 |
| 3. | " | " | " | 492-3. |

of writing and speaking criminal, tending to obstruct the avarice or ambition of the power which legislates or which can influence legislation."

When government becomes tyrannical, and usurps powers not bestowed by the sovereign people, the people have at their command the right of revolution. Thus, in the "Inquiry" we find the following statement:¹

"An exclusive right to form or alter government is annexed to society."

But he is not profoundly impressed with the efficacy of this in ordinary governments as is illustrated from the following passage from the "Arator"²

"We farmers and mechanics have been political slaves in all countries, because we are political fools. We know how to convert a wilderness into a paradise, and a forest into palaces and elegant furniture; but we have been taught by those whose object is to monopolize the sweets of life, which we sweat for, that politics are without our province, and in us a ridiculous affectation for the purpose of converting our ignorance into the screen of regular advances, which artificial interests and legal factors are forever making in straight or zig-zag lines against the citadel of our rights and liberties. Sometimes after one of these marauding families have pillaged for a thousand years, we detect the cheat, rise in the majesty of our strength, drive away the thief and sink again into lethargy of intellect so gross as to receive him next day in a new coat, as an accomplished and patriotic stranger, come to cover us with benefits. Thus we got rid of tythes, and now we clasp banks, patronage and protecting duties to our bosom."

As has been pointed out in the introductory

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1. Op. Cit. Page 146
 2. "Arator" Page 35.

chapter, Taylor was greatly interested in agriculture. He often wrote to Jefferson of new improvements in methods, and in 1803, he published the "Arator", one of the first books on agriculture ever published in the United States. He was the first President of the Virginia Agricultural Society and was quite convinced as to the basic nature of this means of livelihood, and the primary importance of it in political matters. Thus he writes:

"Mankind are united by the necessity for subsistence in a common interest. Those who furnish the subsistence pay all the taxes. As subsistence flows from the earth, that may be called the mother of men, liable to make all the disbursements they need. Hence, all or nearly all taxes must be ultimately paid by agriculture, and ought, of course, to be inflicted by her, if the doctrine is true, that the payer is the only just imposer of taxes." 1

2
And in his "Definition of Parties", he makes a like comment:

"Land is the 'unde derivature' of all products for man's uses. It comprises the stock for trade and commerce. Its true interest is the interest of the whole social and natural life and cannot be at enmity with the public good."

"Sovereignty" by its very connotation signifies superiority and subordination and for this reason,

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1. "Inquiry" Page 333
 2. "Definition of Parties" Page 8.

the word was not used in the Declaration of Independence nor in the Federal Constitution, nor in the Constitution of any single state. It is illimitable and cannot be divided. There can be no such condition as a divided sovereignty.¹

It resides in the people and in the people alone. By reason of this sovereignty the people of the colonies in the Federal Constitution have given to the Federal government certain powers, privileges and duties and certain others to the states. All powers not specifically granted to the Federal union or to the states are retained by the people, the original sovereignty and any attempted extension by either state or Federal government of the powers specifically granted by the Constitution is an unwarranted usurpation by the government which the people must in self defence staunchly prevent.²

Government was established primarily for the purpose of protection. Certain rights were surrendered by society in return for this benefit.³ But the social compact entered into for the creation of a government, ceases when this end is accomplished. To quote:

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1. "Construction Construed" Page 25.
 2. Op. Cit.- Page 32.
 3. " " " 204.

"The political society created by a Constitution is the only existing society and the government is the agent, but under the natural individual right of self government, this political society itself may be dissolved. Until dissolved, it is the master of the government, or the real political sovereignty; but the natural right of self government is superior to any political sovereignty. The ancient notion of a social compact between nations and their governments or monarchs alone sufficed to corrupt them." 1.

Previous to the establishment of the United States, Taylor declares, there were but three main types of government, aristocracy, monarchy, and democracy. Some held that all other forms of government were but mixtures of these three generic types. This point of view was one held by Adams and one to which Taylor was strongly opposed. Monarchy may be defined as political power in one man, without division or responsibility. The same power in a few is aristocracy, and the same power in the whole nation is democracy. 2

J. Adams had argued that there was a natural aristocracy, which was characterized, not by a fluctuating superiority, but by a superiority, capable of being collected into a legislative chamber and permanently transmitted by descent. 3.

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1. "Inquiry" Page 424.
 2. Op. Cit. Page 3.
 3. " " " 21

Taylor answered that to declare aristocracy the work of nature was to take a position as absurd as to declare the king the work of God.¹ The development of the art of printing has broken down the barrier separating the so-called aristocracy from the rest of the population because of superior learning.² He acknowledges that extraordinary virtues and talents ought to and will govern but denies that these qualities are limited to any particular class, and that they are hereditary. A proof that they are not hereditary is easily discovered by a little investigation of the intelligence and character of the French nobility, which is certainly not of a very high type.³ Further, it is evident to him that despite Adams' careful failure to mention the fact, the chief aristocracy of his day, was not that of virtue and talents, but rather of wealth, of paper and patronage.⁴ Such aristocracy is founded on the evil "moral" qualities of avarice and ambition and must inevitably produce evil effects - "An evil moral principle cannot produce good moral effects."⁵

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| 1. | Op. | Cit. | 81 |
| 2. | " | " | Page 9 |
| 3. | " | " | " 21 |
| 4. | " | " | " 29 |
| 5. | " | " | " 35 |

Government by aristocracy meant the maintenance of a comparatively large number of individuals, all animated by self-interest, avarice and ambition, and feeding their passions with the people under their control.

Hence, it was to the comparative interest of the people to diminish the number of kings or rulers, and a single king came into existence. The rest of the nobility, reduced from sovereigns to subjects, became the disciples of royal patronage, and since, in a position where it was difficult to annoy the king, turned their revenge on the people by uniting with the king to annoy them.¹

Democracy, he defines, as a nation exercising personally the function of government, and such a government is characterized by the turbulence, instability, injustice and the suspicion which democracy excites.² It is, therefore, a form of government founded on evil moral principles, as are aristocracy and monarchy, and thus the three, alone or combined, have uniformly produced evil effects.³

The principle of election, however, when applied to democracy, destroys it or rather purges it of

1.	Op.	Cit.	Page	19
2.	"	"	"	79
3.	"	"	"	80

its evil moral principles. Thus, the new form of government, the republic, was discovered. The old form of government was founded in the elements of force and fraud "by bestowing power so as to induce it to rest on these elements. The other, (the new) bestows power so as to secure its dependence on national will, and compels it to consult national reason."¹

Taylor does not consider the principle of election as being the all powerful panacea for all governmental wrongs. He well realizes the power of ambition and avarice, and the effect of bribery and corruption upon the choice of candidates. Government must be founded upon good moral principles, else the power of election is destroyed. Thus he says,

"It is our policy so to divide power so to place every public officer, isolated in the midst of the public will; and not to provide for him the support of corruption, of an order, or of a faction, to weaken the utility of election."²

It is derived from the principle of self-government and should not be the gratuitous donation
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of a monarch.

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| 1. | Op. | Cit. | Page | 157 |
| 2. | " | " | " | 177 |
| 3. | " | " | " | 142 |

Now that we have some idea of Taylor's conceptions of government in general, it is perhaps advisable to turn to his theories as the origin and nature of the government of the United States.

In the Declaration of Independence is found¹ the following sentence:

"We, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intention, do, in the name and authority of the good people of these colonies, solemnly publish and declare that these United Colonies are and of right ought to be, free and independent states."

The "Articles of Confederation", formed in 1777, was entitled a "perpetual union". Its style was the "United States of America" and it declares that² each state retained its sovereignty.

Thus Taylor argues when the Constitution was established, it provided for a union of sovereign states. Of necessity, certain powers had to be surrendered by each state, but such surrender did not alter the fundamental character of each state. In "Construction Construed"³ he points out

"Not a single one of the United States would have consented to have dissolved its people to have re-

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1. "New Views" Page 2
 2. Op. Cit. Page 3
 3. "Construction Construed" Page 47

united them into one great people, and to have received state governments or restricted legislation from the great people so ignorant of local circumstances and different in local habits."

The government established by the Constitution-
al was a Federal one, not a national one. This is discovered, not only from the journal of the convention, but also from the instructions given their delegates by the various states. Thus, we do not find in the instructions of any of the representatives the word "national" but a careful use of the word "federal" in all instances. For example

New Hampshire. "To discuss and decide upon the most effectual means to remedy the defects of the federal union."

Massachusetts. "For the sole purpose of revising the articles of the confederation, to render the federal constitution adequate to the preservation of the union."

New York and Connecticut. "For the sole and express purpose of revising the articles of confederation, to render the federal constitution adequate to the exigencies of government and the preservation of the union."

Taylor comments that the fact that each of the states, without consulting each other, left out the word "national" and put in "federal" is a complete proof that they all comprehended the difference between a

"federal" and "national" form of government.¹ Further, in the convention, Randolph had offered fifteen resolutions in which he proposed a National Legislature, executive and judiciary. The fact that after August 18th, 1787, the word "national" was dropped out of all resolutions² is sufficient evidence that a national form of government was not contemplated.

The Constitution was then transmitted to Congress, and by it to the state Legislatures. Then each Legislature, by separate laws, appointed state conventions for the ratification. It had to be ratified by each state, because each state was sovereign and independent.³ After ratification, each convention reported the fact to congress. The convention of South Carolina subjoined to theirs a declaration, that "no section or paragraph of the Constitution warranted a construction that the states do not retain every power, not expressly relinquished by them and vested in the general government of the Union."⁴

Taylor summarizes the whole question as follows:⁵

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| 1. | Op. Cit. | Page | 15 |
| 2. | " | " | 29 |
| 3. | " | " | 32 |
| 4. | Op. Cit. | Page | 33 |
| 5. | Op. Cit. | Page | 37 |

"In the creation of the federal government, the states exercised the highest act of sovereignty and they may, if they please, respect the proof of their sovereignty by its annihilation. But the Union possesses no innate sovereignty, like the states. It was not self-constituted, it is conventional, and, of course, subordinate to the sovereignties by which it was found.

The sovereignties which imposed the limitations upon the federal government, far from supposing that they perished by the exercise of a part of their faculties, were vindicated, by reserving powers in which their deputy, the federal government, could not participate, and the usual right of sovereigns to alter or revoke its commissions."

This point, he insists on very definitely?

In another place ¹ he declares:

"The federal is not a national government. It is a league between nations. By this league a limited power only over persons and property was given to representatives of the United States. This power cannot be further extended under the pretext of national good because the league does not create a national government."

Adams had advocated a balance of power, that is to say, an executive, an hereditary aristocratic order, and an elective body, each body to serve as a check or balance on the other. But this was not, according to Taylor, the principle back of the United States. Here was rather a division of power, then a balance of power. Sovereignty rested primarily in the people. The people in the exercise of this privilege

1. "Construction Construed" Page 234.

delegated certain powers to the Federal government and certain other powers to the state governments. Thus, the Federal sphere of action was different from that of the states and any attempt by the Federal government to take to itself any powers not specifically granted to it by the Constitution, or worse, any attempt at exercising powers delegated to the states, was essentially a¹ usurpation which the people must prevent.

Hence, we find Taylor giving as his excuse for the writing of "Tyranny Unmasked" and its rather livid title the following statement.²

"I believe that a loss of internal independent power by our confederated states, and acquisition of supreme power by the Federal Department, or by any branch of it, will substantially establish a consolidated republic over all the territories of the United States, though a Federal phraseology might still remain; that this consolidation would introduce a monarchy; and that the monarchy, however limited, checked, or balanced, would finally become a complete tyranny. This opinion is urged as the reason for the following treatise."

Each (the federal and state governments) has a certain sphere of action with specific powers granted to it by the Constitution and can exercise no powers except those granted. Hence, when the Federal government

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1. "Construction Construed" Page 117 - Page 53
 2. "Tyranny Unmasked" Preface.

acting on the strength of implied powers, oversteps its field, it is acting unconstitutionally. Whether the action is beneficial or not to the people should not be brought into the argument at all. An act, no matter how beneficial, which is not provided for by the Constitution, is constitutional and hence illegal.¹

There are of course, people who argue that the Union is the government of all, that it represents all, and acts for all.² To them Taylor answers:

"The government of the Union in respect to powers reserved to the states, is delegated by none, represents none and can only act for all by assuming a power neither delegated nor representative. For example, if congress possessed an unlimited power of taxation, it would have been quite unnecessary to have specified in the Constitution the objects for which Congress might tax. The fact that certain specific powers were granted such as to raise and support armies, to provide and maintain a navy, etc., is sufficient indication that taxation for other reasons than those mentioned would be unconstitutional." (2)

Consequently, when, as in the case of McCulloch vs. Maryland, the Supreme Court exempts a corporation from taxation, thus interfering with the state's right of internal taxation, it is sanctioning interference in the internal affairs of a state government by the Federal government and establishing a supremacy which constitutionally does not exist. (3)

The above is sufficient to illustrate the at-

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titude of Taylor toward the Constitution. He was definitely a strict constructionist of the most hard shell type, and opposed any extension of powers whether on the basis of the "general welfare" or on the "common defence" clauses. Thus, when Congress established protecting duties "for the general welfare" he was a strenuous opponent on the grounds that that which was to the general welfare of merchants and manufacturers, would hardly be favorable to the more numerous and to him more important classes.

He was not, however, at all an advocate of the sanctity of the Constitution. A few quotations from the

"Inquiry" will illustrate his attitude on the question:

"Legal prescience must forever remain imperfect, because the evolution of the human mind can never be limited. How can unchangeable constitutions manage this prolifick being?" (1)

"It is universally allowed that forms of government are liable to decay. Without repair, decay terminates in destruction. A Constitution must, therefore, die in the common course of nature, unless it eludes the scythe of death, forever in the hands of fraud and ambition, by occasional restoratives. If the moral nature of man is inconstant, how is this inconstancy to be regulated or nourished, in order to preserve a free government, except by new political law?" (2)

Consequently, as Constitutions have a tendency to become obsolete, it is essential that there be some remedy for this state of affairs. And the Most valuable

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1. "Inquiry" Page 605
 2. Op. Cit. " 610

and indispensable of all of these, is the convention. By this means, new provisions may be made for changing conditions, and, if necessary an entirely new form of government may be established. Moreover, since this means is available, the method of twisting constitutional wording and implied powers is exceedingly dangerous and pregnant with evil possibilities.

"Veneration of our constitutions is the best security for the endurance of our free form of government and the best infusion for elevating the moral character. But how can a nation love an embryo litter of fluctuating precedents, concealed in the womb of time, each of which as it grows, hustles some principle out of the Constitution as the cuckoo does the sparrow out of its own nest?" (1)

The Federal government is divided into three principle departments, the Executive, Legislative and Judiciary. For the sake of clearness, each of these will be considered in their order, giving Taylor's ideas of their powers and limitations and possible improvements.

The President. In the first place, according to the Constitution, the President is to be chosen by electors of each state, selected at the discretion of the Legislature of each state. Then in case no choice is made, the names of the leading candidates are to be submitted to the House of Representatives, where the vote is taken by states. From the above, Taylor draws the

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following conclusion:

"Far from being responsible to the people, considered as a consolidated nation, he is made responsible to them considered as state nations. The mode of his election is federal and not national, because the Constitution intended to establish a federal and not a national government."

The government of the United States is based, as has been previously emphasized, not on a balance of power, but on a division of power, which will so diminish the powers of any one man or class so as to prevent the exciting of avarice and ambition.² Let us see how well this principle applies to the office of President.

First, he has the power of negotiation and secrecy.³ By negotiation, foreign governments may be provoked. By secrecy, a government may delude and work a people into a rage for war.

Second, he has at his control a large mercenary standing army. Military power is condensed and accumulated in the hands of one person. The entire patronage of military offices is bestowed on the President.⁴ This power, since Taylor strenuously opposed a federal

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1. "New Views" Page 194. "Construction Con." Page 106
 2. "Inquiry" Page 170
 3. Op. Cit. Page 173
 4. " " " 178

army and favored a militia, could not but be a dangerous one in his eyes and on which needed to be restricted.

Third, the President's power of appointment, particularly that of choosing Supreme Court Justices for life, is a most obnoxious form of power which is most inconsistent in a republican form of government.

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Of this latter he points out

"Weak and vicious Presidents will play the small arms of judicial and military power upon individuals and factions; but an enterprising and ambitious President will play the artillery of both upon the nation."

Fourth, there is a lamentable tendency to as-
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scribe epochs and measures to Presidents, a tendency which takes form in a sort of legislative subservience to the executive, in order to gain special favors in the form of appointments, or other privileges, or to carry popular favor. This is, of course, dangerous since it makes possible a supremacy and subordination which should not exist.

Lastly, the treaty making power and presidential veto come in for criticism by Taylor, who disapproves of such power invested in one individual, since

1. Op. Cit. Page 182
2. " " " 187

it makes it possible for him to do so much harm to the country by injudicious, or deliberately vicious handling¹ of governmental powers.

He advocates two principle methods of controlling presidential power, first, reduction of presidential patronage (power of appointment and military control) and, second, a reduction of the length of time of his service, as well as provision that a man once President should be forever ineligible for a second² term.

Next to be considered is Congress and its powers. The Constitution begins "We, the people of the United States ----- to provide for the common defense and to promote the general welfare ----- do ordain and establish this Constitution for the United States of America." The very wording argues that this was not to be a government for all people and things generally existing in the United States, but for the government of the states themselves.³ Thus, Congress is restricted to providing for common defence and general

1. Op. Cit. Page 186

2. " " " 199 - Letter Taylor to Monroe Oct. 28th, 1810

3. Branch Hist. Papers Page 310
"Construction Construed" Page 214.

welfare of the states themselves instead of that of private persons.

Congress. The Federal Constitution armed to create two communities, each with a distinct representation and with distinct powers and duties. Congress was entrusted with powers concerning the common defence and general welfare of the community of states which it represented. The state governments were charged with performing the like function for the community of persons¹ which they represented.

It is, of course, unnecessary to point out that the Senate consists primarily of state representatives. The reason for their appointment was to preserve state interests, and their point of vantage over the House is explained by the necessity of providing for some sort of state control.

But Taylor goes farther. He maintains, in a rather unconvincing argument, which I shall quote², that it is absurd to consider the House as a people's organ.

"Even the House of Representatives is neither a national representation, nor exposed to a national in-

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1. Op. Cit. Page 216.
 2. "New Views" Page 194-95.

fluence. The exclusive influence of each state over its own members was so inevitable that the large states contended for the mode by which it was appointed to extend their own power by means of the responsibility of the members to their own states; and it is both false in fact, and fallacious in theory, that this house was ever considered in the convention or could be made a national representative. To check the infallible influence of the great states by their greater number of votes, the small states obtained the representation in the Senate."

One of the worst abuses of the Legislature, is the assumption of powers to try private suits and suspend the payment of debts. In the first case there is the assumption by the legislative body of a purely judicial function. In the second, there is one example of partial¹ confiscation of property for the benefit of the debtor. Any suspension of debts impairs contracts, by defeating the mutual risque voluntarily incurred by contracting parties, and usually operates by confiscating the property² of one group, for the benefit of another.³

On the whole subject he comments. "Can a legislator who gives away the public money to his friends, his clients or his partizans, who is interested in the traffic of corporations, to be created and nurtured by his laws or who can increase his own wages by protracting

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1. "Construction construed" Page 266
 2. Op. Cit. Page 267
 3. " " " 268

a session in trying private suits, be any other than a representative of himself?"

The power in Congress to grant a life charter to banks and other corporations, with special privileges which may not be revoked, privileges which enable one class of people to subtract property from the rest of the populace legally, is one which Taylor can hardly find sufficient words to condemn. Of the United States bank ¹ he says;

"The creation of bodies politick by the states or by Congress, endowed with privileges inconsistent in any degree with the ends and duties expected from either, is substantially unconstitutional. The judgment of the court subverts our best counterpoise of power by power and admits of an exemption from taxation in favor of wealth."

Further, the power of the President to bestow offices and contracts upon members of Congress, is able to corrupt them and obtain an influence over them to such an extent as to destroy or lessen the independence of this body. ²

The same objection, which he had to the establishment of corporations, holds against Congressional power to impose tariffs other than revenue tariffs. High protecting duties, which operate in favor of the merchant

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1. "Construction Construed" Page 94.
 2. "Inquiry" Page 228

manufacturer group, and severely discriminates against the large agricultural classes, may not be imposed by Congress legally. It means a legislative right to regulate wealth and property, a right which was not granted by the Constitution, despite the attempt to usurp the right.¹

Not the least objectionable feature in the whole legislative system is the six-year term of Senators. A quotation² from the "Inquiry" will suffice to show his attitude.

"The degree to which an independence of public opinion for six years is able to efface legislative integrity and excite disloyalty and avarice, beyond an annual responsibility by figure and theories is as six to one."

There must be some method of control over the Senate and, while Taylor is not very explicit, he does make a few suggestions. First, there should be frequent election, or, Second, there should be some power of recall, so that public opinion might have control of a sort in the Senate, so that on such questions as protection of state rights, restraint of execution, and constitutional amendment, the people instead of 30 or 40 individuals

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1. Op. Cit. Page 583. "Construction Construed" Page 203
 2. "Inquiry" Page 226.

might influence the decision.

The Judiciary. The Constitution provides that the "Judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish."² This Taylor declared must be taken literally. In the Supreme Court and other inferior federal courts is vested the judicial power of the United States, but this fact does not admit any supremacy of the Supreme Court over state courts. Congress has nothing to do with the number of men on state courts, the tenure of office, nor the salaries paid. State courts are outside federal jurisdiction³ Federal judges are not required to swear to support state constitutions and laws because they had no jurisdiction over them.

Indeed, any supremacy of the Federal Supreme Court in construing the Constitution and laws, is essentially in direct contradiction to the fundamental principles of division of power upon which the Federal union was founded. Thus, the law of Congress declaring that "the Supreme Court shall have appellate jurisdiction

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1. Op. Cit. Page 511
 2. Constitution Art. III, Sect. I
 3. "New Views" Page 128

from the decisions of the Federal courts, upon supreme¹
courts of the states.

Moreover, "if Congress can by such a law give supremacy to a Federal court, the Federal legislative power must be itself supreme, and may extend its bounty to the executive also. This construction makes it the design of the Constitution to introduce a limited monarchy or a consolidated national government, as proposed in the convention" (and rejected) ~~disguised~~ in the habillements of a Federal government, falsified by the misnomer of a union, ~~and restrained by ropes of sand, or~~² ineffectual precepts."

Jurisdiction~~off~~² of a Federal court in controversies between two states, would not greatly affect the political powers of the disputing states. But jurisdiction of the Federal court to settle controversies between the Federal and state governments, could easily transform power claimed by one party to the other; "and would also supercede the essential principle that the jurisdiction for distributing and regulating the powers of those departments, belongs exclusively to the people

1. Op. Cit. Page 142
2. Op. Cit. Page 143

of the states, acting under their representatives.

Further, if the Supreme Court is to be considered a political department, it must be a Federal one. It is absurd to invest it with national control and try it by a Federal Senate,² and if it has national sovereignty there must be responsibility to the nation. Otherwise, it cannot but be an instrument for usurpation³ and oppression.

Thus, we see that in Taylor's eyes, the tendency to invest the Supreme Court with the function of interpreting the Constitution and laws for the states, is something which could not have been intended when this department was provided and must lead to unfortunate results. However, he pointed out that little practical oppression need be feared from the Judiciary directly. It is in itself too weak to do much harm. Rather, it is to be feared as the instrument of a stronger power, Congress, which can pass evil laws which the Supreme Court may uphold. Congress is the real source of danger and mischief which the country has to fear.⁴

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1. Op. Cit. page 145
 2. " " " 278
 3. "Inquiry" Page 217
 4. Op. Cit. Page 287

The real remedy against usurpation of power by one or another departments of government is not, therefore, the Supreme Court and its assumed powers of construing the law. Instead, both Federal and state governments should retain their right of mutual veto against mutual usurpation.¹

To quote from "Tyranny Unmasked" :

"No express negative upon unconstitutional laws is given to judges; yet they claim and exercise a negative over them.

Of the same nature is the negative power of the states. Being at least as much political departments as the courts of justice, they derive from that character the same power to reject unconstitutional laws, as the judges do from theirs. So far this right of rejection is equal, but in other views, that of the states is infinitely the strongest. As contracting parties to the Union, this right is an appendage of that character. If they are not to be so considered, it goes to them as representatives of the people, because if is an appendage of the political powers with which they are invested by the people. It is absurd to allow that they over-entrusted by the Constitution with these powers, and yet prohibited from looking themselves into the Constitution, that they might exercise them faithfully. The state possessed political powers antecedent to the Constitution as is acknowledged by their reservation. These state political powers previously possessed, never surrendered and expressly retained, inherently comprised a moral right of self-defence against every species of aggression; and the Constitution, instead of saying that they may be taken away by the Federal government, expressly declares that they shall not. Here then is a positive constitutional veto clearly

1. "Tyranny Unmasked" Pages 262-263.

precluding both Congress and the Federal Court from touching the reserved state rights.

Thus, the state political departments appear to have a much sounder right to disobey and resist unconstitutional laws, than even the judicial department."

This last quotation, as clearly as any perhaps, advances definitely the philosophy which was later to be the defence of the South against the anti-slavery legislation.

Chapter III.

In Chapter II, when discussing Taylor on the origin of government, it was pointed out that he considered land the basis of government, and the agricultural class its main support. Now, when we are to discuss agriculture as opposed to manufacturing, it will be necessary to go over ground already covered in order to make his attitude clear.

Taylor hardly ever drags in the supernatural to bolster up his theories; in fact, in his discussion of aristocracy and monarchy, he is most contemptuous of those who do this ¹. But in the "Arator" he occasionally slips and we get passages like the following ² to justify his agrarian philosophy.

"At the awful day of judgment, the discrimination of the good from the wicked, is not made by the criterion of sects or of dogma, but by one which constitutes the daily employment and the great end of agriculture. The judge upon that occasion has by anticipation pronounced that to feed the hungry, clothe the naked, and give drink to the thirsty, are the passports to future happiness, and the divine intelligence which selected an agricultural state as a paradise for its just virtues, has here again prescribed the agricultural virtues as the means for the admission of their posterity into heaven."

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1. "Inquiry" Page 11 "Whenever it is impossible to prove a principle which is necessary to support a system, a reference to an inevitable power, calling it God or nature, is preferable to reasoning.
 2. "Arator" Page 18.

However, the fact that the agricultural class is the one upon which the Deity smiles with most satisfaction, is not the only reason why this group is happier and more content than the manufacturing class. Agriculture has great capacity for satisfying the physical wants of men. But its capacity for affording¹ luxuries to the mind is no less conspicuous. It is the ideal occupation to which men, for physical and moral reasons, should devote their lives. Indeed, we have a definite statement to this effect in "Tyranny Unmasked."²

"Highly valuable as manufactures undoubtedly are, all writers upon political economy agree that they are secondary, and unite in allowing the first place to agriculture."

Yet, in the United States, despite all the above mentioned virtues, agriculture has slowly lost its place of eminence, and the farming class has been placed in a position where they are oppressed until they are hardly able to make both ends meet. If this is the case, in a country where the climate and soil are favorable, it is obvious that these distresses are

1. Op. Cit. Page 190
 2. "Tyranny Unmasked" Page 217.

the result,¹ not of nature, but of political institutions.

These consist primarily of such concessions to the manufacturing class as bounties, protecting duties, banking, funding, etc., by which, through taxation, property is transferred from the agricultural group to the merchant manufacturer group. Such a transfer, which injures the primary group and furthers the interests of the upstart capitalists naturally riles Taylor, and in his efforts to refute it, he calls in all the argument of the agrarian class. Thus, we even find him bringing in the old arguments that manufacturers corrupt the morals, and produce pauperism.² To quote:

"Laws for creating exclusive privileges and monopolies corrupt governments, interests and individuals, and substitute patronage, adulation and favor for industry as the road to wealth. If it be true, as the committee believe, that the preferences and partialities of such laws, will not produce a correspondent impoverishment, which will reach the poor and deteriorate their morals, yet, it cannot be denied that they will reach the rich, and corrupt the morals of the best informed, and of the officers of the government."

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1. "Arator, Page 190
 2. "Tyrant Unmasked" Page 139.

He admits, however, somewhat reluctantly, that capital is not entirely evil,¹ and that it is quite possible to have good and useful capitalists in society. But capital is only useful and reproductive when it is obtained by honest industry. When it is created by legal coercions, the productiveness of the common stock of capital is diminished, individuals are enriched, and the nation is impoverished. Capital, so acquired, cannot but be odious.

Labor is real capital.² A nation which has at its command one hundred millions of money, but does not labor, will presently be without capital. Another nation, which has no money, but which has labor, the annual value of which is five millions, has a real capital of one hundred millions, and is far better off than the first. Labor is, in fact, the "great fund for human subsistence."³ A surplus of this subsistence is wealth.

Man has in his fundamental make-up certain emotions and passions, and among these, none are more driving than self-interest, ambition and avarice. Hence, it is only natural that man should have a love of prop-

1. "Construction Construed" Page 234.
 2. "Inquirt" Page 361. 3. "Definition of Parties" P. 9

erty or wealth. This passion, properly regulated and and controlled, is an effectual force for human development. But when, in order to gain property and wealth, man exercises fraud and illicit means to effect this end, then this passion, originally a force for good, becomes one of the most dangerous means of striking at the very root of the liberty and freedom of all other men. Thus we see, that it is the function of government to restrain and prevent any attempts at fraud, and when government, instead of doing so, itself contrives means of transferring property from the community to individuals, it requires no violent stretching of the powers of the imagination to see that such tactics are bound to change the national character, and render such culpable practices just in the eyes of individuals.

The Committee on Manufacturers in 1819, had recommended a favorable balance of trade, that is to say, more exports than imports, the idea being that in return for the commodities being shipped out of the United States, there should be a constant stream of

1. "Construction Construed" Page 278.

money pouring into the United States. Then as we should have a surplus of money on hand, this surplus would be indicative of prosperity in the country. In other words, the theory was essentially that of mercantilism. In answer to this Taylor wrote:

"Money is not intended to create wealth or the objects of commerce, nor is it able to do either. Its office is to represent and exchange them"¹

Hence, a surplus of money on hand does not at all signify that the country, which has this surplus, is a prosperous one. There is no fellowship between overflowing treasuries and the happiness of the people. In fact, in many instances, countries with a large surplus have been just ² the countries where the people were most repressed.

The only value of money is its capacity to obtain from other nations, articles for consumption. These articles for consumption constitute a fund for taxation. Money itself is only to a very small degree an article of consumption and is susceptible of tax-³ation only through the medium of its purchases.

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1. "Inquiry" Page 347.
 2. "Tyranny Unmasked" Page 21
 3. Op. Cit. Page 79.

The United States at the time of the writing of "Tyranny Unmasked" had a surplus of currency beyond the country's needs; yet, national distresses appeared particularly among the agricultural classes. This fact, in itself, is sufficient to refute the argument that a surplus of currency is any indication of national prosperity.¹

He considered species (gold or silver money) as only good form of currency. In his eyes, there was sufficient of this in the country for the ordinary purposes of exchange, and bank paper was an unnecessary and useless form of usury.

"But the possession of species can part with it at a small profit, or even at none without ruin, because he pays no interest for it; and it is his interest to take any profit in preference to its lying inactive. But the borrower of bank paper, cannot part with it without making a profit equal to its cost. He must consider himself in the lights of both borrower, and merchant, and feel a necessity for making profit in both characters." ²

Thus, Taylor questions the sincerity of that class of people who advocate protecting duties, bounties and banking, on the grounds that such measures will contribute to the national prosperity. Instead of this

1. Op. Cit. Page 85
2. "Inquiry" Page 343.

altruistic concept there is rather the idea of strengthening the position of the manufacturers and bankers at the expense of the more numerous agricultural class.

In "Tyranny Unmasked" which Taylor wrote specifically for the reason of answering the report of¹ the Committee on Manufactures, he writes:

"A balance of trade is the chimerical price offered us for individual and national prosperity, those indissoluble twins born only of individual industry. This balance is itself of the self-same parentage. In a competition for it between two nations, in one of which industry is invigorated by the freedom of buying as cheap and selling as dear as she can; and, in the other, compelled to buy dear and to feed exclusive privileges, which competitor would gain the victory? But now our exports, in proportion to population, have diminished as taxes; exclusive privileges and bounties have increased; or as the profits of industry, applicable to its own use or consumption, have been curtailed; and yet the very causes of the deprecated consequences are supposed to be aggravated."

From the numerous quotations given on the preceding pages, it must by now be evident that "banking" and practically the United States Bank, were not institutions for which Taylor had any great admiration. Such an attitude, if held at the present time, would be almost incomprehensible, but it must be remembered that in this early stage of banking, when the business was subject to so many abuses, many patriots were strongly

1. "Tyranny Unmasked." Page 29-30

opposed to the system and devoted their energies to opposing this obnoxious interest.

Taylor had been one of the first to attack Hamilton's bank scheme and had in 1793 and 1794 written two pamphlets against it, one (1793) intended as direct opposition to the project, which appeared in the "National Gazette" (Freeman--Editpr)¹ and which met with the approval of Jefferson and Madison, and the other (1794) entitled a "Definition of Parties" or "The Political Effects of the Paper System Considered", which also, was received very favorably, particularly by the Anti-Federalist group.²

This antagonism was not lessened as the years went on. If anything, it was increased. A large section in the "Inquiry" and constant references in the "Arator," "Tyranny Unmasked" and in "Construction Construed" give eloquent testimony of the fact. The opposition took root in numerous convictions, but probably the strongest of these was the feeling that the creation of a capitalist group, which virtually controlled the

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1. Taylor to Madison - Brankh Hist. Papers Page 259
 2. Jefferson to Taylor - "Jefferson Writings" Vol. VI. Page 511

currency, could not fail to injure the interest of the great agricultural class. The more specific lines of attack which he adopted are as follows:

First. The establishment of banks, with charters for unlimited existence, is unconstitutional. The Constitution, by giving Congress a special power of granting charters to authors and inventors, does not by so doing, give Congress a right to grant charters to banks for the privilege of controlling the currency and thus taxing the whole people. On the contrary, to quote ¹ "a special and limited power ~~excluded~~ the idea of a general and unlimited power, which included the special one."

He then goes on to show that in most of the state constitutions, diplomas, charters and corporations are condemned as usurpations of man's natural rights. "In none is a power given to the Legislature to bestow a revenue of any kind upon corporations at the national expense."²

In some of the Constitutions, it is true, provisions are made for the granting of special privileges to individuals or groups of individuals, but only for limited lengths of time. These privileges are

neither "inheritable or transmissible to children or

1. "Inquiry" Page 301. 2. Op.Cit. Page 302

relations" because "publick service being 'in nature' neither hereditary or transmissible, such exclusive transmissible privileges are incompatible with principles of liberty."¹

Second. The privilege of controlling the currency and the consequent profits at the expense of the people, is a weapon which is bound to react dangerously upon the nation at large. The custom of buying the privilege of banking, he points out, "is an evidence of its nature."² The bankers, in defence, declare the dividends received from bank stock came from the voluntary acts of individuals, an answer which Taylor controverts with the statement that most taxes by which nations are enslaved are voluntary. For example, in England, by forbearing to drink liquors, or to make a deed, or make bills of exchange, several taxes may be avoided. Yet, this fact does not at all change the fact that by these taxes England is in the hands of a moneyed aristocracy.³

Third. The power in congress to grant charters with such unlimited privileges, may easily become an in-

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| 1. | Op. | Cit. | Page | 302 |
| 2. | " | " | " | 294 |
| 3. | " | " | " | 295-96 |

strument of corruption, for such power in a single body will result in bribery from individuals for these privileges, and in the granting by members of Congress of charters to personal friends or factions.

On this point, our friend from Caroline comments:¹

"Whenever Legislatures or men in power of any denomination can receive charters, exclusive privileges or emoluments which they create, they will incline to make themselves good gifts."

Fourth. The damage which long-lived charters may place the country in, is too great to warrant such privileges. Indeed, in Taylor's eyes, the man who makes laws to enrich himself, which cannot be repealed, is much more powerful than he who takes part in the framing of a Constitution. Constitutions may be changed or even annulled, but the tenure of charters is not subject to interference.²

Fifth. The advantage of bank currency as opposed to the disadvantaged are almost nil. It does, it is true, substitute paper credit for species, whatever advantage there may be in that,³ but the value of this

1. Op. Cit. Page 314
 2. " " " 321
 3. " " " 354

service cannot at all reimburse the country for the harm which it does. It is argued that banking increases capital. Taylor answers that it does, if real capital is increased, by increasing paper currency; but, paper currency can only be considered as capital when it is balanced by property and labor. Therefore, any increase in paper currency, above the amount which is backed by property and labor, "no more increases capital than blowing up poor mutton can increase meat."¹

The exacting interest by banks, which monopolize national currency, is an action contrary to the national good. His arguments are usually in the vein of the following which reads:

"If a nation possessed a certain quantity of bread, would it be increased by depositing it in the hands of a corporation and paying ten percentum for receiving residue on the credit of the corporation bread note? Would an annual deduction of one tenth part of the bread, oncrease the quantity and make the nation more secure against famine? Will an annual appropriation of one tenth of its money to the use of a similar corporation increase its wealth and secure the nation against poverty?"

Sixth. Along with all the rest of the abuses of banking, there comes another which the Supreme Court

1. Op. Cit. Page 360
2. " " " 338

had made possible. In 1819, in the case of *McCulloch vs. Maryland*, the Supreme Court decided that the United States bank was exempt from taxation by the individual states. This was, as was shown in the discussion of *Fed. vs. State Rights*, in the last chapter, definitely a violation of state rights and a step toward that nationalization which Taylor dreaded. It was, in his eyes, an unconstitutional interference with the internal right of taxation by each state and an unwarranted extension of Federal powers. As may easily be surmised, such a decision would hardly cause an ardent states-right man like Taylor to favor the United States bank, particularly when he had already expressed his disapproval of the banking system many times.

The system of "funding" introduced by Hamilton to postpone payment of debts until the country was on its feet financially, also came in for considerable discussion and disapproval by Taylor. The same arguments which he employs against banking, he also uses against funding, the idea being that by this means an artificial order was created whose power associated with the banking and like interests would greatly injure the United States government and even change its character. Thus,

as early as 1794 he says,

"For the truth is, that a secretary of the Treasury, an incorporated bank, and a funding system, constitute substantially a phalanx of privileged orders if they can influence the Legislature."

In the "Inquiry" he mocks the theory at the root of funding and comments:

"Nations are persuaded that they can anticipate the riches of posterity and bequeath it their misfortune; seduced by this glittering temptation, they have forborne to look through its gilding in order to discover what it conceals." 2

How is a nation to know that posterity is going to improve and be in a better position to pay its debts than they themselves? It is absurd to suppose that posterity will not be injured by taxation to pay a faction for something which happened in a previous generation.

Further, just what is the advantage of the system of "Funding?" The present generation suffers all the privations of war which war brings in its train. The immediate expense must be borne by members of the present generation. Money for ships, arms, ammunition, food, supplies, etc., must come from those living in the time of war. To quote from Taylor:

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1. "Definition of Parties" Page 16
 2. "Inquiry" Page 247

"War is twice suffered; by the living, who supply all the expenses of war; and by the unborn, who supply an equivalent sum to take up certificates of the expenses paid by the living."

It is this delusion, namely, that expenses will be paid by posterity, that makes war possible. If people were convinced of this, nations would not become involved in wars which they would never commence if they knew all the expense would fall upon themselves. ¹

In this connection I am reminded of a fable which was recently told me by a man, who himself had served in the World War, and may be forgiven, yes, sympathized with for his view point.

There was once a farmer who had a hired man and they lived on a farm on the frontier. The farmer was married and had three children. The hired man was young and unattached. One day they were disturbed by reports of a bear who was on a rampage (in the neighborhood) and it was obviously essential, for the safety of the farmer's children and cattle, that the bear be dispatched. Whereupon, the farmer called the young man aside and said, "Oh, youth, you are young and have no ties. I have a wife, children and a home. Therefore, you must go out and kill the bear, for I am worth more to the world than you. In order to outfit you for the

expedition, I will lend you money enough to provide you with a gun, cartridges and food to take with you on the expedition. When you kill the bear, you may return and pay me."

The young man agreed and took the trail. For days he sought in the forest, always on the trail but still the bear eluded him. But his activity prevented the bear from approaching the farm-house and the farmer, freed from danger, waxed prosperous. Finally the young man surprised his victim and after a terrific fight, in which he was badly scratched and mauled by the bear, he killed him. Whereupon, he returned to the farmer and reported the successful outcome of his expedition.

The farmer welcomed the news which the young man brought back and thanked him for his deeds. And the young man worked for the farmer two months without wages to pay for the gun, food, and cartridges he had used on his trip.

The point is obvious. The war is fought by the common soldier and to enable him to do this those who stand to gain most out of the war, loan the necessary funds to accomplish this end. Then the soldier returns and is forced to repay through extra taxes, etc.,

the amount lent, to those who lost nothing by the war except that amount which they lost the use of, Even this, however, was drawing interest until it could be paid by the great masses who fought the war.

The same objections which applied to banking apply, of course, to corporations with Taylor, for the bank is but one form of corporation. Of the corporation he said,

"There are some words which are innately despotick. Corporation is one of these, since it is an appentenance of sovereignty and sovereignty being despotick because it is indefinite, it is an appartenance of despotism." 1

For this reason, therefore, it is impossible to find the word used in the Federal or State Constitutions.

English dictionaries define "corporations" as "bodies politick. One body politick may not create another body politick." Sovereignty is necessary. "For this reason, since sovereignty in the United States rests not in the states nor in the Federal government, but in the people, neither the states nor the Federal government may create corporations." 2

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1. "Construction Construed" Page 87.
 2. Op. Cit. Page 88.

In discussing "banking", the other argument to prove that the creation of corporations was unconstitutional, was given ^I. The chief point was that, since, by the Constitution, Congress was given rights to give charters to certain specified persons, this limited privilege prevents the extension of this power to any other persons.

"A special and limited power excluded the idea of a general and unlimited power, which includes the special one." ²

Further, congress has no constitutional right to exempt any person or persons from taxation as was done in bank decision. A power to exempt from taxation would be equivalent to a power of imposing, since the deficit created must produce a relative accumulation ³ upon property not exempted.

In the case of corporations, charters were granted, giving to the holders certain specific privileges, and the time for which it was given was unlimited. in the case of the "bank" the "exclusive privilege" granted was that of issuing currency. In return for

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1. Page 8 Handwritten - "Inquiry" page 301-02
 2. "Inquiry" Page 301
 3. "Construction Construed" Page 91

the currency the banks issued, they naturally exacted interest and it was this monopoly of a public necessity which disturbed Taylor so much. In fact, he even goes so far as to compare this practice to slavery and the manner in which this is done, is, if not convincing, at least interesting.

The State of Rhode Island had at the time the "Inquiry" was written, bank stock, valued at \$4,000,000¹. There were at this time approximately 18,000 laborers in the state. On this basis, therefore, Taylor, computing the interest which this amount of bank stock would draw annually, and assuming that this would inevitably be taken from the laboring class, figures that the average share of each Rhode Island laborer would be approximately \$22.00 yearly. His conclusions from this are as follows:

"If the stock interest in Rhode Island draws more profit from banking than the Virginia masters do from 18,000 negro slaves, banking approaches in substance to a ~~madee~~ of selling freemen. Arthur Young calculates the profit of English West Indian slaves, at five pounds each. The banking mode of converting the labor of one to the use of another is more profitable than this personal slavery."

I have already pointed out his attitude on

charters of unlimited life in the short discussion on banking. This was, of course, one of the points most protested by opponents of the corporations. It appeared to them almost as on irrepealable license to plunder the agricultural class. In fact, Taylor compares the banking faction, "enlisted and disciplined by charters and avarice for the purpose of gathering money of individuals" to a "veteran army let loose upon an undisciplined militia."¹

This transfer of property by law through legal corporations not only affects people in their pocket-books, but tends to the creation of the very orders which were in control of England. It strikes at the fundamental nature and principles of our governments. It makes thieves out of honest men, for men, who, through banking rob nations "really feel as if they were virtuous and honorable men and would scorn to steal a shilling."²

If this is the case and banking charters do change the nature and principles of government, they are as unconstitutional as laws for creation a king or an order of nobles.³

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| 1. | Op. | Cit. | Page | 388 |
| 2. | " | " | " | 391 |
| 3. | " | " | " | 393 |

The creation of a class of capitalists and bankers, must inevitably react on the government. Naturally it is to the interest of the banking group to have laws passed which will aid them in their task of taxing the public for the use of national currency; and it is just as natural that Legislators should pass such laws when they themselves are to be the recipients of the benefits accruing from them. Consequently, it is a menace to the country to have a state of affairs existing there it is possible for members of the Legislature to enact legislation and grant charters which permit this. Yet such a state of affairs did, to Taylor, exist, and this he entitled "Patronage." This he defines¹ as an "instrument by which governments corrupt a faction to take part against nations and thus acquire more power than the people ever gave."

The power of this to inflict evil on the people² he considered as exceedingly great. More, he says, "a³ power to take from a nation and give to itself is a definition of civilized tyranny. A legislator cannot be

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1. Op. Cit. Page 315.
 2. "Construction Construed" Page 270
 3. Op. Cit. Page 318

guided by the interest both of the majority and minority
If he is a receiver of the tax, he will tax."

Even as early as 1794, Taylor was apprehensive regarding the so-called paper interest. In the "Definition of Parties"¹ he estimates the entire population at five millions and the paper interest at five thousand. He starts with the assumption that the United States Constitution was established for the national good, or that of the five million, and not for the exclusive benefit of the five thousand.

He then reviews all the important acts of the new government, the funding system, the assumption of state departments, the sinking fund, the change from funded paper to bank stock, the increased standing army, the treaties with the Creeks and Cherokees, encouragement of commerce, and others and reaches the following opinion on these:

"In short, the general government has been an exclamation for money, more money. Obliterate from the statute book, all laws in favor of paper, and code, would be almost a blank. It exhibits a succession of new burdens upon the five millions which are a succession of delicious repast to the five thousand."

"An irrepealable law charter is a standing temptation to governments to do evil and an invitation to individuals to become their accessaries; by its help

1. "Definition of Parties" Page 4-5

a predominant party may use temporary power to enact corporate or individual emoluments for itself at the national expense." 1

Those who hold such irrepealable charters demand that they be held inviolable, basing their claims on the fact that they are founded on the public faith, and further on the fact that private property is sacred. Such arguments Taylor dismisses by asking whether, if a government has granted charters to individuals the objects of which is to diminish the wealth and liberty of a people, public faith demands of the nation, fulfillment of these contracts. Certainly public faith must include faithfulness to the public good as well as to contracts with individuals; 2 and of the two, it is evident that faith to the nation is paramount.

Patronage is not, of course, a sin of the Legislature alone. Both the executive and the judiciary are subject to this abuse. The President, by his power of appointment, and his control of the army and navy, 3 his veto and the other enormous powers of his office, and the Judiciary, by the power of judging laws unconstitutional and their ability to judge unconstitutional

1. "Inquiry" Page 64.
 2. Op. Cit. Page 64
 3. " " " 173-187

laws constitutional. These powers make it possible for a President, for example, to divert lucrative offices to members of his faction, and to control the Legislature by withholding privileges from some and granting them to others, thus controlling the action of individuals Senators and Representatives and passing the legislation which is to his interest.

The Judiciary, may be, from the first ¹ in the power of a faction, for it is possible for the executive to appoint only such judges as will support his faction and interests. Then when in office, the power which the Supreme Court has taken upon itself of deciding conflicts between states and the Federal government, makes possible the interpreting by corrupt judges, of laws in favor of the Federal faction. Thus, in the bank decision ² we have a definite case of the court's deciding that a corporation may be exempt from a state tax, an action which cannot but be inimical to the public welfare. However, the court's power of injuring the nation is limited, as has been pointed out some time

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1. Op. Cit. Page 182
 2. "Construction Construed" Page 154-58.

¹
back by the laws of Congress. Thus, Congress must not pass evil laws for the court to uphold for if Congress is upright and honest, the courts can do no harm. Hence, the real responsibility for judicial corruption rests primarily on Congress.

The next topic for general discussion is Taylor's attitude on protecting duties, manufacturing bounties, and tariff. It will be remembered that "Tyranny Unmasked" was written primarily to oppose the report of the Committee on Manufactures (January 25th, 1821) which had advocated the continuance of the restrictive system, bounties, etc., in order to relieve the country of the numerous economic distresses from which it was suffering. Taylor took the stand that the very measures which they advocated were the causes for the conditions which they deplored, and adopting the arguments of the laissez-faire group set out to annihilate their suggestions. His attitude was not a new one; not one of his books or pamphlets, written previously to this was without some condemnation of the system, but

1. "Inquiry" Page 287.

it was "Tyranny Unmasked" which contained the sum and substance of his opposition.

In this discussion he named nine chief objectors to a restrictive system which I shall quote: 1

"1. Protecting duties are unconstitutional. In defending the accusation, he brings in various arguments, ~~the~~ most emphasized being this: 'Of what value is the prohibition to impose a tax or duty on articles to be exported from state to state, if Congress can impair or destroy this right of exportation for the sake of enriching a local class of capitalists? Of what value is the prohibition to bestow preferences and implicit partialities by a regulation of commerce or by modes of revenue, if Congress can establish preferences which shall make states tributary to states, the whole nation to capitalists, classes to classes and individuals to individuals?'

Further the intention of the Constitution was "to secure the blessings and liberty of ourselves and our posterity." Protecting duties tend to just the opposite and hence, since they are not in accord with spirit of the Constitution, they are unconstitutional.

2. Manufactures are injurious to the morals and produce pauperism. 2

In this connection, he reviews the condition of England under a manufacturing system, condemns the large number of debtors and paupers and assigns to manufacturers the blame for this condition. He points out that in New York the city poor list has risen to 15,000 almost one-eighth of the entire population and ascribes this to the same cause as such conditions in England. 3

3. No further protection is necessary.

4. The increase of duties will lead to smuggling, (4) the point being obviously that taxes on imports will cause importers to attempt to evade them.

1. "Tyranny Unmasked" Page 134.

2. Op. Cit. Page 139

3. " " " 141

4. Op. Cit. Page 149

5. It is a tax on the many and a bounty to the few. (1) Restriction of imports will, of course, give to manufacturers in the United States a monopoly which will make possible the raising of prices; such action cannot but be a detriment to the large class dependent on these articles, and must be a source of profit to the manufacturing group.

2
6. The system is a restrictive system despite the attempts of the committee to declare it rather a revenue system. It will keep out the products of other countries, and react favorably on the merchant-manufacturer group and unfavorably on the large agricultural class. To call it a revenue system would be to Taylor equivalent to saying that no commercial restrictions can exist when they are called revenue.

7. Protecting duties will impair the productiveness of revenue duties. (3) They will decrease the volume of trade to such an extent that internal excises will have to be resorted to, to make up the deficiency. This will be a calamity, for duties fall chiefly on the rich, on those able to pay; for the rich are the chief consumers of imported commodities. But excises fall on rich and poor alike, for they are upon home commodities which all must use; and the poor being more numerous will be more affected, and an increase of pauperism will result.

4
8. Protecting duties will ruin commerce. Commerce ought to be an instrument for facilitating exchanges, not for accumulating capital into the hands of a few by arbitrary laws. The committee, by recommending the restrictive system, destroys the end of commerce facilitating exchanges, by advocating exporting and preventing or hindering importing.

5
If we keep out foreign ships and merchandise it is absurd to suppose that foreign nations will not retaliate. Such action means, of course, the practical destruction of commerce.

1.	Op. Cit.	Page	150
2.	"	"	167
3.	"	"	168-70
4.	"	"	178
5.	"	"	191 - Also "Inquiry" Page 569.

9. The protecting duty system will destroy agriculture. (1) The committee disclaimed any predelection for factory capitalists, and declared that protecting duties would result in greater production by the manufacturing classes and consequently lower prices to the farmers. So that, if manufacturing were thus encouraged, the agricultural group would also benefit. This promise made but little influence on Taylor who saw many obstacles to the fulfilment of the promise. To him lower prices for goods upon which the manufacturers had a monopoly seemed hardly plausible. Further, (2) he argued that such advantage as the lower prices would bring would be more than counterbalanced by the disadvantage of

1. Lowering the standard of the merchandise class.
2. The creation of a moneyed aristocracy.
3. The establishment of "exclusive privileges in which few or no farmers can ever share."

Of "bounties" on manufactures he says in the "Arator" (3) "Bounties are partly but never completely reimbursed by the price. Though the payer of the bounties gets more price he gains less profit than from the lower price when he paid no bounties. Therefore, the receivers of bounties become rich and idle, and the receivers of the price, poor and laborious. And this effect is inevitable because the bounties must forever outrun the prices they create, or nobody could subsist on them."

The true interest of the nation is to pay nothing for markets, "spurious and swindling to those who buy them, and yet to share in their enhancement of prices." ⁴ Protecting duties, bounties, etc., which

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1. "Tyranny Unmasked" Page 194
 2. Op. Cit. Page 199
 3. "Arator" Page 25
 4. Op. Cit. Page 27

hinder agricultural development and impoverishes the people, are the greatest enemies of manufactures. Indeed, he who burdens the expiring agricultural class to raise bounties for a flourishing manufacturing group, is just such an imbecile as the individual who killed¹ the goose who laid the golden eggs.

Further, if we accept the theory that bounties might be of value to the nation, it must be remembered that there is distinction² between bounties for introducing the arts of manufacturing, and bounties for enriching a class of capitalists, after these arts have been introduced. In the first case the bounties go to the mechanics themselves; in the other to "masters set over them by laws. In one, the mechanics are enriched, in the other, they are impoverished."

In answer to the argument that manufactures were in their infancy and, hence, it was essential that they should be protected from constitution with the more developed industrial systems of other countries until they should reach their full development and could compete on equal terms with other countries, Taylor becomes quite sarcastic.³ "When is this allegation,"

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1. Op. Cit? Page 288
 2. "Tyranny Unmasked" Page 203
 3. Op. Cit. Page 201

he asks, "of the imperfection of arts and science to cease, as a justification of bounties and monopolies? How long will the world be persuaded that it is an infant and ought to be scourged into knowledge? Europe is told that she is not fit for liberty because political science is so imperfect that she cannot bear it."

Taylor then goes into a discussion of Malthus, whose theories, with the exception of the idea that population will increase faster than the means of subsistence, he approves. From a study of Malthus he¹ draws and approves the following principles:

1. Land only can yield permanent and sometimes great profits, especially in the United States.

2. Manufacturing in the present state of the world must yield lower profits.

3. Arbitrary depressions of wages are necessary to obtain these low prices.

4. An increase of foreign commodities will augment and enhance the price of domestic productions.²

5. The freer are exchanges, the more industry is encouraged.

6. Restrictions upon the freedom produces stagnations of labor and checks the progress of wealth.

1. Op. Cit. Page 213

2. See "Construction Construed" Page 241 for elaboration of this.

7. An extension of trade increases the exchangeable value of produce.

8. And the great principle of political economy is to leave to individuals the right of pursuing their interest in their own way.

The above illustrates very well two of the chief principles of Taylor's philosophy, the belief in the agrarian basis of things, and laissez-faire. However, though he undoubtedly is a free trader in the common meaning of the term, he does not condemn a tariff which is levied primarily for revenue. The opponents of a tariff intended solely for revenue, objected that such a tariff would increase consumptions¹ Taylor willingly admits this fact, and sees in this results which would be most beneficial to the community. In this connection, I quote:²

"Consumptions are the food of industry, diminish them, she languishes, remove them, she starves; feed her with them, she performs double work; and this double work enables her both to enjoy more pleasures and to pay more taxes. If half our duties were taken off it is well established that the other half would produce more revenue than the whole now does."

Freedom of exchange is essential to commercial prosperity. Restriction of this freedom is bound to destroy commerce. A quotation to support this view point

1. "Construction Construed" Page 335
 2. " " " 335

is found in "Construction Construed"¹.

"By multiplying the relations between the individuals of the human family, the blessings of society are also multiplied; and an abridgment of these relations is a retrograde movement towards that savage state where they are few. These relations are called commerce; and all obstacles thrown in its way are diminutions of an intercourse, from which men have derived their accomplishments, and a capacity for happiness."

²Manufacturers claimed that the tariff was necessary because of the poverty of the workers in their establishments. Taylor questions the truth of this ideal statement of the case but declares that even if this were the case, and Congress had the power to raise bounties for the poor of one occupation, by taxing the poor of all others, this action would not really benefit even the poor mechanics. It is evident that the consumers must pay for the bounties which Congress grants. Further, a majority of these consumers are poor; hence, more poor would be injured than would be relieved by the protecting duty system, for the cost of government would be increased, prices would be raised, the manufacturers would themselves get a substantial share, and the good workman would, as usual, soon find himself as badly off as before.

1. Op. Cit. Page 207.
2. " " " 225

In this chapter Taylor's agrarian philosophy his attitude toward labor and capital, money and wealth, banking, funding, corporations, protecting duties, bounties to manufacturers, mercantilism and free trade have been discovered. In the next and last chapter, discussion will be limited to his views on various specific subjects which it has been difficult to classify, either as political or economic philosophy. Perhaps this might be considered as practical philosophy.

Chapter IV.

Sectionalism is often described as one of the most important causes of the Civil War. It is interesting to note that Taylor was quite aware of this danger, and a study of his works will show the strength of the movement even in the earliest period of the Union.

Thus, in "New Views"¹ when he is discussing Yates' notes, he quotes the following which will illustrate the presence of sectionalism, even while the Constitution was being framed.

"Mr. Madison observed that the great danger to our Federal Government is the great northern and southern interests of the continent being opposed to each other. Look at the votes in Congress and most of them stand divided by the geography of the country, not according to the size of the states."

Taylor agrees with the stand, and since he is writing some thirty-five years after, comments that the situation has become even more complicated by the rise of a powerful western interest.

"The danger to the Union is most truly stated to reside in geographical interests, and it is as truly stated, that a Congress will be divided by the geography of the country."

1. "New Views" Page 248.

On May 6th, 1793, Monroe and Taylor, as instructed by the Legislature of Virginia, brought a motion before the Senate of the United States to sequester British debts. Taylor in his argument, admitted that he had no particular interest in British debts but declared his disapproval of the supplicating attitude which had been adopted toward Great Britain. Moreover, he was convinced that "the question of making England pay for the negroes she had taken, which affected the South, and of surrendering the frontier posts she held, which affected the West, was quite as important as the question of compensating the East¹ for spoils of its commerce."

Thus, we see that as early as this period there was developing that condition of sectionalism which was to culminate finally in the Civil War. A year later, there was talk of secession,² as evidenced by Gaillard Hunt's little book, and the reason was definitely urged as being the unwillingness of the East to submit to the Southern domination which seemed inevitable when the terms of the two Federalist Senators

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1. Gaillard Hunt "Disunion Sentiment in Congress in 1794" Introduction.
 2. See Chapter I for details of this movement.

from South Carolina (Ralph Izard and William Smith) expired.

Four years later, it is evident that Taylor was quite disturbed at eastern domination and Jefferson, as is known by a letter to Taylor, certainly sympathized with him. In this connection, although I have already quoted this in Chapter I, an extract from the letter, dated June 1st, 1798¹ will make evident the attitude of both men.

Jefferson to Taylor:

"Mr. New showed me your letter, which gave me an opportunity of observing what you said as to the effect with you of public proceedings, and that it was not unwise now to estimate the separate mass of Virginia and North Carolina with a view to their separate existence. It is true that we are completely under the saddle of Massachusetts and Connecticut and that they ride us very hard, cruelly insulting our feelings as well as our strength and subsistence. Their National friends, the three other eastern states, join with them from a sort of family pride, and they have the art to divide certain other parts of the Union, so as to make use of the government as a whole."²

Taylor in a letter, dated June 25th, 1798, to Jefferson, also ~~limits~~ hints that geographical interests play a very important part in the government. In this he says in part:

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1. Jefferson's "Writings" Vol. VII, page 263
H. VonHolst, Vol. I, page 143
E. Channing, Vol. V, page 206 and 414
 2. Branch History Papers, page 271.

"The party spirit among us is geographical or personal. If geographical, its superiority in either sphere will beget the insolence of tyranny, and the misery of slavery. A fluctuation of the superiority will enlisted revenge as an auxiliary passion and annihilate the chance for human happiness."

One of his strongest objections to a concentrated national government instead of the original Federal government, he sums up in "New Views"¹. In this he argues that a concentrated supremacy in Congress would substantially divide the United States into three great counties, northern southern and western, the representatives of which would be influenced by geographical circumstances, and collisions between these counties would follow which would make the troubles between federal and state governments seem petty. There is no doubt that statements such as these are the reasons why Dodd in his article in the Branch Historical Papers, calls Taylor a "Prophet of Secession."

For the Missouri Compromise Taylor has little patience. In the first place, he denies that slavery was the fundamental issue in the controversy.

1. "New Views" - Pages 261-262.

Rather it was the idea of a balance of power between two combinations of states which gave rise to this unfortunate, even absurd state of affairs.¹ In his eyes the inevitable result would be the drawing of a geographical line between slavery and no slavery, with people gathered on each side of it, each calumniating the other and striving to gain the balance of power.

He urges six reasons against a crusade for slavery,² which he brings forth with considerable emphasis.

1. The crusade would certainly destroy the Union.

2. The zeal to abolish slavery may find ample food without hazarding the Union upon the experiment. In this connection he suggests Brazil, Cuba and Africa.

3. A little matter of trade might be mingled with crusades to these countries; and if in Africa, for instance, things should not be ripe for chivalry; consolation might be found in lucrative return cargoes for the other two countries.

4. The honour of a crusade against foreigners and in one case heathens, would be as great as the honour of a crusade against brothers and Christians, and the danger would be less.

5. It is prudent when a resolution is taken to set fire to somebody's house, to go far from home, lest the flames may reach our own, as the wind is apt to change.

1. "Construction Construed" Page 291.

2. Op. Cit. Page 293.

6. If our consciences tell us that we ought to enslave freemen, to make slaves free, and to cause the destruction of a million or two of people, white and black, in the good work, nature tells us to give preference in such favors to those who need them most; and not to destroy the rights and lives of those whom we love, and who love us, because they are suffering a misfortune imposed on them by others.

In his eyes the slavery question was settled by the Federal Constitution and any attempts at re-opening the discussion seemed criminal. Let alone, no harm can come to the Union by slavery, but if the slavery issue was to be used to excite hostile feeling between two divisions of states, "its mischiefs may exceed the most apprehensive anticipation. Moreover, it is a fact that long standing evils are best remedied by slow treatment, and the states may be trusted to settle the question themselves.¹

However, the above mentioned points are not the only ones which Taylor employs to attack the Missouri Compromise. He also brings in the inevitable constitutional argument which proceeds as follows. The Constitution, in order to prevent combinations between states, provides for the contingency by a definite

1. Op. Cit. Page 294.

prohibition which forbids a state "to enter into any agreement or compact with another state." The Missouri agreement is plainly a violation of this compact, and, if for no other reason, is unconstitutional. It is a compact with one-half of the states by the other half, and because of its magnitude, is infinitely more dangerous than the notorious Hartford Convention.¹

He points out that the extremities of the Union cannot be made to think alike upon the subject of slavery, because the evidence is entirely different in different states. Thus, it would be just as absurd for Missouri to attempt to force Maine to permit slavery, as for Maine to force Missouri to prohibit it, because each state has a right to think for itself. And it would be more absurd for a southern majority in Congress to attempt to force the northern states to permit slavery, or for a northern majority in Congress to force the southern states to abolish it, since the question is one subject to internal state regulation,² prohibited to Congress and reserved to the states. Con-

1. Op. Cit. Page 295-96.
2. " " " 299.

gress cannot know, and cannot be expected to know local conditions in all the states.

The discussion closes with a very ominous passage¹ which must be quoted. It is one of the best passages to bolster up Dodd's choice of a title for Taylor, which may be found in any of his writings.

"There remains a right anterior to every political power whatsoever, and alone sufficient to put the subject of slavery at rest; the natural right of self-defence. Under this right, societies imprison and put to death. By this right, nations are justified in attacking other nations which may league with their foes to do them injury. And by this right they are justified if they see danger at a distance, to anticipate it by precautions. It is allowed on all hands that danger to the slave holding states lurks in their existing situation, however, it may have been produced; and it must be admitted, that the right of self-defence applies to that situation, of the necessity for which the parties exposed to the danger are the natural judges."

The above discussion of the Missouri Compromise, while it illustrates his attitude that the point involved was less that of slavery, than of a balance of power, throws considerable light on Taylor's view point on the former question. He concludes that slavery is a local question, not in the province of the federal field of action, that the states, if let alone will themselves alleviate the situation, and

1. Op. Cit. Page 314.

that interference will result in dire possibilities.

However, for his real attitude, it is advisable to turn, not to "Construction Construed" but to the "Arator" for light. This is quite interesting, for, though written from a rather apologetic stand, it illustrates the view point of a large majority of southern land owners and thus has a real value to the historian.

The real danger in the slave holding states is not the negro slave, but the free negro¹ class. These, cut off from the rights of citizens, and from the allowance of slaves are driven to all species of crime for existence. The women are exploited, they excite their black slave brethren to insurrection. In fact, they are the source of all the trouble of the South. The remedy for this situation may be easily found by purchasing lands for these free negroes in states where slavery is not allowed. Then they could be given the option of going to these lands or of emigrating wherever they pleased.²

Jefferson³ in his "Notes on Virginia" described the relations between master and slave very un-

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1. "Arator" page 49
 2. Op. Cit. Page 50
 3. " " " 52-53

favorably, depicting the master as a storming despot, with the slave cringing in degrading submission. He described the children as imbibing the attitude of their fathers, and then giving vent to their worse passions on the hapless negro in their power, and finally he pictured the condition as conducive to the breeding of the worst vices.

Taylor, in reply, denied that the institution of slavery had such uniform evil effects. He argued that both in Greece and Rome slavery was carried even further than in the United States. Yet they produced many great and good patriots and citizens. Moreover, in the United States, he was unable to see that the slave holding states produced characters, less worthy¹ of the national confidence than the other states.

Slaves are, in his opinion, too far below and too much in the power of the master to inspire furious passions. Indeed, those who abuse their slaves are as rare as those who abuse their houses. Slaves are more frequently the objects of benevolence than of rage.

Moreover, qualities which are in themselves

1. Op. Cit. Page 53.

odious, become even more so when they are present in a class as degraded as the slaves and this fact is most useful as a prevention to aid the upper class to avoid these vices. Pride becomes an ally of virtue. Thus, for example, to quote "Perhaps the sight of slavery and its vices may inspire the mind with an affection for liberty and virtue, just as the climates and deserts of Arabia would make it think Italy a paradise."¹

The ideal settlement of the problem, he thinks, would be to have England and America foster a settlement of free negroes on the coast of Africa,² which, might soon subsist on its own energy. He clung to this idea right up to his death as is illustrated by the fact that in 1819, when the American Colonization Society was formed (the object being negro colonization)³ Taylor was elected one of the Vice Presidents.

H He has but little sympathy with the northern agitators who at the time were continually urging that⁴ the negroes be freed. On this subject he says:

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1. Op. Cit. Page 54
 2. " " " 55
 3. Virginia History Collections, Vol. VI, page 26
 4. "Arator" Page 91.
Op. Cit. Page 94.

"Do these hasty or rather fanatical philosophers, patriots or Christians, suppose that the negroes should be made free and yet kept from property and equal civil rights; or that both or either of these avenues to power could be open to them, and yet that some precept or incantation could prevent their entrance? As rivals for rule with the whites, the collision would be immediate, and the catastrophe speedy. Divested of equal civil rights and wealth to prevent this rivalry, but endowed with personal liberty, they would constitute the most complete instrument for invasion or ambition, hitherto forged throughout the entire circle of human folly."

He decried especially the northern newspapers which portrayed the negro in such a favorable light and censured the southern whites with all manner of abuse, asking what the present generations of southerners had to do with the great problem they had to face, and pointing out that very few of the southerners had taken part in the slave trade.

Of the condition of the slaves, he comments that when well managed they are docile, useful and happy, for knowledge easily managed ignorance. Those who desire complete freedom for the slaves are attempting to endow an extreme ignorance with a capacity for liberty and rule, an attempt which all history has proved useless.

As usual, when discussing this question he

reverts to the question of exclusive privileges and their train of evils. This quotation from the "Inquiry" will illustrate again his view point:

"It has often been said that poor laboring people in Europe encounter more penury and distress than the negro slaves in the United States. The profit extorted from the negro slave is moderated by the immediate interest of his master in his existence. He is moderated by the master's benevolence, and by his respect for his own reputation. But the slave of stock enjoys more of these considerations; and, therefore, it is not surprising that he should be more miserable than the personal slave."

It is difficult to establish whether Taylor was or was not a Pacifist. At any rate, he did not at all favor wars in general as the following characterization will illustrate.

"War is the keenest carving knife for cutting up nations into delicious morsels for parties and their leasers." (2)

"War is the casualty which most extensively transfers property, and by that effect most sorely oppresses nations. It invariably generates a class of men who wish for its continuance, however, injurious it is to the people generally." (3)

He very strongly opposed a strong national army, and favored large state militias. The objection was, as has been pointed out in Chapter II, due largely

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1. "Inquiry" Page 353
 2. " " " 589
 3. "Tyranny Unmasked" Page 236.

to the fact that the President was Commander-in-Chief of the army, and by this means could enforce usurpations¹ by the Federal government on the state governments. He admits, however, that the Constitution gives Congress the right to raise armies, but declares that the militia was evidently contemplated as the bulwark of national defence.² Until the 7th Congress this principle seemed to have been recognized but they took upon themselves the establishment of a volunteer corps, officered by the President, which was quite unnecessary expensive and dangerous.³

In the "Inquiry"⁴ he characterizes a legal army as an instrument for giving permanency to the evil political principles, fraud and force. It never has been the steady auxiliary of national self-government. It obeys its leader, in the case of the United States, the President, Of the Federal attitude he says:⁵ "The general government has expended its praises on a militia, and the public money on an army to an amount suf-

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1. "Inquiry" Pages 177-182
 2. Letters of Richie Page 19
 3. Op. Cit. Page 19
 4. "Inquiry" Page 177
 5. Op. Cit. Page 179.

ficient to create the strongest militia and the weakest army in the world." His own attitude may be summarized by the following sentence; "Without a sound militia, all popular rights, including election itself, must become tenants at will, of monarchical or aristocratical landlords."¹

Concerning Taylor's attitude toward the war of the Revolution, there is little doubt that he was convinced that it was necessary his early enlistment into the army under Patrick Henry is sufficient indication of this fact? Of course, his resignation after the change of affairs at Valley Forge, and his return to Virginia political life, might argue a pacifist attitude. It is more likely that the reason was disgust or disappointment at the state of affairs, rather than conscientious scruples and his second enlisting when he was made a Colonel in 1780 makes it appear likely that he was interested in furthering the colonial interest against the tyrannical (to him) mother country.

He was not, however, a war hawk in any sense of the word and was forever deprecating the over hasty, flighty individuals who were continually urging war against Great Britain. It is interesting to note, also,

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that his sympathies were not with France, but rather with Great Britain, despite his natural antipathy for this country and particularly for her government.

Thus, we find him, as early as the year 1804, attempting to smooth things over as the following quotation will show:

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"For notwithstanding the criminal outrage recently committed before New York, the aggregate number of impressments is greatly reduced; and if the public prints are to be relied upon, an honorable disposition has already been manifested on the part of the British government to make amends for these unauthorized aggressions."

In 1809, when he became involved in the controversy with Thomas Richie, his attitude had not changed. He still fears war, not only war in general, but also war with Great Britain. Thus, he quotes contemptuously the remark "We have cause of war; we are injured and affronted." "Such language in the people" he points out, "is madness: in statesmen it is War procures power, wealth and honour for statesmen and generals only, and despotism and taxation for hostile nations between whom the honors and rewards are soon equalized."

2
He remarks that Congress has already struck

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1. A Defence of the Measures of Thos. Jefferson Page 71
 2. A pamphlet containing a series of letters, etc. 33

the note of war, yet the people have not responded. National enthusiasm was lacking, and to contemplate a war without the people's support is absurd.¹ The question of attacking Canada he rejects both on the grounds of expediency and capability, being quite convinced that the United States had enough to attend to without Canada.²

His championing of England as opposed to France he does not at all obscure. He openly espouses England for a very cold blooded reason. England had control of the seas. She could do no more good and more harm than France could. Hence, if we had to have war, he suggests that we fight France. I quote:³ "If we are to declare war, shall it be against France or England? Acknowledging that it is a question upon which future events may bear, it seems to me to be our interest to keep peace with England."

His conviction that the people did not want war and that nothing but evil could result in giving the war hawks the reins is brought out best of all in his letter to Monroe, under the date of January 2nd, 1812.⁴

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1. Op. Cit. Page 35
 2. " " " 34
 3. " " " 36
 4. Branch Hist. Papers Vol. II, Page 328-31

The gist of this, I have already given in Chapter I, in discussing his attitude toward the war, and it will be unnecessary to quote it again.

On the 12th of March, 1812, on the occasion of Henry's disclosures, showing the extent of this English emissary's intrigues in New England, being reported to Congress, Taylor wrote to Monroe:

"In laying the business before Congress, I think the executive may have acted wisely or madly. If as an instrument to prevent war, as John Adams finally used the XYZ artifice, it was wise; if to wind up the mob to make the war plunge (it is) in my eyes mad."

Two months later (May 10th) in another letter to Monroe he wrote concerning the plan of capturing Canada: "The conquest of Canada will suffice to justify a war, because that is not the end and cannot constitute its recompense. If England lost thirteen provinces rather than endanger her naval power, she will not endanger it to save Canada - Canada will not reimburse the people of the United States."

The following month (June 13th, 1812) Monroe wrote to Taylor:

"You thought that I might contribute to promote a compromise with Great Britain and thereby prevent a war between that country and the United States; that we

might also get rid of our restrictive system. I own to you that I had some hope, though less than some of my friends entertained, that I might aid in promoting that desirable result. This hope has been disappointed." (1)

Taylor had promised in his letter of May 10th, 1812, that, since war was determined upon he would do all he could for its success. But by March 18th, 1813, he was discouraged, as were many others and was quite willing to give up the struggle as this letter will illustrate.²

"It (Congress) has only to obtain from the English any stipulation, however slight, sense or non-sense, something or nothing, about their impressing our sailors, and absolutely to prevent the United States from employing theirs, to put an end to the impressment practice; and the pleasure of getting out of the war, national pride, party loyalty and confiding ignorance, will joyously unite in construing the pacification exactly as it pleases."

William E. Dodd in his "Statesmen of the Old South"³ characterized Taylor as a "real Jeffersonian, who believed in reform." The first part of this certainly applies, and the second also fits when one considers the corruption and consolidating tendency which he opposed. But when the question of internal improvements came up he was, because of his insistence on lit-

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1. Henry Adams' Hist. of the U.S? Vol. VI, page 66
 2. Branch Hist. Papers, Vol. II, Page 345
 3. Statesmen of the Old South - Page 71.

eral interpretation of the Constitution, badly tied up. For example, since the Constitution does not provide for the building of roads and canals, he was forced to oppose these, if built under Federal auspices. This point is brought out definitely and briefly in "New Views" in these sentences.¹

"And why are internal improvements by Congress unconstitutional? Because being of a local nature, they violate the division between local and federal interests, established by the Constitution."

Of those who advocate roads and canals, on the grounds that they come under the words "Making war" in the Constitution because roads and canals are useful inwar periods,² he asks, what would they do about "food, men, agriculture, manufactures, clothes, horses, iron, leather, powder, lead, etc." for certainly all these are useful in war.

Education must be supervised carefully so as to prevent its opponents from destroying it and great care must be taken lest it be converted into an instrument of oppression by ant sect, religious, political, or chartered. There must be certain public colleges of which I shall let Taylor speak himself.³

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1. "New Views" Page 266
 2. "Construct on Construed" Page 282-83.
 3. "Inquiry" Page 617.

"A publick patronage of a few good colleges, therefore, is a patronage of genius; and as the chance for it is equal among all, the poor from their superiority of number, will draw most prizes in the lottery of knowledge, established by means of colleges, chiefly supported by the rich. It is only necessary to make a good government; to establish responsibility; to make income depend on merit; and to banish offices for life, sinecure, salaries, and idle vicious incompetent functionaries."

Thus far in this paper there has been much stress placed on Taylor's criticism of the existing order but little emphasis on his propositions for remedying conditions. There has been, of course, occasional suggestions as in the case of the executive and Senate when he expressed himself in favor of short terms and rotation in office, but such have been fragmentary as they were in his works.

He does, however, in several places, definitely mention important reforms which, if followed, he is confident would put an end to the evils brought about by banking, exclusive privileges, funding and protecting duties. In his "Definition of Parties"¹ he suggests the following:

"The unavoidable conclusion now presents itself. A constitutional expulsion of a stock jobbing paper interest, in every shape, out of the national legislature can alone recover the lost principle of a representative government, and save the nation from being owned-bought-and sold."

1. "Definition of Parties" Page 15

In the "Arator" he discusses the evil tendency of the time and as a remedy recommends that the agricultural interests take more interest in politics and elect into the state and federal legislatures a real agricultural interest which could prevent the existing discrimination against the agricultural group. There should be no discrimination against one class to favor another class and charters to corporations which make this possible should be withheld.

It is "Tyranny Unmasked", however, to which we must turn for the most complete brief exposition of his reform theories. In this he says in part:

"The rival remedy for our troubles, so insignificant in the eyes of the committee as to be wholly suppressed ----- is reducible to a few principles which may be comprised in a few words. Return to frugality, restore a free trade; abolish exclusive privileges, retract unjust pensions; surrender; legislature patronage; surrender, also, legislative judicial power; and vindicate the inviolability of property, even against legislatures, except for genuine national welfare."

It is difficult to evaluate Taylor and his influence. Historians, at least, have been unkind to him. Most entirely neglect him, a few casually remark that

1. "Arator" Page 42-43
2. "Tyranny Unmasked" Page 100

he was the mover of the Virginia Resolutions, or that he was a prominent states-rights man, but all seem to agree in relegating to him a position of unimportance. **Such** universal neglect and unanimity on the part of men presumably fitted to judge a man's historical importance causes the writer of this paper to hesitate greatly before estimating our friend from Caroline.

Perhaps the chief reason for Taylor's obscure position is that he was the advocate of a position which has for almost a hundred years been untenable. His arguments that the fathers did not intend a national government, that the Federal government could not establish a United States bank, that protecting duties were unconstitutional are all very interesting, but, in face, of the actual existence of all these, not very convincing.

He was, in a large degree, in a position somewhat analogous to that of Hayne in the Webster-Hayne debate. Hayne was right historically but he was backward looking unable to appreciate the fact that the union of the 30's had outgrown the narrow concepts of the union proposed in 1787. He could not understand that this national government which he argued could not be, nevertheless existed, despite all his learned argument

to the contrary.

Jefferson ably characterized his (Taylor's) last book when he said "But I fear it is the voice of one crying in the wilderness."¹ So it was, for Taylor was certainly in that unfortunate position. He saw the federal union gradually usurping powers originally delegated to the states; he saw the country in the grip of exclusive privilege, the powerful United States bank, special inducements to manufacturers, protecting duties, and his pleas that the strict interpretation of the Constitution be followed hardly altered the situation.

William E. Dodd has characterized him as "Prophet of Secession" and there is little doubt that he merits such a title. He will understand the significance of S ectionalism and the danger which such diversity of interest would bring to the union and he was primarily a statesman. The states were to him the foundation of the Federal government and in case of a controversy between Virginia and the United States, there is little doubt but that he would have favored his home state against the union. Thus, were he living, it is almost certain that he would have favored the South

1. Jefferson to Robert Garnet - Feb. 14th, 1824.

in the Civil War. It is exceedingly doubtful to suppose that a man who had all his life opposed a national government, would have supported a movement which was definitely to establish the superiority of the Federal government to the states.

His one claim to fame rests not in the fact that he introduced the Virginia Resolutions, or that he was three times a United States Senator, or that he was the author of the "Arator", one of the first books on agriculture ever written in the United States, but rather on the fact that he was in the period from 1790 to 1824 at least, the spokesman of the states-right group. In his books and pamphlets may be found the attitudes and opinions of a very considerable group of men, particularly in the South. They were widely read. Henry Adams calls "Construction Construed" and "New Views" the text books of the states rights school - and despite Channing's disparaging comment¹, they had a considerable vogue.

He played a very important part in the politics of the Virginia dynasty, was a confidant of Jefferson and Monroe, and if for no other reason, his letters

1. Channing History of the U. S. Vol. V, page 406-414

are valuable for the interesting sidelights on the character of these gentlemen. Further, of course, a study of his life and works is very worth while for the insight gained into the period of the adoption of the Constitution and the strong decade immediately following it, for it makes it very apparent that the sacred character of the Constitution, and the unanimity of the fathers in forcing through the perpetual charter of American liberty, are largely myths for mighty politicians to conjure with. Also, his arguments foreshadowed the approaching collisions between the federal and state governments to culminate finally in the Civil War.

Finally, he was, reformer, the life-long enemy of capitalism, steadily opposing extension of judicial power, executive and legislative patronage, unjust tariff discriminations, war and extensive military development, advocating protection of the farmer, economy in government, and a government freed from corruption, as such though unsuccessful, he should be lauded, not condemned, and recognized for his stern, uncompromising attitude, which, as Jefferson pointed out¹ made his talents "of such infinite service to the Republican cause and such a terror to his adversaries."

1. Jefferson to Pendleton - Writings Vol. I P. 574-75.

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