

JOHN W. TAYLOR

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CHAPTER I

INTRODUCTION

During the Missouri controversy in the House of Representatives, John W. Taylor became an important figure in American politics. His speeches helped to generate sectionalism in the United States, and created a geographical division in Congress that weakened southern influence in the government. Taylor is often described as a prominent antislavery leader with an antipathy toward slavery as intense as any member of Congress. In the Missouri debate he seconded the Tallmadge Amendment to prohibit further introduction of slaves into Missouri, and to emancipate at the age of twenty-five all children born of slave parents in the new state. He introduced a similar amendment to the bill for the organization of Arkansas Territory. Taylor was also the author of a cardinal provision of the Missouri Compromise. He introduced the bill to prohibit slavery in the territories of the Louisiana Purchase north of 36° 30' N. Latitude. In analyzing Taylor's monologues against slavery, H. B. Stanton wrote,

Whoever reads Taylor's speeches in that troubled period, will find them as sound in doctrine, as strong in argument, as splendid in diction, as any of the utterances of the following forty-five

years, when the thirteenth amendment closed the controversy. . . .¹

John Taylor is the only person from the Empire State to hold the third position in the federal government, Speaker of the House of Representatives. His election in 1820 was an indication of growing northern strength and sectional feeling in Congress. Taylor was also a member of a small group who secured the majority of presidential electors in the key state of New York in 1824 for John Quincy Adams. Without the effort of that group, Adams could never have been elected President.

There is no biography of John W. Taylor. Admittedly he was a second class politician, and did not rank with his congressional colleagues such as Henry Clay, Daniel Webster, or John C. Calhoun. However, these men and others in Congress paid close attention to Taylor during the years 1819-1821. Because of his importance during the Missouri controversy, position in government, and long history in politics, he deserves a closer examination by historians. This thesis is an attempt to rectify the unmerited neglect of Taylor by early 19th century American historians.

¹H. B. Stanton, Random Recollections, as quoted by DeAlva S. Alexander, A Political History of the State of New York, II (New York: Henry Holt and Company, 1906), p. 204.

CHAPTER II

EARLY LIFE AND POLITICAL CAREER

This chapter includes an investigation of the factors that stimulated Taylor's initial interest in politics; an examination of the antislavery movement; and the educational, religious and moral forces that contributed to Taylor's public denunciation of slavery. Historians assert that the Congressional antislavery group came to Washington D.C. as committed and dedicated fighters. They had campaigned on an antislavery platform, and supported by a sympathetic constituency, were sent to Congress to fight a despicable institution. This may be true, but the veracity will be tested when applied to Taylor. This requires a detailed evaluation of Taylor's public life between the years 1811 and 1813, before his election to the Thirteenth Congress. It was these years in the New York Legislature that gained Taylor the reputation that won him a seat in the House of Representatives.

Taylor's ancestors migrated from the British Isles in 1692, and settled in Monmouth County, New Jersey.¹ It is not known where the family lived in England, or why they

¹DeAlva S. Alexander, "John W. Taylor," The Quarterly Journal of the New York State Historical Association, II (1920), p. 14.

immigrated to the colonies. Little is known of the family before 1754. During the French and Indian War (1754-63), members of the family fought under General James Wolfe at Quebec. Although once loyal to Great Britain, the Taylor family supported the American Revolution, and some gave their lives for independence.² In 1774, John Taylor moved from Freehold, New Jersey, to Ballston, New York.³ He built one of the first homes in Saratoga County, became an outstanding leader in the community, and was largely responsible for constructing the first Presbyterian Church in the Ballston vicinity.⁴ Taylor was also a politician. He was elected Supervisor of Ballston in 1794 and 1798; served the New York Assembly in 1797; was justice of the peace and State Commissioner of Loans in Saratoga County in 1808; and between 1809 and 1818 served as judge of the county court.⁵ He was 80 when he died.

His son, John W. Taylor was born in Ballston, on March 26, 1784. In March of 1807, the New York Legislature combined the towns of Ballston and Milton under the incorporated name of Ballston Spa. This village, on the Kayaderosseras River,

²Ibid.

³Edward F. Grose, Centennial History of Ballston Spa (Troy: E. H. Lisk, 1907), p. 238.

⁴Alexander, "John W. Taylor," p. 14.

⁵Grose, Centennial History, p. 238.

became the county seat of Saratoga County.⁶ Because of the excellent vacation facilities, Saratoga County was the gaudiest of America's nineteenth-century summer resorts.⁷

There are no records available for the early childhood of John W. Taylor. His initial education was in his home, where he read extensively from his father's library. At an early age he read the Federalist Papers and obtained such a mastery of books that, at the age of fifteen, his parents sent him to Union College in Schenectady, New York.⁸ There he was called John W. Taylor, the W. was added to distinguish him from another John Taylor in the same class. Although "W" stood for no name, he retained it throughout his life.⁹

Taylor's initial interest in politics undoubtedly came from his father. However, in order to understand the development of his political philosophy, it is necessary to examine the nature of Union College.

⁶Ballston became famous because of its spa created by the geological formation known as the "Hudson River Slate." These mineral springs were the first source of prosperity and growth for Ballston's six hundred inhabitants. Many visitors who wished to benefit from the curative effects of its renowned mineral springs came to Saratoga County during the summer months. In 1793 General Washington visited the springs at Ballston. Ibid., pp. 51, 58-59, 66.

⁷David M. Ellis, et al., A Short History of New York State (Ithaca: Cornell University Press, 1957), p. 618.

⁸Alexander, "John W. Taylor," p. 15.

⁹Ibid.

Union College was founded on February 25, 1795.

Sir William Johnson, the British Superintendent of Indian Affairs, supported a college in Schenectady before the American Revolution, but this school was crushed by the weight of war-time difficulties. The beginnings of a new college in Schenectady can be clearly traced back to 1779.¹⁰ When the Union College charter was finally granted, the institution had been in operation for ten full years.¹¹

Few things were done at Union College simply because they had been done elsewhere or were traditional. The founders were impressed by the principles of the French Revolution of 1789. Almost immediately they introduced French into the curriculum.¹² Instead of taking their motto from the conventional Latin, Greek, or Hebrew, the trustees took theirs from French: Sous les lois de Minerve nous devenons tous frères.¹³

The books purchased for the school library showed a much greater concentration in modern science and modern literature than was customary among colleges of the time. A large amount of books in philosophy were ordered directly

¹⁰Dixon R. Fox, Union College: An Unfinished History (Schenectady: The Graduate Council, 1945), p. 10.

¹¹Ibid., p. 13.

¹²Ibid., p. 14.

¹³Ibid., p. 15.

from England, and the stress on American history and government was certainly an innovation.¹⁴ The success of these new techniques and ideas at Union College speak for themselves. Computations from the Dictionary of American Biography indicate that, between the years 1803-1865, more prominent politicians graduated from Union than from any other small college, or from most larger universities; including one President, six cabinet secretaries, thirteen United States Senators, ninety-one members of the House, twelve governors, forty-nine diplomats, and about two hundred judges. If Taylor received an early interest in politics from his father, the curriculum of Union College guaranteed that it would not be a passing fancy.

The Presbyterian Church was more closely identified with the development of institutions of higher education in America than any other church in the period before the Civil War.¹⁵

Union College was one of forty-nine permanent colleges founded with a Presbyterian association in the ante-bellum

¹⁴Ibid., p. 14.

¹⁵Donald G. Tewksbury, The Founding of American Colleges and Universities Before the Civil War (New York: Columbia University Press, 1932), p. 91.

period. This was more than any other denomination.¹⁶ In New York alone, five colleges were established in connection with the church before 1861.¹⁷

The Presbyterian Church experienced a series of schisms in the 17th, 18th, and early 19th centuries. Only three schisms were important, and were related to Presbyterian education. The first two schisms require only brief mention here.

The initial church division came in the period following the Great Awakening, and involved two groups known as the "Old Side" and "New Side" parties. The New Side party rejected the stringent standards for ministerial training which were defended by the more conservative Old Side group. The former reasoned that since the Presbyterian Church was a frontier organization in America, the training of ministers should be tailored to fit the situation. The New Side party initiated the Log College movement to train American ministers, and ultimately established Princeton to oppose the conservatism of Yale University.¹⁸ The significance of this schism

¹⁶Ibid., pp. 93, 102.

¹⁷Ibid., p. 100. New York higher education was influenced by both Congregationalism and Presbyterianism. Many of the colleges in New York were cooperative ventures between the two religions, and tended to be less exclusively Presbyterian in nature than those of Pennsylvania. Nevertheless, they were part of the general Presbyterian program of higher education.

¹⁸Ibid., pp. 90-97.

is the impact it had on church-related higher education. This split began to reflect a sectional division between the North and South. The philosophy of the two groups gradually diverged, not only on the education of clergymen, but over the issue of slavery.

The second schism within the church occurred very early in the nineteenth century. The frontier influence tended to lead the Cumberland branch of the church to reject the high educational standards for ministers upheld by most of the northern and eastern schools. This group established several schools of their own, including Cumberland University at Lebanon, Tennessee, and Bethel College at McKenzie, Tennessee.¹⁹ An irrevocable geographical split had developed in church-related education. From this time the northern and southern branches were unable to agree on a united educational policy.

The final and most important breach was between what came to be known as the "Old School" and "New School" parties. Although the schism did not actually take place until 1837, its roots were deep in the past, and it had far reaching effects on the church colleges. This schism had a definite north and south character. The New School party was centered in the North and included Union College. The Old School

¹⁹Ibid., p. 98.

party was represented by southern schools, including a few colleges such as Westminster in Missouri.

The Presbyterian Church did not divide, as did the Methodist and Baptist Churches, into northern and southern branches, until after the Civil War; although to some extent the breach between the Old School and the New School parties represented such a division turning on the question of slavery.²⁰

There is no conclusive proof, but it is virtually certain that Taylor was influenced by the New School party with which he was associated. Furthermore, after Taylor was graduated from Union, he remained closely associated with the school. He was associated with Phi Beta Kappa, and also made frequent trips to Schenectady to attend activities and deliver speeches and lectures.²¹ Taylor also served as president of the Alumni Association.²²

It cost John W. Taylor \$45.00 to attend Union College between 1801-1803.²³ In 1801 he entered the class of Belle Lettres, and also began the study of mathematics.²⁴ There are

²⁰Ibid.

²¹Grose, Centennial History, p. 239.

²²Minutes of the Alumni Association of Union College. (Schaffer Library, Union College) MSS.

²³Payard, Treasurer of Union College-His Cash Book. (Schaffer Library, Union College) MSS.

²⁴Faculty records. (Schaffer Library, Union College) MSS. Most of the records have been lost over the years, and it is impossible to determine other courses Taylor took as a student.

no records of his grades, but there is little question that he was a good student. Very early in his college career he became a distinguished debater. He was president of the Philomatheon Literary Society, and was selected in his junior year to deliver the Society's anniversary address.²⁵ He was the valedictorian of his class, and later in life became a member of Phi Beta Kappa.²⁶ When only nineteen he was graduated from Union College and returned to Ballston Spa.

In 1803 Taylor organized the Ballston Academy in an area of the town which has since been known as Academy Hill.²⁷ He began to study law with Samuel Cook, and in 1807 was admitted

²⁵Alexander, "John W. Taylor," p. 15.

²⁶Alexander is misleading on this point. He writes, "Three incidents established his [Taylor's] character as a student. He was a Phi Beta Kappa . . ." Taylor was a Phi Beta Kappa; however, the first chapter of Phi Beta Kappa in New York had not been instituted at Union College until May 1, 1817. This was fourteen years after Taylor left college. See, Fox, Union College, p. 15. Taylor was president of the organization in 1826. See, Membership list of Phi Beta Kappa at Union College. (Schaffer Library, Union College) MSS. In 1821 Taylor wrote to Thomas Jefferson, "There has been established in Union College Schenectady, N. Y., an A of the ϕ .B.K. Society-Chancellor Kent is now its President and I am one of its members . . ." Ray W. Irwin, ed., "Documents on the Origin of the Phi Beta Kappa Society," William and Mary Quarterly, II ser., xix (1939), p. 476. Taylor was undoubtedly a good student, however, a membership in Phi Beta Kappa fourteen years after leaving school certainly is not irrefutable proof of this.

²⁷Grose, Centennial History, p. 238.

to the New York Bar. Prior to this time, he had worked in the law office of Bleecker and Sedgwich at Albany. While in Albany he met Jane Hodge. They were married on July 10, 1806.²⁸ There is some indication that Taylor was known by New York politicians. On their wedding day, Governor Morgan Lewis and other unidentified state officials called at the Taylor home to pay their respects to the new bride and groom.²⁹ Jane Hodge Taylor was a faithful wife and devoted mother. She reared a family of five sons and three daughters. All survived her except the eldest son, a West Point graduate, who was killed on duty at Fort Towson, Indian Territory.³⁰ Jane Taylor died in 1838, and was buried in the Ballston Spa cemetery.

In 1807, Taylor returned to Ballston Spa. He opened a law office at Court House Hill with Samuel Cook who was an outstanding citizen in Saratoga County. He and James Kent, a New York supreme court judge, were originally responsible for Taylor's interest in law.³¹ Taylor, however, became dissatisfied with law. Although there was no friction between

²⁸Dumas Malone, ed., Dictionary of American Biography, IX (New York: Charles Scribner's Sons, 1958), p. 335.

²⁹Alexander, "John W. Taylor," p. 15.

³⁰Ibid.

³¹Grose, Centennial History, p. 244.

the two partners, Taylor was more interested in other business ventures. He moved his family to Hadley Landing, now Corinth, and engaged as a silent partner in the lumber business. This was when John Taylor first became involved in public service. During his short career in the lumber business, he also served as postmaster and clerk of the town.

It is impossible to determine Taylor's exact wealth. The tax records for the years 1810-1820, were lost except for the year 1817. This record, entitled, Tax List of Freeholders, Ballston Spa, New York, June 7, 1817, does not list John W. Taylor.³² However, there is evidence that his business ventures were successful. In 1812 he began construction of a large two-story house on West High Street, in Ballston Spa. The house was large, even for a community where large homes were plentiful. The mantel and the woodwork were imported from England. The fixtures inside the home were all imported brass.³³

After his return to Ballston Spa in 1812, Taylor became involved in a wide variety of activities including active member and officer in the Masonic Lodge. An important

³²Tax List, Ballston Spa, New York. (Ballston Spa Public Library)MSS.

³³Letter from John Taylor's granddaughter Miss Winifred Louise Taylor to Edward F. Grose in Grose, Centennial History, p. 238.

leader in the religious life of the community, he was an organizer of the Saratoga County Bible Society in August 1815; and in October 1815, he formed and became first president of an auxiliary Bible society in Ballston. Finally, he organized a large Union Sunday School at the Baptist Church in Ballston Spa, and taught an adult Bible class of 134 members.³⁴

Taylor's deep involvement in both Presbyterian and Baptist activities had an impact on his later public views toward slavery.³⁵ Antislavery feelings in America first appeared in those religious communities where the brotherhood of man was most insisted upon. This earlier movement was largely moral and religious.

Servitude, in New York, whether of white indentured servants or of Negro slaves, could not withstand the humanitarian and egalitarian currents rising during the last quarter of the eighteenth century. In New York, local anti-slavery groups emerged to underwrite missions in their own vicinities. The local movement developed gradually after 1810, and by 1826 the societies had joined together to create the American Home Missionary Society. The first Society report

³⁴Ibid., p. 241.

³⁵Ephraim Douglass Adams, The Power of Ideals in American History (New Haven: Yale University Press, 1913), pp. 33-65.

showed 169 missionaries in the United States, with 120 in New York.³⁶ The Society's activities were not exclusively antislavery, but their meetings became settings for speeches and discussions against the institution.

The withering away of slavery in New York State was an important development in the labor history of both the urban and rural regions. New York had a higher percentage of Negroes in its population than any other northern state. In 1790, over eleven thousand Negroes (some free) lived in rural areas. Negroes in Manhattan were servants or unskilled laborers. The fight for emancipation of the slaves was led by the Quakers and some of the old landed families. The fight against emancipation was led by white mechanics fearing that freedom for the Negro would swamp the city with cheap labor.³⁷

An important figure in the New York antislavery movement was Charles G. Finney. He avidly preached the sin of slavery, but he subordinated abolition to revivalism. In his own view, an outright denunciation of slavery would only "roll a wave of blood over the land."³⁸ He believed that

³⁶Whitney R. Cross, The Burned-over District (Ithaca: Cornell University Press, 1950), p. 22.

³⁷Ellis, A Short History of New York State, pp. 185-186.

³⁸Cross, The Burned-over District, p. 225.

slavery must be abolished by a conversion of the slave holder rather than by using the force of government. During the 1830's Finney joined Lewis and Arthur Tappan in New York City's Broadway Tabernacle. From this position, he promoted conversion and gained a dedicated following in New York City.³⁹

The American Home Missionary Society, the Quakers, and men such as Charles Finney and the Tappan brothers played an important part in converting many New Yorkers to abolition. The church was one of the major platforms from which they expounded their views. Baptist churches, such as the one Taylor was associated with in Ballston Spa, could often be obtained for meetings and antislavery lectures.⁴⁰ Elon Galusha, a leading New York clergyman, was preaching the sins of slavery in the area around Ballston long before the subject became a national issue.⁴¹

Success came to these groups in 1785, when the New York Legislature prohibited the importation of slaves for sale. Reflecting the increase in abolition sentiment, the Legislature provided that children of slaves born after July 4, 1799, should have the status of bond servants and eventually acquire complete freedom, (males at twenty-one,

³⁹Louis Filler, The Crusade Against Slavery (New York: Harper and Row Publishers, 1960), p. 32.

⁴⁰Cross, The Burned-over District, p. 223.

⁴¹Ibid.

and females at twenty-five). In 1817, a third act of the Legislature ended slavery in New York. It declared that, "every negro, mulatto, or mustee within this state, born before the 4th day of July, 1799, shall, from and after the 4th day of July, 1827, be free."⁴² In 1841, transients and part-time residents were forbidden to hold slaves within New York. All of the action by the New York Legislature was prior to William L. Garrison's presidency of the American Anti-Slavery Society beginning in 1843. This took place while abolitionism was still based on the Finney principle of conversion of the slave holders. Under Garrison's leadership, the antislavery movement entered its second and more extreme phase.

It is impossible to document the influence that the religious and moral phase of the antislavery activity had on the development of Taylor's philosophy. Nevertheless, it is known that Taylor worked closely for years with various religious groups that were abolitionist.⁴³ Taylor's public views on slavery did not appear at that time. When his

⁴²Ellis, A Short History of New York State, p. 186.

⁴³It must be pointed out that where local congregations and district associations had large degrees of independence, as the Baptists in New York, the antislavery banner was hoisted very early. But, the Methodist, Presbyterian, and even Baptist hierarchy objected to using the church for abolitionist purposes. As late as 1841, the Baptist Register warned against holding an antislavery convention.

antislavery attitudes subsequently appeared in speeches and writings, they would be couched in both moral and religious tones. His speech delivered before the national House of Representatives in February of 1819, reflected the principles and lexicon of the early antislavery movement. Taylor's religious and moral objections to slavery were clearly visible. Charles Finney's ideas of conversion of the slave holder, and a voluntary abolition of the institution were important themes in Taylor's speech.

How often, and how eloquently, have they [slaveholders] deplored its [slavery] existence among them? What willingness, nay what solicitude have they not manifested to be relieved from this burden? How have they wept over the unfortunate policy that first introduced slaves into this country! How have they disclaimed the guilt and shame of that original sin, and thrown it back upon their ancestors! I have with pleasure heard these avowals of regret and confided in their sincerity; I have hoped to see its effects in the advancement of the cause of humanity. Gentlemen have now an opportunity of putting their principles into practice; if they have tried slavery and found it a curse; if they desire to dissipate the gloom with which it covers their land; I call upon them to exclude it from the Territory [Missouri] in question; plant not its seeds in this uncorrupt soil; let not our children, looking back to the proceedings of this day, say of them, as they have been constrained to speak of their fathers, 'we wish their decision had been different' . . . If we reject the amendment [Tallmadge] and suffer this evil, now easily eradicated, to strike its roots so deep in the soil that it can never be removed, shall we not furnish some apology for doubting our sincerity, when we deplore its existence--shall we not expose ourselves to the same kind of censure which was pronounced by the Saviour of Mankind upon the Scribes and Pharisees, who builded the tombs of the prophets and garnished the sepulcheres of the righteous, and said, if they had lived in the days of their fathers, they would not have been partakers with them in the blood of the prophets, while they

manifested a spirit which clearly proved them the legitimate descendants of those who killed the prophets, and thus filled up the measure of their fathers' iniquity? . . . ⁴⁴

Taylor's stand on the slavery question was unquestionably strengthened by his association with New York Representative James Tallmadge. But his basic ideas were formed by events earlier in life.

The question of slavery did not enter into Taylor's political career until after he became a member of the national Congress. Expansion of slavery into the territories was not a factor in his campaign for the New York Legislature, or the United States House of Representatives. In fact, at no time prior to 1815, did Taylor become politically involved with the problems of Negro servitude.

Excluding his brief term as postmaster and clerk of Corinth, Taylor did not begin his political career until 1811. He was continually in office from then until his defeat in 1832. In 1811, the town of Hadley elected him to the state legislature. He served in the legislature from 1812 through 1813.⁴⁵ There were really no issues involved in

⁴⁴Annals of Congress, 15 Cong., 2 Sess., p. 1174.

⁴⁵The Biographical Directory of the American Congress, p. 1694, gives the dates as 1812-1813, however, the Dictionary of American Biography, IX, p. 335, lists 1811-1813 as the dates Taylor was in the legislature. This discrepancy is between the date of election, and the time service began. Taylor began service in 1812.

the campaign for the legislature. As a lawyer, a businessman, a college graduate, and an outstanding civic leader, Taylor, was a logical choice. His election to the legislature aroused little excitement in the village. The Ballston Spa Gazette gave it only a few lines, commenting simply that Taylor was elected, and that he was capable of serving Saratoga County's best interests. Even the Taylor family did not seem too excited over the victory. In a letter dated February, 1812, written by Taylor's uncle to some unidentified family relative, the election rated only casual mention. "John is building him [sic] a house; at their last election he was chosen representative in their legislature"46

Taylor was elected as a Republican, and although the 1812 Assembly had a Republican majority, the Federalist was the most capable party, which included such men as Elisha Williams of Columbia County, the able opponent of Martin Van Buren, and young Daniel Cady, the father of Elizabeth Cady Stanton. The Republican party lacked talent. Alexander Sheldon, the Speaker of the Assembly, had served for years in public life, but was of little use on the floor. Taylor, the youngest member of the Assembly, was an agreeable surprise.

⁴⁶Mayor Richard Cox, of Mt. Holly, New Jersey to unidentified family relative. As quoted by Grose, Centennial History, p. 238.

He was remarkably astute in political matters, "and was the ablest debater that party [Republican party] had in the Assembly."⁴⁷

Three events established Taylor's reputation in the Assembly and resulted in his election to the national Congress. The first involved his college; the second, the charter of the Bank of America; and the third, his break with the party, and his resultant image of political independence.

Realizing Taylor's superiority as a debater, Speaker Sheldon appointed him to investigate the "Union College Lottery No. 2." Public lotteries were then legal in New York. Money from lotteries was used for public improvements, founding colleges, and erecting churches. The lotteries remained a basic method of raising funds until the state finally imposed a tax to provide sufficient revenue for these activities. The state comptroller's settlement of "Union College Lottery No. 2" revealed a loss of \$61,585. Whether the loss was incurred because of bad faith, or poor management, was a matter for Taylor to determine in his investigation. The result of his probe into the lottery indicated corruption by the management. Taylor found that two directors of the lottery had taken large commissions in cash and accepted

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Ballston Journal, September 20, 1854.

worthless notes for amounts due the state. The two men were involved in New York Republican politics, and there was party pressure on Taylor to drop the matter. The party believed that exposure would seriously damage their chances in future elections. Notwithstanding party influence, Taylor recommended prosecution, and convinced the Assembly to instruct the Attorney General to take appropriate action.⁴⁸ This incident established Taylor as a crusader against corruption, and was a basic reason why he was elevated to represent Saratoga County in the House of Representatives.

The period 1791-1812, was characterized by banks and political bribery in New York State. Bank charters were a constant source of controversy throughout the period.⁴⁹ In 1803 and 1805, Republican legislators had been induced to accept premium stock and outright bribes, to vote for the charters of the State Bank of Albany, and the Merchants Bank of New York City.⁵⁰

In 1812, the Federalists sought a charter for the Bank of America. They attempted to overcome Republican opposition by offering to pay the school fund of \$400,000

⁴⁸Alexander, "John W. Taylor," p. 17.

⁴⁹For an account of the years 1791-1812, see Alexander, Political History of the State of New York, I, pp. 186-198.

⁵⁰Ibid., pp. 187-190.

and provide the state treasury with an additional \$200,000. This money would be paid for the guarantee that no other bank would be chartered for twenty years.⁵¹ The bank managers also agreed to loan the state one million dollars at 5% interest.⁵² In a further effort to gain support, they offered bribes to the lawmakers. They even refused DeWitt Clinton a legislative endorsement for President until the bank was chartered. Clinton was ambitious, and his public opposition to the bank ceased. Governor Daniel D. Tompkins opposed the charter of the bank. In a message to the legislature he warned that the bank would:

Facilitate forgeries, drain the country of specie, discourage agriculture, swallow up the property of insolvents to the injury of other creditors, tend to the subversion of government by vesting in the hands of the wealthy and aristocratic classes powerful engines to corrupt and subdue republican notions, relieve the wealthy stockholder from an equal share of contribution to the public service, and proportionally enhance the tax on the hard earnings of the farmer, mechanic and labourer.⁵³

The governor even prorogued the legislature for sixty days in an attempt to defeat the bank. Despite these measures, the lobbyists⁵⁴ had reached too many legislators, and in

⁵¹Ellis, A Short History of New York State, p. 138.

⁵²Alexander, Political History of the State of New York, I, p. 191.

⁵³Ibid., p. 194.

⁵⁴The principal lobbyists were David Thomas of Washington, and Solomon Southwick of Albany. They were both Republicans,

1812 the Bank of America secured its New York charter.⁵⁵

Throughout the struggle over the bank, Taylor took a firm stand. He strongly denounced the bribery connected with the entire affair, and voted against incorporating the bank. Taylor approved of the Governor's action against the bank, but despite Tompkin's opposition and hostile threats from Tammany,⁵⁶ he endorsed Clinton for President. A break with the machine was unusual and attracted considerable attention, and admiration. Taylor realized Clinton's faults, nevertheless, he reasoned that as a middle state, New York was closely related to both the commercial life of the East and the agricultural pursuits of the South. If power could be centered in New York it may be possible to neutralize the developing friction between the two sections.⁵⁷ Taylor believed that the ambitious Clinton was the most appropriate person to accomplish this task. Not only would he make a better war President than James Madison, but he would stimulate trade, strengthen commerce, and encourage the spread of

and very influential among local party managers.

⁵⁵Ellis, A Short History of New York State, p. 138.

⁵⁶At this time, the members of Tammany were also referred to as the Martling Men. The Martling Men were almost identical with the Tammany Society, and the two terms became synonymous.

⁵⁷Alexander, "John W. Taylor," p. 18.

industry.⁵⁸ Whether Taylor's views were correct is of little importance. The significance lies in the fact that Taylor had emerged as a politician in sympathy with a united country, and opposed to machine politicians.

Taylor had little trouble in winning a second term in the legislature. He had won esteem and illustrated his integrity during his investigation of "Union College Lottery No. 2." Among lawyers and politicians he had gained a state-wide reputation as a debater. At home, his popularity had increased because of his denunciation of corruption in government during the scandals connected with the Bank of America, and his stand against the Tammany machine in support of Clinton. This was Taylor's record in two years of public service. It is not surprising, therefore, that even before he had completed his second term in the legislature, the Saratoga County electorate elevated him to Congress.

Taylor completed his work in Albany on April 12, 1813; and on May 20, he began the journey to Washington, D.C.

⁵⁸Ibid.

CHAPTER III

THE MISSOURI CONTROVERSY

John Taylor left a respectable record in the New York Legislature. He fought for principle in the "Union College Lottery No. 2" scandal, and opposed corruption over the charter of the Bank of America. His election to the United States House of Representatives was based on his opposition and exposure of these attempts to defraud the public. While in Congress Taylor obviously pleased his constituents. With only one exception, Sereno Payne from Auburn, Taylor was in the House of Representatives longer than any other New Yorker. During his first eighteen years in Congress, he was never seriously challenged for his seat. Although involved in national politics while in Congress, he maintained a constant interest in his home town. He could be depended upon to return to Ballston Spa for important home town events, and always responded to invitations to speak for holidays and celebrations.

John Taylor had numerous friends in Saratoga County, but his New York legislative career had spawned an active crop of enemies in Albany and New York City. His stand on the bank particularly offended the Federalists. Tammany, Governor Tompkins, and the powerful Livingston family rebuffed Taylor for his support of DeWitt Clinton for President

in 1812. These groups had their revenge when they defeated Taylor's re-election to the House in 1832.

The debates over Missouri's admission to the Union elevated Taylor to a brief position of national prominence. In many respects he is the forgotten man of the Missouri Compromise. A purpose of this chapter is to re-evaluate his participation in the Missouri Compromise, and his position and influence in national issues during the years 1813 to 1818.

John Taylor began the trip to Washington, D.C. from Albany, New York on May 20. The journey lasted four days. Transportation facilities throughout the Union were in a wretched state. The turnpike that Taylor traveled from Baltimore, Maryland to Washington, D.C. was so rough that many travelers could not stand the trip by stage. In 1814, Daniel Webster recommended horse back as the only safe way to travel the turnpike. Throughout the year the nation's crossroads were virtually impassable, and the main roads, even in the East, were good only in the summer. Travel was expensive, and ruts, mudholes, rocks and stumps made every journey a terror.

Anyone visiting the national capital in 1813 was undoubtedly disappointed. It was a city of 8,500 inhabitants, about the same as Albany, New York. There were about 1500 slaves in the capital's population, and the slave pen and

auction block were a conspicuous part of the scenery. Pennsylvania Avenue resembled a country road and, like the roads in the rest of the nation, it was dusty in the summer and muddy in the winter. John Randolph of Roanoke described it as "the great Serbonian bog." The capitol, with its two wings connected by a corridor of rough boards was less than impressive. Historian Gaillard Hunt commented that "the new city was absolutely without friends."¹ According to one lady, the city was "the most disappointing, disheartening conglomerate that ever shocked the pride or patriotism of order-loving, beauty-worshipping woman."²

With the exception of the New York delegation in Congress, Taylor had very few acquaintances in Washington at the time of his arrival. By 1813, social gatherings had become a feature of capital life, and Taylor made friends rapidly. Only a few Congressmen brought their wives to Washington, but Dolly Madison's White House receptions were well attended by members of Congress, diplomats, and other state officials. The courteous, polite and polished young

¹Gaillard Hunt, "Locating the Capital," The Report of the American Historical Association for 1895 (Washington: The United States Government Printing Office, 1896), pp. 289-295. Also, H. P. Caemmerer, Washington, the National Capital (Washington: The United States Government Printing Office, 1932), p. 41., for a further evaluation of the conditions in Washington.

²Hunt, "Locating the Capital," p. 295.

New York Congressman became a regular guest in Washington society. His charm is attested to by the First Lady who believed "There was always something wanting at a dinner or a party if Mr. Taylor was absent."³ When Henry Clay visited the Taylor home in Ballston Spa in later years he once remarked to Taylor's eldest son, "You don't know how popular your father was in Washington."⁴ It is possible to obtain a glimpse of official life in the nation's capital from Taylor's description of a diplomatic dinner that he attended when he was Speaker of the House.

I attended a grand diplomatic dinner given by Mr. Vaughn [the British Minister in Washington] in commemoration of the birth-day of His Britannic Majesty. The presiding officers of both Houses of Congress; the heads of departments and the Foreign Ministers with their secretaries and attaches were their guests. The ministers with their suites were in court dresses, embroidered with gold—all wore swords and carried chapeaux in their hands while waiting in the receiving room for an hour until dinner was announced. . . . The contrast to all the finery of the Diplomatic Corps exhibited in the plain citizens dress worn by Mr. Calhoun and myself, was heightened by the consideration that precedence in rank was assigned to us. . . . The variety and exquisite flavor of the wines; the delicacy of the almost endless succession of dishes; the ingenuity in the forms of their preparation; the superbly wrought and massive plate; the discipline of the numerous and well marshalled waiters and attendants . . . all gave an appearance of stateliness to the ceremony calculated to produce considerable effect. . . . I forgot to mention that the health of the King and President were drank standing, in champagne, between

³Grose, Centennial History, pp. 240-241.

⁴Ibid., p. 240.

the meats and the dessert. We were invited at 5, sat down at 6, and retired at 9. We had green peas brought from Norfolk in Virginia.⁵

Taylor began his congressional career on May 24, 1813, when he took his seat as a member of the House of Representatives in the Thirteenth Congress. He was the youngest of the New York delegates, of which all but four were serving their first term. In fact, the entire House of Representatives was young in experience and age. There were only four Representatives, in the Thirteenth Congress who had served over three terms. John Taylor was only 29, but both John C. Calhoun and Daniel Webster were only 31, and Henry Clay had just turned 37. Only one-half of the representatives were placed on House committees, but Taylor received an appointment as fifth ranking member on the Military Affairs Committee. During his congressional career he also served on the Committee on Foreign Relations, the Committee of Ways and Means, and the Committee on Elections.

John Taylor entered Congress too late to be a War Hawk. The House had voted 79 to 49 for war in 1812, but the majority of the representatives from New York opposed the war.⁶ Taylor became a strong supporter of Henry Clay, and

⁵ Ibid., p. 241.

⁶ On the war vote in the House of Representatives New York voted, 3 for war and 11 against. See Thomas A. Bailey, A Diplomatic History of the American People (New York: Appleton-Century-Crofts, 1964), p. 140.

although he opposed war in general, he vigorously supported every measure to bring the conflict to an honorable peace.

During 1814, the question of military enlistments was constantly before the House. The problem was twofold. It had become difficult to obtain the re-enlistment of servicemen and to lure new men into the regular army. This was because, it was rumored in Washington, that certain sections of the country had rebelled against the war.⁷ Taylor denounced any act that might hinder the war effort, although he said that he did not believe the rumors were true. On Tuesday, January 13, 1814, a bill was introduced to encourage enlistments.⁸ This prompted Taylor to comment that he was glad the House was finally engaging in the important business of the session.⁹ The bill was presented with three major provisions: (1) a proposal to fill the ranks of the regular army, (2) incentives to encourage enlistments, and (3) a provision to authorize the re-enlistment for longer terms of the "men whose terms of service . . . [were] about to expire."¹⁰ The basic means of accomplishing these

⁷Annals, 13 Cong., 1 Sess., p. 933. The sections are not identified in the Annals.

⁸Ibid., p. 928.

⁹Ibid.

¹⁰Ibid.

goals was to raise the pay of servicemen during the war.¹¹

In the debate over the bill, Taylor made an interesting point. He asserted that the question of carrying on the war was far different than the question of embarking upon it. After the war was declared, the country had no alternative but pursue it to an honorable conclusion.

Mr. Taylor said, for the purpose of waging a decisive war he for one should have no objection to enlist young men above eighteen into the army with or without the consent of parents or guardian.¹²

Taylor argued that although he did not believe in the rumors that rebellion against the laws had broken out in certain sections of the country, nevertheless, it was slanderous for any person or area to object to the laws Congress saw fit to pass in the emergency.¹³ The bill to encourage enlistments passed the House 97 to 59. Taylor's position on conscription remained an opinion. He did not attempt to incorporate it into the enlistment bill. His views on the subject flowed

¹¹Ibid., pp. 929-929. The monthly pay of servicemen was to be raised to the following amounts: Sergeant major and quartermaster's sergeant \$14.00, sergeant and principal musician \$13.00, corporal \$12.00, musicians \$11.00, private, driver, bombardier, sapper and miner \$10.00, saddler, carrier not attached to the quartermaster's generals and ordinance departments \$15.00.

¹²Ibid., p. 929.

¹³Ibid., p. 933.

not only the length to which he was willing to go in support of the war, but also his personal indignation toward any person, group, or section of the country that would oppose congressional authority. Taylor believed in the supremacy of the House of Representatives. The doctrine of separate but equal did not enter into his philosophy. Since the House represented the people through their own will, the people had to abide by its decisions. Other branches of government were subservient to the House for the same reason.

The people of the United States are represented no where but in this House. It is for this cause, that every officer in every department of the Government, from the President down to the messenger who distributes these bills upon our tables, is answerable to this authority for the faithful discharge of his duties. Here the voice of the people is, ought to be, and ever will be heard, while one spark of liberty remains to our country. May the day never arrive when their seats shall be occupied by weak, wretched, and ignorant men . . .¹⁴

Although Taylor was in full support of the war effort, even to the point of recruiting soldiers by conscription, he was extremely defensive of the legal rights of the individual soldier. In 1812, corporal punishment in the army was abolished by law. Without it, however, the officers seemed unable to cope with the men and maintain discipline. Taylor, and probably a large portion of the House, became aware that when corporal punishment was abolished,

¹⁴Annals, 14 Cong., 2 Sess., p. 595.

new and unusual forms of punishment were introduced into the army. In many instances, the new methods were more injurious than the practices under the old system. As more and more incidents of individual cruelty became known to Congress, Taylor decided to act. On January 20, 1814, he introduced a resolution that

the Committee on Military Affairs be instructed to revise so much of the rules and articles for the government of the armies of the United States as relates to the punishment of offences.¹⁵

The resolution was passed, and the report from the committee was a stinging rebuff for the unusual methods of punishment that had been employed by the army.

At the same time that Taylor succeeded in his fight for the rights of the individual soldier, he also proved his ability to move legislation rapidly through Congress. In 1814, the attorney general provided the only legal advice available to Congress. It was the practice of many federal attorney-generals to be in Washington only when their jobs demanded it. This was not true of most states which required their attorney-generals to be in the state capital during sessions of the legislature. Taylor believed that since it was necessary for Congress to deal consistently with pre-existing laws, the national government should follow state

¹⁵Ibid., pp. 1058-1059. The resolution passed the House 90 to from 30 to 40 against.

policy. With this in mind, Taylor moved

that the Committee on the Judiciary be instructed to inquire into the expediency of making it the duty of the Attorney General of the United States to keep his office at the seat of Government during the session [sic] of Congress . . .

Rather than allow his proposal to be detained by the committee, Taylor called for the question, and with no debate won unanimous approval from the House.¹⁶

Taylor's ability to marshal support for legislation, and move bills rapidly through Congress earned him the unofficial position of party whip. The official party position of whip did not come into being until 1899. In 1811, John Eppes of Virginia became the first whip. After Eppes, Taylor assumed the responsibility and became the second whip in the history of the House of Representatives. Taylor, and many of his colleagues, realized the importance of having a party member responsible for sounding out opinion, and keeping track of those absent, so the party leaders would know how to calculate House votes.¹⁷

The case of Hammond v. Herrick of Ohio showed the importance of Taylor's role as whip. In 1816, Samuel Herrick held the office of United States district attorney and was, in the same year, elected to Congress. He resigned his

¹⁶Ibid., pp. 852-853.

¹⁷Neil MacNeil, Forge of Democracy (New York: David McKay Company, 1963), pp. 97-98.

position on November 29, 1817, two days before Congress convened. The question arose whether Herrick could now take his seat in Congress after holding the office of district attorney nine months after his congressional term began. Some members held that he was in violation of the Constitution in that "no Person holding any Office under the United States shall be a Member of either House during his continuance in Office."¹⁸

Taylor held that the election only designated the person who could claim the seat. The actual membership did not begin until the oath of office was administered. The committee investigating the case reported that membership began after the oath, and since Herrick resigned the office of district attorney before he received the oath, he was qualified to take his seat. The House was split over the report but an initial count showed sixty-seven against and sixty-six for. It was through Taylor's vigilance as a whip that the House finally seated Herrick (77 to 74).¹⁹ Through Taylor's efforts, a useful precedent was established in the House of Representatives. In 1863, Major-General James A. Garfield was elected to the House. By invoking the precedent established in Hammond v. Herrick, Garfield was able to keep

¹⁸The Constitution of the United States, Article I, Section VI.

¹⁹Alexander, "John W. Taylor," pp. 22-23.

his position in the army for a year after his election. He resigned only three days before taking the oath for the House.

As a member of the House of Representatives, Taylor continued his attacks against corruption in government. During the War of 1812, he opposed any policy or bill that would have allowed the states or private citizens to make excessive profits from the war.

On December 7, 1813, President James Madison delivered his State of the Union message to Congress. It contained six major points including, foreign affairs, military affairs, naval affairs, revenue, the war, and the militia. Taylor made the customary motion that the six points of the message be referred to select committees for review.²⁰ Point number five to Taylor's motion was, "Resolved, That so much of the President's Message as relates to a revision of the Militia laws, be referred to a select committee."²¹ Taylor was appointed chairman of the select committee to study revisions and make proposals on the militia laws.²² The most controversial question on reform was over expenses. John C. Jackson of Virginia proposed to the committee that the national

²⁰Annals, 13 Cong., 1 Sess., p. 783.

²¹Ibid., pp. 784-785.

²²Ibid., p. 785.

government pay the state expenses for preparing and assembling their quota of men requested for federal duty.²³ He argued that the expenses incurred by the states while calling the militia, and marching them to the rendezvous point were a just claim against the national government. Taylor opposed the suggestion because at that time no agency of the government had the apparatus to audit the claims of the states and judge which were just and to be paid. Taylor believed that such a proposal would subject the government to payment of improper expenditures, and open a new and uncontrolled area of profiteering by corrupt and unscrupulous state officials. Taylor and Jackson could not agree, and the proposal was finally incorporated into the militia bill as a compromise measure.

Resolved, That the expenses incurred or to be incurred by marching the militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, shall be adjusted and paid in like manner as the expenses incurred after such rendezvous by the requisition of the President of the United States: Provided, That nothing herein contained shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after such rendezvous.²⁴

²³The practice was for the national government to pay the expenses of the militia only after they were assembled and marched to a specific destination.

²⁴Annals, 13 Cong., 2 Sess., pp. 1026-1027. The vote in the House on the bill was 88 for and 53 against.

The question was not whether Jackson's or Taylor's position was correct. It was shades of Taylor's earlier position on the "Union College Lottery No. 2." and the Bank of America. Taylor always believed that corruption in government was intolerable, but he now even opposed the policies that might have opened an avenue for corrupt practice.

John Taylor believed that service to the government was a privilege as well as a responsibility. In the first session of the Fourteenth Congress a compensation law had passed the House. This bill granted House members \$1,500 a year for their services, instead of the customary six dollars per day. Taylor opposed the measure on the belief that it was not necessary to pay great wages to bring distinguished men to the House. Any person who left the Congress because of low wages could not be induced to return for fifteen hundred dollars a year. He believed that capable men would desire service in the House, and no substantial wage should be offered as an inducement.²⁵ It must be remembered that Taylor was living and thinking in an age when the educated and landed aristocracy naturally gravitated into politics. After the Civil War, this class would enter industry and avoid politics.

John Taylor was a patriot. He believed that the highest honor in the country was to have fought in the

²⁵Annals, 14 Cong., 2 Sess., pp. 594-599.

American Revolution. To the old soldiers he used to say, "To have contributed in your measure . . . is distinction enough to satisfy the highest aspirations of a patriot's bosom."²⁶ Like some patriots, Taylor had his moments of patriotic irrationalism. A navy officer once informed him that the United States flag could be seen and recognized on the ocean at a greater distance than that of any other nation. However, if the stars were increased, the flag would become less distinct to distant observation. Taylor was proud that the nation's flag held such a distinction and wanted to prevent the United States from losing the honor. He immediately proposed that the flag be restored to its original thirteen stars and stripes and a law be passed to establish it permanently the same.²⁷ As someone undoubtedly pointed out, the ability to recognize the flag at a great distance on the open seas might also have serious disadvantages. This would be especially true in time of war. The motion failed.

In 1817, Taylor became involved in a controversy that alienated some of his New York support. On December 11, 1816, Indiana was formally admitted to the Union. Before that time, however, Indiana had chosen electors to vote for

²⁶Grose, Centennial History, p. 180.

²⁷Annals, 14 Cong., 2 Sess., pp. 268-269.

President and Vice President in the 1816 election. When Congress assembled on February 12, 1817, to formally count the electoral votes for President, Taylor objected to Indiana's votes being counted. He argued that,

The joint resolution of December last, admitting that State [Indiana] into the Union, was not a matter of form merely, but a great Constitutional prerogative, to be exercised by Congress; until which, a sister State could not be admitted into the Union upon an equal footing. If this was not so, where was the use of passing on the form of Government adopted by the State, and sanctioning her admission, if she was admitted to an equal footing already? The Electors of President and Vice President having been elected in Indiana before she was declared to be admitted into the Union by Congress, he thought the votes of that State were no more entitled to be counted than if they had been received from Missouri, or any other Territory of the United States. . . . The votes of Indiana, having been given previous to her admission into the Union, were illegal, and ought not to be received.²⁸

Taylor presented an interesting case, but he was defeated when Samuel D. Ingham of Pennsylvania moved that the resolution be indefinitely postponed. This motion met with almost unanimous agreement.²⁹ Indiana cast her three votes for James Monroe of Virginia for President, and Daniel D. Tompkins of New York for Vice President.³⁰ Relations between Tompkins and Taylor had already been strained over

²⁸Ibid., pp. 945-946.

²⁹Ibid., p. 949.

³⁰Electoral votes in 1817 were as follows: For President—James Monroe 183, Rufus King 34. For Vice President—Daniel Tompkins 183, John E. Howard 22, James Ross 5, John Marshall 4, Robert G. Harper 3.

Taylor's earlier support of DeWitt Clinton.³¹ This episode only served to widen the gap to Taylor's disadvantage.

From November 1818, until February 1819, Taylor was inactive in legislative matters. During these months, he was preparing for the largest fight of his career; opposition to slavery in the territory of Missouri.

The United States acquired what is now Missouri as a part of the Louisiana Purchase treaty of 1803. Slavery had existed throughout the territory under French and Spanish rule, and the American government promised to maintain and protect the inhabitants in the free enjoyment of their liberty, property, and religion.³² The term property presumably included slaves. Between the years 1803 and 1820, there was a large influx of slaveholding immigrants into Missouri. In 1803, Missouri had just over 3000 slaves, as compared to ten thousand by 1820.³³ Until 1819, the Congress did nothing to curtail the extension of slavery into Missouri territory.³⁴

³¹See page 24.

³²Hunter Miller, ed., Treaties and Other International Acts of the United States of America II (Washington: The United States Government Printing Office, 1931), p. 501.

³³Richard T. Stevenson, The History of North America XII (Philadelphia: George Barrie and Sons, 1905), p. 183.

³⁴There was an outburst over slavery in 1812, when Congress raised Missouri to the second grade of territories. Representative Abner Lacock of Pennsylvania introduced a

In 1816, Missouri was elevated to the highest rank of territories, and the next year the people of Missouri petitioned Congress for admission to statehood.³⁵ During 1818-1819, the question of admission was considered by Congress. On February 13, 1819, the House resolved itself into a Committee of the Whole to consider bills to enable the people of Missouri to form state governments. During the debate over Missouri, James Tallmadge, Jr., moved to amend the bill in the following manner:

And provided also, That the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes, whereof the party shall be duly convicted; and that all children of slaves, born within the said state, after the admission thereof into the Union, shall be free but may be held to service until the age of twenty-five years.³⁶

With the introduction of this proposed amendment to the Missouri enabling bill, James Tallmadge received the distinction of precipitating the Missouri controversy. Tallmadge

motion to prohibit the admission of slaves into the territory. The motion only received seventeen votes. See, Annals, 12 Cong., 1 Sess., p. 1248. The debate at that time was not recorded. Joseph Gales and William Seaton, who were in charge of reporting the congressional addresses, were not always thorough in their work. Many times their reporter arrived late, or was absent from the entire proceedings. At some places they simply record that a congressman spoke in an inaudible tone.

³⁵Annals, 15 Cong., 1 Sess., pp. 591, 840, 1391-1392.

³⁶Annals, 15 Cong., 2 Sess., I, p. 1170.

did not work alone, and much of the responsibility belonged to his friend and colleague, John Taylor. Tallmadge was the first to admit this. In a letter to John Taylor he stated, "The Missouri Bill . . . is our child-& with me a Darling favourite."³⁷ Tallmadge regarded himself and John Taylor as the parents of the antislavery amendment. The two men had worked together, but they were secretive, and it is impossible to trace the background of the amendment.³⁸

Samuel Eliot Morison has charged that the amendment was based on political considerations; not a sincere desire to retard the growth of slavery or prevent its expansion into the territories. According to Morison, "Surviving Federalist politicians and Republicans of the Middle states saw an opportunity to create a solid North; to 'snatch the sceptre from Virginia.'" He believes that "fear of a Federalist renaissance caused enough Northern Republicans to defect from antislavery to pass a compromise measure."³⁹ Morison

³⁷James Tallmadge, Jr., to John W. Taylor, December 4, 1820. John W. Taylor papers, The New York Historical Society as quoted by Glover Moore, The Missouri Controversy (Lexington: The University of Kentucky Press, 1953), p. 33.

³⁸George Dangerfield, The Awakening of American Nationalism (New York: Harper and Row, 1965), p. 107.

³⁹Samuel Eliot Morison, The Oxford History of the American People (New York: Oxford University Press, 1965), pp. 404-405.

undoubtedly based his opinion on the fact that there was an effort made in the debate by Henry Clay, Philip Barbour, and others, to belittle the opposition to slavery expansion as an effort of the Federalists to recover ground lost during the War of 1812. In reality, little or no politics was involved.⁴⁰ Neither Tallmadge nor Taylor were Federalists. In 1820, there were only 25 Federalists in the total House of Representatives' membership of 186.⁴¹ Taylor was an ambitious politician, but his political aspirations did not reach beyond the House. Undoubtedly he was later happy with the Speaker's position; but he was smart enough to realize that he could never defeat Henry Clay.⁴² Taylor's position on slavery was sincere, and based on a philosophy developed earlier in life.

⁴⁰See Dwight L. Dumond, Antislavery (Ann Arbor: The University of Michigan Press, 1961), pp. 102-108. Also, Moore, Missouri Controversy, pp. 33-65.

⁴¹Dumond, Antislavery, p. 382.

⁴²In 1823, when the opportunity presented itself, Taylor declined to run against Henry Clay for Speaker of the House. Hubert B. Fuller, The Speakers of the House (Boston: Little, Brown, and Company, 1909), p. 53. George Dangerfield presents an unsubstantiated claim that Taylor "was a politician through and through, and . . . believed that a stand on slavery would increase his political influence." See, Dangerfield, American Nationalism, p. 108. It must be remembered that in Saratoga County, where it counted, Taylor's political influence was never in jeopardy.

James Tallmadge represented well educated and politically active Negroes in New York.⁴³ But, there is no evidence that the Negro vote had any relation to the amendment or his general philosophy toward slavery.⁴⁴

The South was unprepared for the Tallmadge Amendment. It came as a total surprise. Thomas H. Benton, a later opponent of secession, commented that John Scott who was Missouri's territorial delegate in Congress, learned of the amendment, "at a late period, at second hand, through the medium of a foreigner, the Portuguese ambassador."⁴⁵ The supreme irony is that Taylor himself was unaware of the important role he was to play in the debate. This was not due to poor management, but rather to the unexpected illness of James Tallmadge after the amendment was introduced.⁴⁶ It was up to Taylor and Elijah Mills of Massachusetts to carry

⁴³Dumond, Antislavery, p. 382.

⁴⁴Dangerfield submits that "Tallmadge may have offered his amendment because his conscience was affronted, and for no other reason." See Dangerfield, American Nationalism, p. 108. Moore agrees with this position and submits that while, "more of a politician than a statesman, Tallmadge did have deep convictions and seems to have been motivated primarily by humanitarian and patriotic considerations in opposing the extension of slavery to new states." See Moore, Missouri Controversy, p. 38.

⁴⁵Ibid., p. 40.

⁴⁶Tallmadge presented his amendment the same day he returned from New York after attending the funeral of his son. He became ill shortly thereafter.

the brunt of the fight. In Taylor's remarks to the House, he explained that he could not do justice to the subject, "owing in part to the unexpected manner in which it was taken up."⁴⁷

Henry Clay opposed the amendment and attempted to have it thrown out. His attitude toward slavery was a combination of theoretical dislike and practical tolerance.⁴⁸ Clay was a founder of the American Colonization Society which formally began in Washington on December 21, 1816.⁴⁹ However, other than this plan to colonize free Negroes in Africa, Clay was unable to find a solution to the slavery issue.⁵⁰ Clay argued that the Tallmadge Amendment should be withdrawn on the ground of humanity. To this charge Taylor replied,

The humanity to which he appeals is base coin; it is counterfeit, it is that humanity which seeks to palliate disease by the application of nostrums, which scatter its seeds through the whole system--which saves a finger today, but amputates the arm tomorrow.⁵¹

⁴⁷Annals, 15 Cong., 2 Sess., p. 1179.

⁴⁸Glyndon G. Van Deusen, The Life of Henry Clay (Boston: Little Brown and Company, 1937), pp. 137, 220.

⁴⁹Ibid., p. 137.

⁵⁰Ibid., p. 425. Clay died without resolving the Negro issue. In his will, he left provision for sending his slaves back to Africa. See pp. 419-420.

⁵¹Stevenson, History, XII, pp. 184-185. Also, Annals, 15 Cong., 2 Sess., p. 1175.

Taylor believed that it was "ruinous economics" and "worse morals" to allow the extension of slavery. His argument in favor of the Tallmadge Amendment was based on three premises.⁵² First, it was immoral to allow the extension of slavery into Missouri, second, Congress had the constitutional power to pass the amendment, and third, it was expedient to do so.

Taylor began his address with the assertion that the amendment was not just a question for the people of Missouri. The decision of the House would, "decide the destiny of millions." The territory west of the Mississippi was vast, and many states would eventually be formed from it. It was the people of Missouri who were "to set in motion the machine of free government beyond the Mississippi." He reminded his colleagues that,

Our votes this day will determine whether the high destinies of this region, and of these generations, shall be fulfilled, or whether we shall defeat them by permitting slavery, with all its baleful consequences, to inherit the land.⁵³

Taylor attempted to prove that Congress had the constitutional power to prohibit the future introduction of slaves into Missouri before admitting it to statehood. He based his argument on the provision that "New States may

⁵²For the full text of Taylor's address, see appendix or Annals, 15 Cong., 2 Sess., pp. 1170-1179.

⁵³See Annals, 15 Cong., 2 Sess., p. 1170 in appendix.

be admitted by the Congress into this Union . . ."⁵⁴ Taylor believed that this provision was discriminatory in its intent; because obviously, Congress might admit new states, or refuse to admit them. He argued that if Congress could refuse to admit a state, it could certainly prescribe rules under which a new state might be admitted. Again he based his argument on the Constitution. "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."⁵⁵ This power had never before been questioned. Ohio had been admitted to the Union in 1803, with the stipulation that nothing in the state's constitution should be contradictory to the Northwest Ordinance of 1787. Article six of the Ordinance stated,

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted.⁵⁶

Congress had also prohibited slavery in Indiana and Illinois by application of the Northwest Ordinance. To add further support to his claim, Taylor stated that in 1811, Congress

⁵⁴The Constitution of the United States, Article IV., Section III.

⁵⁵Ibid.

⁵⁶Annals, 15 Cong., 2 Sess., p. 1172 in appendix. See Henry S. Commager, ed., Documents of American History (New York: Appleton-Century-Crofts, 1963), pp. 128-132, for the full text of The Northwest Ordinance.

had required the people of Orleans Territory to establish trial by jury, and even make English their official language before allowing them to form a constitution and state government.

After his proof that Congress had the right to place restrictions on a territory before admission, he then proceeded to show that doing so in the case of Missouri was expedient. Taylor declared that Southerners had long regretted the existence of slavery. But, they had blamed their ancestors for the shame and guilt of the institution, and had taken none of the responsibility themselves. If slavery were permitted in Missouri, future generations could look back "to the proceedings of this day, say of them, as they have been constrained to speak of their fathers, 'we wish their decision had been different.'" If slavery were permitted in the land west of the Mississippi River, Taylor argued that slaves would continually be smuggled in from Africa in violation of the laws prohibiting the foreign slave trade.⁵⁷

⁵⁷At the time of the Missouri controversy, many slaves were being smuggled into the United States. See William E. B. Du Bois, The Suppression of the African Slave-Trade to the United States of America 1638-1870 (New York: Longmans, Green and Company, 1896), pp. 108-130. On March 3, 1819, Congress saw fit to amend the act prohibiting the foreign slave trade. See Dumond, Antislavery, pp. 128-129.

While a negro man is bought in Africa for a few gewgaws or a bottle of whiskey, and sold at New Orleans for twelve or fifteen hundred dollars, avarice will stimulate to the violation of your laws.⁵⁸

Taylor also argued that southern migration to Missouri would be retarded no more without slavery, than northern migration would with it. He charged that the South with its slave system had degraded labor, and no northern white laborer would go to Missouri to be ranked with a Negro slave. Taylor illustrated his point in an attack on Henry Clay.

I cannot better illustrate this truth than by referring to a remark of the honorable gentleman from Kentucky. . . . With what abhorrence did he speak of the performance, by your wives and daughters, of those domestic offices which he was pleased to call servile! What comparison did he make between the "black slaves" of Kentucky and the "white slaves" of the North; and how instantly did he strike a balance in favor of the condition of the former! If such opinions and expressions, even in the ardor of debate, can fall from that honorable gentleman, what ideas do you suppose are entertained of laboring men by the majority of slaveholders?⁵⁹

Taylor argued that physical labor was believed disgraceful in slave states, and the truth of that statement was found in the fact that only slaveholders were holding public office in the South.

When have we seen a Representative on this floor, from that section of our Union, [South] who was not a slaveholder? Who but slaveholders are elected to their State Legislatures? Who but they are appointed to fill their executive and judicial offices? I appeal to gentlemen, whether the selection of a laboring man,

⁵⁸Annals, 15 Cong., 2 Sess., p. 1175 in appendix.

⁵⁹Ibid., p. 1177.

however well educated, would not be considered an extraordinary event?⁶⁰

Taylor commented that he objected to any system that had the net effect of "rendering labor disgraceful."

Taylor then attacked the views of Representative Philip Barbour of Virginia who had argued that the Tallmadge Amendment would reduce the price and diminish the sale of public land in Missouri. He compared the agricultural conditions in Maryland to those of the free states of New York and Pennsylvania, stating that land in Maryland could be purchased for five or six dollars an acre, while similar land in New York sold "at a rate ten times higher."

Who has travelled along the line which divides that State [Maryland] from Pennsylvania, and has not observed that no monuments are necessary to mark the boundary; that it is easily traced by following the dividing lines between farms highly cultivated and plantations laying open to the common and overrun with weeds; between stone barns and stone bridges on one side, and stalk cribs and no bridges on the other; between a neat, blooming, animated, rosy-cheeked peasantry on the one side, and a squalid, slowmotioned, black population on the other? Our vote this day will determine which of these descriptions will hereafter best suit the inhabitants of the new world beyond the Mississippi.⁶¹

After Taylor spoke, the debate was continued by Timothy Fuller and Arthur Livermore.⁶² Both men demanded

⁶⁰Ibid.

⁶¹Ibid., p. 1178.

⁶²See Annals, 15 Cong., 2 Sess., pp. 1179-1193, for the full text of both speeches.

the exclusion of slavery from Missouri, but unlike Taylor they qualified their remarks by admitting that Congress had no right to interfere with slavery in the states where it was already established. On February 15, the Committee of the Whole decided to incorporate the Tallmadge Amendment in the Missouri bill by a vote of 79 to 67.⁶³

The second session of the Fifteenth Congress was also involved with allowing slavery in the Arkansas Territory. In 1820, Arkansas had a population of 14,273. There were 12,579 white residents, fifty-nine free Negroes, and 1,617 slaves.⁶⁴ Taylor played an important role in the debate over Arkansas. In many respects, the debate was similar to the one over Missouri, however, it differed in one fundamental aspect. In the case of Arkansas, Congress was asked to impose conditions on a territorial government. When Congress began debate, John Taylor proposed an amendment to the Arkansas bill which would prohibit the existence of slavery in the territory.⁶⁵ The vote over the Taylor Amendment indicates the extreme sectionalism that had developed over the slave issue. The main objection to Missouri's admission

⁶³Ibid., p. 1193.

⁶⁴Bureau of the Census, Historical Statistics, a statistical abstract supplement (Washington: United States Government Printing Office, 1961), p. 13.

⁶⁵Annals, 15 Cong., 2 Sess., pp. 1222, 1231. The Amendment was similar to the Tallmadge Amendment.

as a slave state was that it lay in the same latitude as Ohio, Illinois and Indiana. In the opinion of the South, the location of Arkansas likewise raised objections to prohibiting slavery. From a constitutional viewpoint, the North had a better argument in Arkansas than Missouri. Many Southerners agreed that Congress could prohibit slavery in a territory, but not in a state. The South won the fight and defeated the Taylor Amendment. The vote in the House was close and sectional in character.⁶⁶

⁶⁶The vote by states on the question of striking the Taylor Amendment from the Arkansas bill on February 19. Ibid., pp. 1273-1274.

<u>STATE</u>	<u>YES</u>	<u>NO</u>
New Hampshire	1	4
Vermont		5
Massachusetts	4	14
Rhode Island		2
Connecticut		7
New York	3	24
New Jersey	2	4
Pennsylvania	1	22
Ohio	3	3
Indiana		1
Illinois	1	
Delaware	1	1
Maryland	8	
Virginia	23	
North Carolina	13	
South Carolina	7	
Georgia	6	
Kentucky	9	
Tennessee	5	
Mississippi	1	
Louisiana	1	
TOTAL.	89	87

The most important thing about the Arkansas bill was that it indicated that compromise was possible in the question of Missouri. Taylor had failed to prohibit slavery in Arkansas, but he felt it might be possible to prevent slavery in Missouri. With this in mind, he proposed an amendment to the Arkansas bill to prevent the future introduction of slaves into any territory lying north of 36° 30'.⁶⁷ This was the southern boundary of Missouri. The amendment started a chain reaction among other Congressmen who agreed with Taylor's ideas, but had other lines in mind. Taylor finally realized that the House could not agree on 36° 30', or any other line of compromise and withdrew his proposal.

When the Sixteenth Congress convened on December 6, 1819, there was still no solution to the Missouri controversy. John Taylor suggested that a special committee of seven be established to resolve the question to the satisfaction of both sides.⁶⁸ Unfortunately, Taylor was appointed to head the committee, and it was obvious from the start that he was a poor choice. The South regarded Taylor as a radical and fanatic where matters of slavery were concerned. Because of his proposal of 36° 30' in the previous Congress, many Northerners believed Taylor would go too far toward compromise.

⁶⁷Ibid., pp. 1280-1282.

⁶⁸Annals, 16 Cong., 1 Sess., pp. 732, 734-735.

The Taylor committee solved nothing, and on December 28, 1819, it was discharged from any further consideration of the matter.⁶⁹ If Congress had been wiser in its selection of a chairman; or if Taylor, himself, had been willing to admit that he was the wrong person to affect a solution, the Missouri question may have been resolved in 1819. Partly because of this blunder, and partly because both sides were not yet convinced that compromise was necessary, the Missouri situation was not resolved until 1821.

⁶⁹Ibid., pp. 801-802.

CHAPTER IV

SPEAKER OF THE HOUSE OF REPRESENTATIVES

After living a dozen years in New York, I don't pretend to comprehend their politics. It is a labyrinth of wheels within wheels, and it is understood only by the managers.¹

This was the conclusion of Oliver Wolcott, a Secretary of the Treasury in George Washington's cabinet, and a governor of Connecticut. He was referring to the political struggles in New York during the early part of the nineteenth century. Lee Benson, in his study of New York politics, expressed the opinion "that the 'managers' were almost equally baffled when they contemplated that 'vast deep,' that 'most unfathomable of subjects, the politics of the State of New York.'"² In the early nineteenth century, the Republican party was divided into factions and, at the same time, absorbing the declining Federalists. Therefore, "The decade after 1816 stands out as a period of great confusion, even in a state where confusion is the political norm."³

This chapter is not an analysis of the "labyrinth of wheels within wheels" in an attempt to straighten the intricate

¹As quoted in Alexander, Political History of the State of New York, I, p. iii.

²Lee Benson, The Concept of Jacksonian Democracy: New York as a Test Case (Princeton: Princeton University Press, 1961), p. 3.

³Ibid., p. 4.

maze, although it is evident that someone should. The purpose of this chapter is to analyze John Taylor's career as Speaker of the House of Representatives during the years when New York politics was in turmoil. It attempts to determine which of the many political factions were responsible for his defeat, and why.

On November 20, 1820, the second session of the Sixteenth Congress opened in Washington. It seemed evident that the entire struggle over Missouri would be rejoined. It was impossible to determine the stand which the antislavery members would take, but there were indications that they believed that no compromise on slavery was possible.⁴ Even with these signs of further conflict in evidence, some politicians misjudged the situation. John C. Calhoun, who had just returned from a northern trip, was convinced that the Missouri debates, even if they continued, did not indicate that a North and South power struggle was imminent. Calhoun believed that a few men in the North had drummed up the Missouri question to increase their own political power.

We to the South ought not to assent easily to the belief, that there is a conspiracy either against our property, or just weight in the Union. A belief of the former might, and probably would, lead to the most disastrous

⁴An anonymous pamphlet published in Connecticut in October maintained that the compromise of 1820 was not binding on the North since it was a fraud and dealt with a subject on which no compromise could be made without violating principle and duty. See, Moore, Missouri Controversy, p. 138.

consequence. Nothing would lead more directly to disunion with all of its horrors. That of the latter would cooperate, as it appears to me, directly with the scheme of the few designing men to the north, who think they see their interest in exciting a struggle between the two portions of our country. If we, from such a belief, systematically oppose the north, they must from necessity resort to a similar opposition to us. Our true system is to look to the country; and to support such measures and such men, without regard to sections as are best calculated to advance the general interest. . . . Should emancipation be attempted it must, and will be resisted at all costs, but let us be certain first that it is the real object, not by a few, but by a large portion of the non slave holding states.⁵

Calhoun was wrong. He had underestimated the sectional feelings about slavery in Missouri.

On March 15, 1820, Henry Clay wrote a private letter to Langdon Cheves, the "Hercules of the United States Bank" and former Speaker of the House (1814-1815), stating that it was his intention to resign his House seat at the close of the session. The reason Clay gave Cheves was a debt incurred by a "reduction of rents and a still greater depression in the value of all property."

The obligations, imposed on me by this unexpected creation of debt and by the relations in which a parent and a husband stands, have determined me to recommence the practice of the Law.⁶

⁵John C. Calhoun to Charles Tait, October 26, 1820, as quoted by Charles M. Wiltze, John C. Calhoun: Nationalist (New York: The Bobbs-Merrill Company, 1944), p. 219.

⁶James F. Hopkins, ed., The Papers of Henry Clay II (Lexington: The University of Kentucky Press, 1961), p. 795.

Some historians cite gambling debts as the real reason for Clay's resignation.⁷

The selection of a Speaker to succeed Clay was one of the first orders of business in the second session. Contrary to what Calhoun thought, the House chose sides on the basis of the slave issue. The contest for Speaker lasted three days, and the principal contenders were John Taylor, and the South's able champion, William Lowndes. Taylor ran on a platform of protective tariff, internal improvements, and opposition to the extension of slavery.⁸ The race for Speaker also included John Sergeant of Pennsylvania, and Samuel Smith of Maryland. After seven ballots the House still could not agree and decided to adjourn.⁹ Smith and Sergeant had just enough support to keep either Lowndes or Taylor from securing the necessary majority. The next day, there was still no decision.¹⁰ Finally, on November 15, 1820,

⁷See Dangerfield, American Nationalism, p. 132. Van Deusen, in his biography of Henry Clay, does not mention gambling debts as the reason for the resignation. He refers to the cause simply as, "Pressing business matters," Glyndon G. Van Deusen, The Life of Henry Clay (Boston: Little Brown and Company, 1937), p. 140. Clay was in debt several times because of gambling, and his well known love of the sport makes it a possibility that gambling was a factor in his resignation.

⁸Hubert Bruce Fuller, The Speakers of the House (Boston: Little, Brown, and Company, 1909), p. 51.

⁹Annals, 16 Cong., 2 Sess., p. 435.

¹⁰Ibid., pp. 436-437.

Taylor was elected Speaker of the House on the twenty-second ballot.¹¹ The election was close; on the seventeenth ballot Lowndes had been only one vote from victory. There were other issues involved in the selection of the Speaker, but Lowndes himself attributed his defeat to the slavery question.¹² Since the beginning of the nineteenth century the South had dominated the position of House Speaker; eight Congresses had southern Speakers and only two had Northerners. Before 1819, this was insignificant, but the Missouri Compromise had increased sectional feeling, and suddenly, whether a Northerner or Southerner was Speaker became very important. By 1819 most northern Representatives resented southern domination, and in 1820 they made a stand to turn the tide.

Taylor's election was greeted with approval from Northerners, and condemnation from Southerners. Representative Solomon Van Rensselaer of New York wrote that

we have received one great victory in the choice of Speaker, which like the Allies over Bonaparte, has given our ranks confidence; and I hope and believe we will put down the Missouri Constitution.¹³

Senator John Walker of Alabama commented that

The South may write Ichabod on its banner-'the glory is departed.' We shall have no more slaveholding

¹¹Ibid., pp. 437-438.

¹²Moore, Missouri Controversy, p. 140.

¹³Ibid.

Presidents, and henceforth we must be content to choose between the Clintons and the Tompkins-the Candidates whom the free States may deem fit to propose.¹⁴

James Madison, who did not personally oppose Taylor, regretted that the selection of the Speaker should be based on sectional alignments and antagonisms.

I infer from the language of your letter that the contest for the Chair terminated in favor of Mr. Taylor, and that it manifested a continuance of the spirit which connected itself with the Missouri question at the last session. This is much to be regretted, as is the clause in the constitution of the new State, which furnishes a text for the angry & unfortunate discussion. . . . Would it not be a better course to suspend the Admission until the people of Missouri could amend their constitution; provided their so doing would put an end to the controversy and produce a quiet admission at the ensuing session.¹⁵

Taylor was an able man, but he was dwarfed by the fame of his predecessor, and by his own actions. The northern newspapers and Congressmen did not proclaim victory because of Taylor's election for very long. The antislavery forces received very little advantage from Taylor's position. Until 1820, Taylor had been the leader of the antislavery forces in Congress.¹⁶ He had served as whip, making the motions, keeping track of absentees, and sounding out votes

¹⁴Ibid.

¹⁵James Madison to James Monroe November 19, 1820. Gaillard Hunt, ed., The Writings of James Madison 1819-1836 IX (New York: G. P. Putnam's Sons, 1910), pp. 30-31.

¹⁶Moore, Missouri Controversy, p. 141.

for the roll call. As Speaker, his policy resembled that of the Speaker of the British House of Commons rather than Speaker of the House of Representatives. As Moore comments, "Taylor . . . soared away to Olympian heights of objectivity."¹⁷ He served no party and seemed to nourish no resentment against the South. He appointed many Southerners to committees. Moreover, when Henry Clay returned to Congress in 1821, Taylor did nothing to block his efforts toward sectional compromise.¹⁸

Taylor did everything in his power to remain objective. In a letter to his wife dated February 20, 1821, Taylor mentioned the fact that his constant aim was impartiality.¹⁹ There may be several reasons why Taylor deserted the anti-slavery forces, and left John Sergeant to lead the House antislavery party. If Taylor had taken a stand on slavery to increase his own political position, as George Dangerfield suggests,²⁰ he had achieved his goal, and it was no longer necessary to continue supporting the antislavery forces. However, with the South still opposed to him because of Missouri, and the antislavery forces now suspecting him of

¹⁷Ibid.

¹⁸Ibid.

¹⁹Dangerfield, American Nationalism, p. 133n.

²⁰Ibid., p. 108.

indifference, it should have been evident that his chances of re-election were slim. Taylor made no effort to gain support from any section or group.

D. S. Alexander hints that Taylor felt the "no party" stand taken by the Speaker of the House of Commons was the proper attitude, and he was attempting to set a precedent for its adoption in the House of Representatives.²¹ If this was his goal, he left his colleagues mystified. The North believed him a weakling on the slavery issue, and the South thought he was simply trying to increase his political position by gaining support from the Southern legislators he had earlier opposed on the floor. Furthermore, Taylor did not make any attempt to gain acceptance of the impartial speaker doctrine he followed. There is no evidence that he proposed its adoption by the House.

The third possibility to explain his actions was that his views on slavery were shifting. Politicians can never be sure of the impact their legislation might have. When the Tallmadge Amendment was first proposed, Taylor was as strong an antislavery man as could be found in the House. The next year his position changed. Since he had proposed compromise in the first session of the Sixteenth Congress, he may have come to the conclusion that only through compromise

²¹Alexander, "John W. Taylor," p. 29.

could the growing sectionalism that appeared in his own election to the Speakership be discouraged. This would explain why he was willing to let Henry Clay attempt to propose a compromise through stacked committees. It seems that Taylor's position on slavery was subordinated to his commitment to national unity.

On November 16, 1820, a copy of the Missouri Constitution was referred to a select committee of the House. In a committee of three, Taylor appointed two Southerners including the committee chairman, Taylor's chief Southern opponent for Speaker, Lowndes of South Carolina. The committee recommended admission of Missouri, but the House, in an extremely sectional vote rejected the committee proposal.²² On February 22, Taylor again helped Henry Clay. The "Great Pacificator" had proposed that the House select a committee of twenty-three to confer with the Senate and attempt to settle the Missouri question. Taylor refused to use his prerogative of appointing the committee. Clay then moved that the twenty-three men be selected by individual ballot. He circulated a list around the House of men he wanted on the committee, and these were generally chosen.²³

²²Annals, 16 Cong., 2 Sess., pp. 440, 453-455, 699-770. The vote was 93 against, and 79 for. Only one Southerner (slave state) voted against admission, and only five Northerners voted for it.

²³Ibid., pp. 381-382, 1219-1220, 1223-1224. Also, Van

When the Seventeenth Congress convened in Washington in December 1821, the Missouri Controversy was over. The Representatives and Senators elect from Missouri were seated. It was obvious that "any attempt to prohibit slavery in Missouri by act of Congress finally had been relegated to the limbo of lost causes."²⁴

Immediately after Congress convened, the House was faced with the election of a Speaker. John Taylor, Louis McLane and Caesar A. Rodney of Delaware, and Samuel Smith of Maryland were the original contestants. On the second day of balloting, Philip P. Barbour of Virginia entered the race and received a majority of one on the twelfth ballot.²⁵ To some extent Taylor's defeat was due to southern Congressmen who retained bitter memories of the man who led the fight to restrict slavery in Missouri. More directly, his defeat was due to New York political factions, and John C. Calhoun.

The War Department, headed by John Calhoun since 1817, came under sharp attack from the Sixteenth Congress. Calhoun blamed the attack on Speaker Taylor, who had been critical of the Department's military and Indian policies. Taylor was not alone in his attack, but the incident was an

Deusen, Henry Clay, p. 146, and Thomas H. Benton, Thirty Year's View I (New York: D. Appleton and Company, 1863), p. 10.

²⁴Moore, Missouri Controversy, p. 169.

²⁵Annals, 17 Cong., 1 Sess., pp. 514-517.

example of a Speaker being held responsible for the actions of the House.²⁶ President James Monroe maintained a strict hands-off policy with regard to Congress, therefore, Calhoun appealed to Secretary of State John Q. Adams for help in ousting Taylor.²⁷ This was a mistake. John Q. Adams and John Taylor had been friends from the latter's early days in Congress. When Adams refused to help Calhoun,²⁸ he appealed next to Secretary of the Navy, Smith Thompson. The Secretary was receptive, and he took the problem to the newly elected Senator from New York, Martin Van Buren.²⁹ Taylor professed neutrality as far as New York politics was concerned, but Van Buren pointed out that Taylor had supported Clinton for President in 1812, and the Clintonians had supported Taylor's election as Speaker. Through Van Buren's able manipulation, the "Bucktails" were able to defeat Taylor's attempt at re-election.³⁰

John Calhoun finally realized that his strategy had been a mistake. John Taylor, Henry Clay, and William Crawford,

²⁶M. P. Follett, The Speaker of the House of Representatives (New York: Longmans, Green, and Company, 1896), p. 83n.

²⁷Wiltse, John C. Calhoun: Nationalist, p. 235.

²⁸Alexander, "John W. Taylor," p. 29.

²⁹Wiltse, John C. Calhoun: Nationalist, p. 236.

³⁰Ibid., p. 236. Fuller, Speakers of the House, p. 52, and Follett, Speaker of the House, p. 83.

former Secretary of War (1815-1816), had been the chief critics of Calhoun's administration of the War Department. The election of Philip P. Barbour as Speaker was not only a sectional victory for the South, but also a victory for Crawford, whom Barbour favored for President.³¹ With Barbour as Speaker, Crawford was in an excellent position to continue his attack on the War Department. The defeat of Taylor was a victory for the Bucktails over the Clintonians in New York, and established Martin Van Buren, who had only been in the Senate a month, as "perhaps the greatest manager" in Washington.³²

On March 3, 1821, Henry Clay proposed a resolution to thank John W. Taylor.

Resolved, That the thanks of this House be given to the honorable John W. Taylor, for the assiduity, promptitude, and ability, with which he has administered the duties of the Chair.³³

By 1821, it would be difficult to find anyone in the House who had cause to be more grateful to Taylor than Clay. One Congressman was totally ungrateful. The resolution passed with one negative vote.³⁴

³¹Ibid. Also, Wiltse, John C. Calhoun: Nationalist, p. 237.

³²Ibid.

³³Hopkins, ed., Papers of Henry Clay, III, p. 57.

³⁴Annals, 16 Cong., 2 Sess., pp. 1294-1295. The Congressman who voted against the resolution is not identified.

Philip P. Barbour was a narrowly partisan Speaker.

Smith and McLane were favored with desirable committee appointments, but Rodney and Taylor were singled out for political destruction. Barbour was opposed to slavery restriction as well as the tariff policy supported by Taylor. Taylor's supporters attempted to place him as head of the Committee on Foreign Relations. From that position he would have been able to support Secretary of State Adams. Barbour had no intention of permitting this. He appointed Jonathan Russell, a bitter opponent of Adams, to head the Foreign Relations Committee.³⁵ In 1823, Henry Clay again ran for Speaker. Taylor declined the opportunity to run against him, and Barbour was defeated on the first ballot by a vote of 42 to 139.³⁶

From 1822 until 1825, Taylor's activities were limited to membership on a congressional investigating committee, and working for the election of John Q. Adams. In 1822, the Kentucky Legislature nominated Henry Clay for President.³⁷ William Crawford, then Secretary of the Treasury, was also a contender. In an attempt to stop him, Ninian Edwards, a former Illinois Senator, and then Minister to Mexico, filed

³⁵ Fuller, Speakers of the House, p. 52.

³⁶ Ibid., p. 53.

³⁷ Van Deusen, Henry Clay, pp. 160-179, analyzes Clay's Presidential aspirations in 1822.

charges in Congress accusing Crawford of having "corruptly favored certain banks in the panic of 1819."³⁸ The conspiracy, known as the "A. B. Plot," was, to Edward's disappointment, immediately investigated.³⁹ Seven members, including John Taylor, were on the investigating committee. Senator James Noble (Indiana) attacked Edwards by accusing him of backing down from his charges when investigation had been authorized. He further accused Edwards of denying the authorship of the A. B. Publications, and even publicly praising Crawford's role as Treasurer in an effort to disassociate himself from the plot. The committee conducted a thorough investigation which completely exonerated Crawford.⁴⁰ Edwards, now totally discredited, attempted to clear himself by denying Noble's charges of timidity and reaffirming his part in naming Crawford for misconduct. In a letter to Taylor dated August 8, 1824, he wrote,

I shall invalidate Noble's testimony. So help me God it is not true. Never unless it was jesting did I ever deny to anyone my authorship of those publications and as to praising Mr. Crawford's vigilance and integrity

³⁸Philip D. Jordan, "Some Correspondence of Ninian Edwards," Journal of the Illinois State Historical Society, vol. 24 (1931), p. 177n.

³⁹Fuller, Speakers of the House, p. 54. Edwards hoped that the charges would be approved by the Congress without an investigation, and thus would block Crawford's Presidential ambitions.

⁴⁰Ibid., p. 55.

and management of the public finances, it is the last thing I could have been expected to be proved against me.⁴¹

After John Q. Adams refused to help Calhoun oust Taylor in 1821, Taylor became a strong supporter of Adams for President. In 1824, he was the chief advisor to Adams on New York politics. Looking back on the election, it is obvious that Taylor was a poor choice for advisor. Fortunately for Taylor, Adams never realized the fact. The powerful Van Buren faction in New York wanted no part of Taylor, and because of his professed neutrality in 1821, he was out of sympathy and out of touch, with the Clintonians.

As the campaign for President drew to a close, it became obvious that the New York electoral vote could determine, or highly influence the result of the election. Adams realized the necessity of obtaining the New York vote, but Taylor advised him "that the chances were overwhelmingly in favor of the Van Buren machine's dominating the State for Crawford."⁴² Adams remained in Washington and listened to his chief advisor on New York first report that things were going well, and then changing his mind, and report that things were not going well. The truth was that Taylor did not have

⁴¹Jordon, "Ninian Edwards," p. 177.

⁴²Bennett C. Clark, John Q. Adams (Boston: Little, Brown, and Company, 1932), p. 208.

even a remote idea of what was happening in New York.⁴³

Adams's victory in New York was the result of hard work by Thurlow Weed, James Tallmadge, and Henry Wheaton.⁴⁴ Adams did not have any conception of what really happened, and he gave the credit to John Taylor for delivering the state. Thurlow Weed was only politely received when he called on the President at the White House shortly after the election.⁴⁵ Taylor had done all he could to bring the New York vote to Adams, but his contribution was not as great as others.

John Q. Adams's first test with the new Congress was over the election of a House Speaker. John Taylor and Daniel Webster were the two prospective candidates. Webster had also opposed the admission of Missouri as a slave state, and many of his personal friends were pushing him for Speaker.⁴⁶ During the Presidential election, Adams had secured a promise from Webster not to oppose Taylor for Speaker. Webster kept his promise. He had very little interest in being Speaker because it would limit his effectiveness on the floor, and also deprive him of lucrative

⁴³Ibid., p. 218.

⁴⁴For an analysis of the election of 1824 in New York, see Ibid., pp. 202-228. Also, Samuel F. Bemis, John Quincy Adams and the Union (New York: Alfred A. Knopf, 1956), pp. 11-32.

⁴⁵Ibid., p. 138.

⁴⁶Ibid., p. 72.

income from arguing cases before the United States Supreme Court.⁴⁷ Adams's support for Taylor weakened the President's position in the South, but to support Webster would have been equally harmful. The night before the election Taylor and Adams had a lengthy discussion at the White House. Taylor reported, "I expect 109 votes."⁴⁸ Adams told Taylor that he expected him to favor the Administration in the committee appointments.

John Taylor was elected on the second ballot by a majority of two votes.⁴⁹ Taylor believed that the election results indicated that the Administration opposition was disunited, but also that Adams had little influence on the House membership.⁵⁰

Since 1813, Taylor had been blessed with an admiring constituency. His election as Speaker prompted the Ballston Spa Gazette to comment,

⁴⁷Ibid., p. 75.

⁴⁸Ibid. There were 214 members in the House, and the election required a simple majority of those present.

⁴⁹John W. Taylor, 99 votes; Louis McLane of Delaware, 44 votes; John W. Campbell of Ohio, 42 votes; Andrew Stevenson of Virginia, 5 votes; scattering, 3 votes: total 193. Dangerfield, American Nationalism, p. 242n. Unfortunately, there was no personal roll call for the election, so it is impossible to determine the sectionalism involved in Taylor's election. It is reasonable, however, to assume that the South opposed his election.

⁵⁰Ibid., p. 242.

We felicitate the freemen of this county in the result of the choice of our honorable representative, Mr. John W. Taylor, as Speaker of the House of Representatives of the United States. This is not alone a triumph over the machinations of Van Buren and the Crawford party, but it is a triumph of modest merit over a clan of political disorganizers, headed by the honorable Mr. Van Buren. Yes, freemen of Saratoga, the man of your choice has proved himself worthy of the high station of Speaker of the 19th Congress of the United States.⁵¹

Regardless of the Gazette's comments Taylor's second term as Speaker was largely uneventful. The 1826 Congressional elections placed the majority of the House of Representatives against the President. Adams noted that for the first time in American history an administration, only two years old, had lost control of Congress.⁵² The anti-administration forces quickly removed Taylor as Speaker (104 to 94), and replaced him with Andrew Stevenson of Virginia. The defeat of Taylor was due to three things: (1) his antislavery policy and his role in the Missouri Compromise caused many Southerners to reject him; (2) John Q. Adams did nothing to help him in re-election;⁵³ and (3) the New York factions united and

⁵¹Ballston Spa Gazette, December 13, 1825.

⁵²Dangerfield, American Nationalism, p. 274. See also Bemis, John Quincy Adams, p. 86.

⁵³Taylor had been falsely accused of "gross sexual irregularities," and Adams took the accusations at face value. Dangerfield refers to Taylor as a "wild philanderer," but even this mild accusation does not seem to have any basis. Dangerfield, American Nationalism, p. 274n.

turned against him.⁵⁴ In 1826, DeWitt Clinton became Governor of New York. He had supported Andrew Jackson for President in 1824, and Clinton's victory was enough to convince Van Buren that "Jackson was the man to follow."⁵⁵ The Clinton and Van Buren factions began to cooperate in 1827, with the result that the New York delegation in Congress was hopelessly split when the vote for Speaker was taken. With both groups supporting Jackson, Taylor, who personally despised Jackson, was quickly eliminated.⁵⁶

After President Jackson's inauguration, the New York factions decided to eliminate Taylor from Congress. To this end, they nominated Samuel Young of Ballston Spa to oppose him. Young was Taylor's friend. They had organized the Saratoga County Bible Society together and, when Taylor left Albany for Congress, Young had taken his place in the Assembly. Twice Speaker of the State Assembly, a member of the State Senate, and a candidate for governor of New York in 1824, Young was an accomplished orator and an effective politician.⁵⁷ In 1830, he did not hold a public

⁵⁴Ibid. "The draft of an article by Taylor, dated December 27, 1827, attributes his defeat to divisions in the New York delegation."

⁵⁵Ibid., p. 274.

⁵⁶Ibid.

⁵⁷The Regency had nominated Young to oppose DeWitt Clinton for governor in 1824. This was the last nomination by legislative caucus in New York. Ellis, A Short History of New York State, pp. 148-149.

office, and readily accepted the opportunity to run against Taylor. Taylor accepted the challenge, and pointed out to his constituents that while Young was an effective orator, he was an inconsistent politician. "He pretended to hate slavery and backed the party that extended it, he opposed duelling and accepted a challenge from Calhoun."⁵⁸ He was a believer in words only and, like Henry Clay combined theoretical dislike of slavery and dueling with practical acceptance.⁵⁹ Young failed to point out the inconsistency in Taylor's philosophy, and although he was the most serious challenge in eighteen years, Taylor maintained his seat in Congress.

The Jackson leaders were still determined to eliminate Taylor. They charged him with duplicity, scandalous conduct, and rejoiced when he was defeated for Speaker. They spoke extensively throughout Saratoga County, and finally enlarged the district to include Schenectady County.⁶⁰ John Cramer of Waterford was selected to oppose Taylor in 1832. Cramer had been in both the State Senate and Assembly and in 1821, was instrumental in abolishing the property requirement to vote in New York.

⁵⁸ Alexander, "John W. Taylor," p. 32.

⁵⁹ Van Deusen, Henry Clay, pp. 137, 220.

⁶⁰ Alexander, "John W. Taylor," p. 32.

Taylor realized that he was going to be defeated in 1832. Although the National Republican platform was a handicap in New York and, Taylor did not agree with Henry Clay on many issues, he supported the party which demanded internal improvements, abolition of the spoils system, and distribution of proceeds from public land sales to the states for educational purposes.⁶¹ Clay and Taylor were both defeated by the landslide vote for Jackson. For the first time in twenty years Saratoga County had a new representative in Washington.

After his defeat Taylor returned to Ballston Spa to continue his practice of law. He maintained an active interest in politics. Because of his hostility to Jackson, he soon became associated with the rising Whig party. Local organizations opposed to Jackson had adopted various titles, "Anti-Jackson," "Anti-Mortgage," or "Anti-Regency." However, in the New York municipal election of 1834, they united for the first time and used the name of "Whig."⁶² In August 1834, a party convention in Syracuse officially adopted the Whig title. It then unanimously nominated William H. Seward for governor of New York.⁶³ Taylor vigorously supported

⁶¹Ibid., - 33.

⁶²Alexander, Political History of the State of New York, I, p. 399.

⁶³Ibid., p. 40.

Seward and was profoundly disappointed when he was defeated by William L. Marcy.⁶⁴ By 1834, Taylor was solidly in the national Whig camp. He supported William H. Harrison for President over Hugh L. White or Daniel Webster in 1836, and helped in Seward's successful 1838 campaign for governor. Although the Whigs had no definite platform in 1840, Harrison personally favored a strong union, internal improvements, a National Bank, military training, protective tariff, and honesty in government. Taylor had supported a similar program as a congressman, and he worked with Governor Seward to secure Harrison's Whig nomination.⁶⁵

In 1840, the Whigs nominated and elected John Taylor as a member of the State Senate. The next year he was stricken with paralysis which eventually caused permanent disability. He resigned from the Senate in 1842, and lived the remainder of his life with his eldest daughter, Mrs. William D. Beattie of Cleveland, Ohio.

John W. Taylor is a secondary figure in American history. His stature never approached that of his colleagues such as Henry Clay, John C. Calhoun, or Daniel Webster. But in 1819, he was probably the most important man in American politics. As a politician he rated very low. After 1820,

⁶⁴Alexander, "John W. Taylor," p. 35. William L. Marcy, 181; William H. Seward, 168.

⁶⁵Ibid.

his political effectiveness declined. His victory as speaker in 1820 and 1824 was only possible because of northern majorities in Congress. He had lost all Southern sympathy, and his insistence on independence and non-alignment caused his party in New York to turn against him. His conception of compromise, and his timing were wrong. In 1825, he refused to support his party and was defeated for Speaker. In 1832, he lost his seat in the House because he supported his party and Henry Clay. It was possible for Taylor to remain in Congress twenty years because of his popularity at home, and because his opposition was disorganized. When the opposition finally decided to eliminate him, they were successful in a very short period of time. Even though Taylor subordinated slavery to national unity in 1820, he maintained a belief that slavery was evil. In August of 1854, he was host to the anti-Nebraska convention. At that time Forace Greeley was writing into the platform of the new Republican party, the same ideas on non-extension of slavery that Taylor had professed in 1820.⁶⁶

Unlike many of the slavery restrictionists who argued that Congress could restrict slavery in the territories, but had no authority to abolish it in the states, Taylor did not qualify his remarks. By his support of the Tallmadge

⁶⁶Alexander, Political History of the State of New York, II, p. 204.

American and the introduction of his own amendment, he held that slavery an important political issue. He also helped to weaken the South's influence in Congress. John W. Taylor died on September 12, 1854. He was buried in the family plot in Ballston, Loudoun County.

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APPENDIX

APPENDIX

The following is John W. Taylor's speech on the admission of Missouri to the Union delivered before the United States House of Representatives in February 1819, as recorded in the Annals of Congress, 15 Cong., 2 Sess., The page numbers correspond to the pages in the Annals.

ADMISSION OF MISSOURI

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The House having again resolved itself into a Committee of the Whole, (Mr. Smith of Maryland in the chair,) on the bill to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of the same into the Union-

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The question being on the proposition of Mr. Tallmadge to amend the bill by adding to it the following proviso:

"And provided, That the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes, whereof the party shall have been fully convicted; and that all children born within the said State, after the admission thereof into the Union, shall be free at the age of twenty-five years:"

The debate which commenced on Saturday was to-day resumed on this proposition; which was supported by Mr. Taylor, Mr. Mills, Mr. Livermore, and Mr. Fuller; and opposed by Mr. Barbour, Mr. Pindall, Mr. Clay, and Mr. Holmes.

This debate (which was quite interesting) involved two questions; one of right, the other of expediency. Both were supported by the advocates of the amendment, and generally opposed by its opponents. On the one hand, it was contended that Congress had no right to prescribe to any State the details of its government, any further than that it should be republican in its form; that such a power would be nugatory, if exercised, since, once admitted into the Union, the people of any State have the unquestioned right to amend their constitution of government, &c.

On the other hand, it was as strongly contended that Congress had the right to annex conditions to the admission of any new State into the Union; that slavery was incompatible with our Republican institutions, &c. . . .

Mr. Taylor, of New York, spoke as follows:

Mr. Chairman, if the few citizens who now inhabit the Territory of Missouri were alone interested in the decision of this question, I should content myself with voting in favor of the amendment, without occupying for a moment the

attention of the Committee. But the fact is far otherwise: those whom we shall authorize to set in motion the machine of free government beyond the Mississippi, will, in many respects, decide the destiny of millions. Cast your eye on that majestic river which gives name to the Territory, for the admission of which into the Union we are about to provide; trace its meanderings through fertile regions for more than two thousand miles; cross the stony mountains, and descend the navigable waters which empty into the Western ocean; contemplate the States hereafter to unfurl their banners over this fair portion of America, the successive generations of freemen who there shall adorn the arts, enlarge the circle of science, and improve the condition of our species. Having taken this survey, you will be able, in some measure, to appreciate the importance of the subject before us. Our votes this day will determine whether the high destinies of this region, and of these generations, shall be fulfilled, or whether we shall defeat them by permitting slavery, with all its baleful consequences, to inherit the land. Let the magnitude

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of this question plead my apology, while I briefly address a few considerations to the sober judgment of patriots and statesmen.

I will not now stop to examine the policy of extending our settlements into the wilderness, with the astonishing rapidity which has marked their progress, leaving within our ancient borders an extensive country, unsubdued by the hand of man. This inquiry, although intimately connected with the subject, would too much extend the range of discussion at this late period of the session. I, however, cannot forbear reminding gentlemen that but few years have elapsed since the opinion was often expressed, and earnestly inculcated by our wisest and best men, that no locations ought to be made beyond the Mississippi, until the original States and their Territories should acquire a population of considerable compactness and strength; and that our military posts should not be pushed forward faster than was necessary to protect the frontier settlements. A policy embracing more enlarged ideas, and more magnificent projects, appears to have succeeded. We now talk of forts at the mouth of the Yellow Stone, and military establishments some fifteen or twenty hundred miles in the Indian country, as objects of reasonable and easy achievement. An honorable member from Virginia has this morning presented a petition from sundry inhabitants of that State, praying of Congress permission to settle on Columbia river, between the Rocky Mountains and the Pacific ocean, probably intending to introduce slavery into the remotest verge of Republican territory. I pass over these subjects, however momentous, and well deserving the attention of Congress, and come directly to the points in issue.

First. Has Congress power to require of Missouri a Constitutional prohibition against the further introduction of slavery, as a condition of her admission into the Union?

Second. If the power exist, is it wise to exercise it?

Congress has no power unless it be expressly granted by the Constitution, or necessary to the execution of some power clearly delegated. What, then, are the grants made to Congress in relation to the Territories? The third section of the fourth article declares, that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States." It would be difficult to devise a more comprehensive grant of power. The whole subject is put at the disposal of Congress, as well the right of judging what regulations are proper to be made, as the power of making them, is clearly granted. Until admitted into the Union, this political society is a territory; all the preliminary steps relating to its admission are territorial regulations. Hence, in all such cases, Congress has exercised the power of determining by whom the constitution should be made, how its framers should be elected, when and where they should meet, and what propositions should be submitted to their decision. After its formation, the Con-

gress examine its provisions, and, if approved, admit the State into the Union, in pursuance of a power delegated by the same section of the Constitution, in the following words:

"New States may be admitted by the Congress into the Union." This grant of power is evidently alternative; its exercise is committed to the sound discretion of Congress; no injustice is done by declining it. But if Congress has the power of altogether refusing to admit new States, much more has it the power of prescribing such conditions of admission as may be judged reasonable. The exercise of this power, until now, has never been questioned. The act of 1802, under which Ohio was admitted into the Union, prescribed the condition that its constitution should not be repugnant to the ordinance of 1787. The sixth article of that ordinance declares, "there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted." The same condition was imposed by Congress on the people of Indiana and Illinois. These States have all complied with it, and framed constitutions excluding slavery. Missouri lies in the same latitude. Its soil, productions, and climate are the same, and the same principles of government should be applied to it.

But it is said that, by the treaty of 1803, with the French Republic, Congress is restrained from imposing this condition. The third article is quoted as containing the prohibition. It is in the following words: "The inhabitants of the ceded territory shall be incorporated in the Union of

the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." The inhabitants of the ceded territory, when transferred from the protection of the French Republic, in regard to the United States, would have stood in the relation of aliens. The object of the article doubtless was to provide for their admission to the rights of citizens, and their incorporation into the American family. The treaty made no provision for the erection of new States in the ceded territory. That was a question of national policy, properly reserved for the decision of those to whom the Constitution had committed the power. The framers of the treaty well knew that the President and Senate could not bind Congress to admit new States into the Union. The unconstitutional doctrine had not then been broached, that the President and Senate could not only purchase a West India island or an African principality, but also impose upon Congress an obligation to make it an independent State, and admit it into the Union. If the President and Senate can, by treaty, change the Constitution of the United States, and rob Congress of a power clearly delegated, the doctrine may be true, but otherwise, it is false. The treaty, therefore, has no operation on

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the question in debate. Its requirements, however, have been faithfully fulfilled. In 1804, the laws of the United States were extended to that territory. The protection afforded by the Federal Constitution was guaranteed to its inhabitants. They were thus "incorporated in the Union," and secured in the enjoyment of their rights. The treaty stipulation being thus executed, "as soon as possible," it remained a question for the future determination of Congress, whether the Government should remain territorial or become that of an independent State. In 1811, this question was decided in relation to that part of the territory which then embraced nearly all the population, and to acquire which, alone, the treaty had been made. A law was passed to enable the people of the Territory of Orleans to form a constitution and State government, and to provide for its admission into the Union. Did Congress then doubt its power to annex conditions to such admission? No, sir, far from it. The government of Orleans had always been administered according to the principles of the civil law. The common law, so highly valued in other parts of our country, was not recognised there. Trial by jury was unknown to the inhabitants. Instead of a privilege, they considered its introduction an odious departure from their ancient administration of justice. Left to themselves, they never

would have introduced it. Congress, however, knowing these things, made it a condition of their admission into the Union, that trial by jury should be secured to the citizen by a Constitutional provision.

Even the language of the Territory was required to be changed, as a condition of its admission. The inhabitants were wholly French and Spanish. Theirs were the only languages generally spoken, or even understood. But Congress required from them a Constitutional provision, that their legislative and judicial proceedings should be conducted in the English language. They were not left at liberty to determine this point for themselves. From these facts, it appears that Congress, at that day, acted from a conviction that it possessed the power of prescribing the conditions of their admission into the Union.

Gentlemen have said the amendment is in violation of the treaty, because it impairs the property of a master in his slave. Is it then pretended, that, notwithstanding the declaration in our bill of rights, "that all men are created equal," one individual can have a vested property not only in the flesh and blood of his fellow man, but also in generations not yet called into existence? Can it be believed that the supreme Legislature has no power to provide rules and regulations for ameliorating the condition of future ages? And this, too, when the Constitution itself has vested in Congress full sovereignty, by authorizing the enactment of whatever law it may deem conducive to the welfare of the country. The sovereignty of Congress in relation to the States, is limited by specific grants--but, in regard to the Territories, it is unlimited. Missouri was pur-

chased with our money, and, until incorporated into the family of States, it may be sold for money. Can it then be maintained, that, although we have the power to dispose of the whole Territory, we have no right to provide against the further increase of slavery within its limits? That, although we may change the political relations of its free citizens by transferring their country to a foreign Power, we cannot provide for the gradual abolition of slavery within its limits, nor establish those civil regulations which naturally flow from self-evident truth? No, sir, it cannot; the practice of nations and the common sense of mankind have long since decided these questions.

Having proved, as I apprehend, our right to legislate in the manner proposed, I proceed to illustrate the propriety of exercising it. And here I might rest satisfied with reminding my opponents of their own declarations on the subject of slavery. How often, and how eloquently, have they deplored its existence among them? What willingness, nay, what solicitude have they not manifested to be relieved from this burden? How have they wept over the unfortunate policy that first

introduced slaves into this country! How have they disclaimed the guilt and shame of that original sin, and thrown it back upon their ancestors! I have with pleasure heard these avowals of regret and confided in their sincerity; I have hoped to see its effects in the advancement of the cause of humanity. Gentlemen have now an opportunity of putting their principles into practice; if they have tried slavery and found it a curse; if they desire to dissipate the gloom with which it covers their land; I call upon them to exclude it from the Territory in question; plant not its seeds in this uncorrupt soil; let not our children, looking back to the proceedings of this day, say of them, as they have been constrained to speak of their fathers, "we wish their decision had been different; we regret the existence of this unfortunate population among us; but we found them here: we know not what to do with them; it is our misfortune, we must bear it with patience."

History will record the decision of this day as exerting its influence for centuries to come over the population of half our continent. If we reject the amendment and suffer this evil, now easily eradicated, to strike its roots so deep in the soil that it can never be removed, shall we not furnish some apology for doubting our sincerity, when we deplore its existence--shall we not expose ourselves to the same kind of censure which was pronounced by the Saviour of Mankind upon the Scribes and Pharisees, who builded the tombs of the prophets and garnished the sepulchres of the righteous, and said, if they had lived in the days of their fathers, they would not have been partakers with them in the blood of the prophets, while they manifested a spirit which clearly proved them the legitimate descendents of those who killed the prophets, and thus filled up the measure of their fathers' iniquity?

Mr. Chairman, one of the gentlemen from Ken-

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tucky (Mr. Clay) has pressed into his service the cause of humanity. He has pathetically urged us to withdraw our amendment and suffer this unfortunate population to be dispersed over the country. He says they will be better fed, clothed, and sheltered, and their whole condition will be greatly improved. Sir, true humanity disowns his invocation.. The humanity to which he appeals is base coin;; it is counterfeit, it is that humanity which seeks to palliate disease by the application of nostrums, which scatter its seeds through the whole system--which saves a finger to-day, but amputates the arm to-morrow. Sir, my heart responds to the call of humanity; I will zealously unite in any practicable means of bettering the condition of this oppressed people. I am ready to appropriate a territory to their use, and to aid them in settling it--but I am not willing, I never will consent to declare the whole country west of the Mississippi a market overt for human flesh. In vain will you enact severe laws against the importation of slaves, if you create for them an additional

demand, by opening the western world to their employment. While a negro man is bought in Africa for a few gewgaws or a bottle of whiskey, and sold at New Orleans for twelve or fifteen hundred dollars, avarice will stimulate to the violation of your laws. Notwithstanding the penalties and confiscations denounced in your statutes and actually enforced on all detected offenders, the slave trade continues--a vigilant execution of the laws may diminish it, but, while you increase the demand and offer so great temptation to the cupidity of unprincipled men, they will encounter every peril in the prosecution of this unhallowed traffic. The gentleman from Kentucky has intimated his willingness, in addition to the existing penalties upon transgression, to discourage this inhuman commerce by declaring the imported slave to be free. This provision, if established, would in theory provide some remedy for the evil, but in practice it would be found altogether inoperative. A slave is smuggled into the country and by law becomes free; but the fact of importation must be established by witnesses in a court of justice. In non-slaveholding States, all men are presumed free, until the contrary be proved; but, where slavery is established, all black men are presumed slaves, until they are proved free. This presumption alone would generally present to the slave an insuperable obstacle to the successful prosecution of his claim--he moreover would be poor, unfriended, ignorant of our language, and under the watchful eye of those whose interest it would be to allow no communication of his wrongs where redress could be obtained. The right of freedom might exist, but he would find it impracticable to enforce it, and he probably would have occasion to feel that every effort to break his chains only increase their weight and render his condition the more intolerable.

To the objection that this amendment will, if adopted, diminish the value of a species of property in one portion of the Union, and thereby operate unequally, I reply, that if, by depriving

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slaveholders of the Missouri market, the business of raising slaves should become less profitable, it would be an effect incidentally produced, but is not the object of the measure. The law prohibiting the importation of foreign slaves was not passed for the purpose of enhancing the value of those then in the country, but that effect has been incidentally produced in a very great degree. So now the exclusion of slavery from Missouri may operate, in some measure, to retard a further advance of prices; but, surely, when gentlemen consider the present demand for their labor, and the extent of country in Louisiana, Mississippi, and Alabama, requiring a supply, they ought not to oppose their exclusion from the territory in question. It is further objected, that the amendment is calculated to disfranchise our brethren of the South,

by discouraging their emigration to the country west of the Mississippi. If it were proposed to discriminate between citizens of the different sections of our Union, and allow a Pennsylvanian to hold slaves there while the power was denied to a Virginian, the objection might very properly be made; but, when we place all on an equal footing, denying to all what we deny to one, I am unable to discover the injustice or inequality of which honorable gentlemen have thought proper to complain. The description of emigrants may be affected, in some measure, by the amendment in question. If slavery shall be tolerated, the country will be settled by rich planters, with their slaves; if it shall be rejected, the emigrants will chiefly consist of the poorer and more laborious classes of society. If it be true that the prosperity and happiness of a country ought to constitute the grand object of its legislators, I cannot hesitate for a moment which species of population deserves most to be encouraged by the laws we may pass. Gentlemen, in their zeal to oppose the amendment, appear to have considered but one side of the case. If the rejection of slavery will tend to discourage emigration from the South, will not its admission have the same effect in relation to the North and East. Whence came the people who, with a rapidity never before witnessed have changed the wilderness between the Ohio and Mississippi into fruitful fields; who have erected there, in a period almost too short for the credibility of future ages, three of the freest and most flourishing States in our Union? They came from the eastern hive; from that source of population which, in the same time, has added more than one hundred thousand inhabitants to my native State, and furnished seamen for a large portion of the navigation of the world; seamen who have unfurled your banner in every port to which the enterprise of man has gained admittance, and who, though poor themselves, have drawn rich treasures for the nation from the bosom of the deep. Do you believe that these people will settle in a country where they must take rank with negro slaves? Having neither the ability nor will to hold slaves themselves, they labor cheerfully while labor is honorable; make it disgraceful, they will despise it. You cannot degrade it more effectually than

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by establishing a system whereby it shall be performed principally by slaves. The business in which they are generally engaged, be it what it may, soon becomes debased in public estimation. It is considered low, and unfit for freemen. I cannot better illustrate this truth than by referring to a remark of the honorable gentleman from Kentucky (Mr. Clay.) I have often admired the liberality of his sentiments. He is governed by no vulgar prejudices; yet with what abhorrence did he speak of the performance, by your wives and daughters, of those domestic offices which he was pleased to call servile!

What comparison did he make between the "black slaves" of Kentucky and the "white slaves" of the North; and how instantly did he strike a balance in favor of the condition of the former! If such opinions and expressions, even in the ardor of debate, can fall from that honorable gentleman, what ideas do you suppose are entertained of laboring men by the majority of slaveholders? A gentleman from Virginia (Mr. Barbour) replies, they are treated with confidence and esteem, and their rights are respected. Sir, I did not imagine they were put out of the protection of law. Their persons and property are doubtless secure from violence, or, if injured, the courts of justice are open for their redress. But, in a country like this, where the people are sovereign, and every citizen is entitled to equal rights, the mere exemption from flagrant wrong is no great privilege. In this country, no class of freemen should be excluded, either by law, or by the ostracism of public opinion, more powerful than law, from competing for offices and political distinctions. Sir, a humane master will respect the rights of his slave, and, if worthy, will honor him with confidence and esteem. And this same measure, I apprehend, is dealt out, in slaveholding States, to the laboring class of their white population. But whom of that class have they ever called to fill stations of any considerable responsibility? When have we seen a Representative on this floor, from that section of our Union, who was not a slaveholder? Who but slaveholders are elected to their State Legislatures? Who but they are appointed to fill their executive and judicial offices? I appeal to gentlemen, whether the selection of a laboring man, however well educated, would not be considered an extraordinary event? For this I do not reproach my brethren of the South. They doubtless choose those to represent them in whom they most confide; and far be it from me to intimate that their confidence is ever misplaced. But my objection is to the introduction of a system which cannot but produce the effect of rendering labor disgraceful.

An argument has been urged by a gentleman from Virginia (Mr. Barbour) against the proposed amendment, connected with our revenues, the said, that by prohibiting the further introduction of slaves into the proposed State, we should reduce the price and diminish the sales of our public lands. In my opinion, the effect would be precisely the reverse. True, it is, that lands

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for cultivation have sold higher in Alabama than in Illinois, but this is owing not to the rejection of slavery in the one and its admission into the other, but to the different staples they are capable of producing. The advanced price of cotton has created in market a demand for lands suited to its cultivation, and enhanced their value far beyond any former precedent. But, to test the truth of the position, we must ascertain the relative value of land in adjoining States, the one

allowing and the other rejecting slavery, where the climate, soil, productions, and advantages of market are similar. Pennsylvania and Maryland furnish fair specimens of comparison in all these respects. But here the result is in direct opposition to the conjecture of the gentleman from Virginia. Land on the Pennsylvania side of the line, where the power of holding slaves does not exist, uniformly sells at a higher price than lands of equal quality on the Maryland side, where the power is in full exercise. It therefore is probable that the further introduction of slavery into Missouri, far from increasing, would actually diminish the value of our public lands. But, should the fact be otherwise, I entreat gentlemen to consider whether it become the high character of an American Congress to barter the present happiness and future safety of unborn millions for a few pieces of pelf, for a few cents on an acre of land. For myself, I would no sooner contaminate the national Treasury with such ill-gotten gold, than I would tarnish the fame of our national ships by directing their employment in the African slave trade. But, whatever may be the influence of the subject in controversy upon the original price of land, it must be evident to all men of observation that its ultimate and permanent effects are very prejudicial to agricultural improvement. Farms in Maryland, notwithstanding the mildness of its climate compared with New York, I am informed, may be purchased at five or six dollars an acre, while lands, by nature not more fertile nor more advantageously situated, in the last mentioned State, sell at a rate ten times higher. Had not slavery been introduced into Maryland, her numerous and extensive old fields, which now appear to be worse than useless, would long since have supported a dense population of industrious freemen, and contributed largely to the strength and resources of the State. Who has travelled along the line which divides that State from Pennsylvania, and has not observed that no monuments are necessary to mark the boundary; that it is easily traced by following the dividing lines between farms highly cultivated and plantations laying open to the common and overrun with weeds; between stone barns and stone bridges on one side, and stalk cribs and no bridges on the other; between a neat, blooming, animated, rosy-cheeked peasantry on the one side, and a squalid, slow-motioned, black population on the other? Our vote this day will determine which of these descriptions will hereafter best suit the inhabitants of the new world beyond the Mississippi. I entreat gentlemen to pause and solemnly consider

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how deeply are involved the destinies of future generations in the decision now to be made. If I agreed in opinion with the gentleman from Georgia, (Mr. Cobb,) that this amendment does not present an insurmountable barrier against the further

introduction of slavery, that Missouri, after becoming a State, may call a convention and change this feature of her constitution--even then I should consider the amendment scarcely less important than if it were a fundamental and unalterable compact. On this subject we have experience, and the result has justified the best hopes of our country; while under the government of Congress, slavery was excluded from the Territories, now the States, north of the Ohio. Our power over their municipal regulations has since been withdrawn; they have taken the government into their own hands. But who has not seen the moral effect produced on the inhabitants by the ordinance of 1787? It is as permanent as the soil over which it was established. The exclusion of slavery from all these States is now more effectually insured by public sentiment than by their Constitutional prohibitions. require the government of Missouri to commence right, and the same moral effect will then be produced. No convention of the people will ever permit the future introduction of slaves. Let their political institutions be established in wisdom, and I shall confidently trust in the good sense of the people to direct them thereafter. But, be the event as it may, I at least shall have the satisfaction of reflecting that, if the misfortune of slavery shall be entailed upon this country, everything in my power will have been done to prevent it.

Mr. Chairman, it was my intention to say something of the moral and political interests involved in this question. But, having already occupied more of your time than was my purpose when I rose to address you, and being admonished, by the multiplicity of important bills which, during the few remaining days of the session, demand our attention, I forbear to discuss or even touch upon those parts of the subject. It moreover is the less necessary, because those views have often been presented to the public, and have doubtless been seriously considered by every member of this Committee. The facts and arguments to which I have drawn your attention, more particularly relate to our condition as a Federal Republic, and our duties to Missouri, arising from the relation in which she stands to the Union. While regretting that it has not been in my power to do more ample justice to this important subject, owing in part to the unexpected manner in which it was taken up, I cannot sit down without expressing an earnest hope that our present decision may be such as will promote the permanent union, stability, and security of our country.