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BEVERLEY TUCKER

[1784—1851]

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NATHANIEL BEVERLEY TUCKER was born at Matoax, Virginia, September 6, 1784, and was the second son of St. George Tucker, the eminent jurist, and his wife, Frances Randolph, *née* Bland, mother of John Randolph of Roanoke. His elder brother, Henry St. George Tucker, following in the footsteps of his father, was for some years president of the Virginia Court of Appeals. Thus in his very cradle Beverley, for he was generally known by his second name, was surrounded by men high in the councils of State and Nation, and little wonder it is that he should have imbibed freely of the views and tendencies of his elders.

In the year 1789 Beverley's father became professor of law in the College of William and Mary. In this way the embryo author was placed at an early age in surroundings calculated to stimulate his literary and legal ambitions. At what date he entered William and Mary College is uncertain, but in 1801 he graduated, and it may safely be concluded from the honors that he later received from this institution, that his work there was eminently satisfactory to his professors.

Soon after his graduation he entered upon the study of law and was soon admitted to the Bar, whereupon he at once began to practise. In 1809 he was married to Miss Lucy Smith, daughter of General Thomas A. Smith of the United States Army, and, removing to Charlotte County, he resided there until his emigration in 1815 to Missouri. Here he lived fifteen years and practised his profession with great success, being soon elevated to the Circuit Bench, a position held by him while a resident of that State. But once a Virginian always a Virginian, at least so it was with Judge Tucker, for in 1830 we find him again in Virginia. Four years later he was elected professor of law in William and Mary College. This position he held for the remainder of his life,* and here at his *alma mater* was done all his literary work that has come down to us.

Not long after his inauguration as a professor of law, Tucker entered the field of literature and was soon recognized as being in

*His death occurred on the twenty-sixth of August at Winchester, Virginia, where he was spending his summer vacation.

the first rank of American writers. William Gilmore Simms, with whom he was on terms of the most intimate friendship, speaks of him thus: "In his style I regard him as one of the best prose writers in the United States, at once rich, flowing, and classical; ornate and copious, yet pure and chaste; full of energy, yet full of grace; intense, yet stately; passionate, yet never with a forfeiture of dignity." Other contemporary writers and critics in similar terms attest the high rank which Tucker as an author occupied in his own day.

Though it is not certain, there is every reason to believe that the following is the chronological order of Tucker's works. It is given on the authority of S. Austin Allibone. According to this his first work was 'George Balcombe, a Novel,' which was published anonymously in New York and soon became very popular. Simms speaks of it in terms of the highest praise, and Poe in his "Marginalia" (CCXXVI) says: "'George Balcombe' we are induced to regard, upon the whole, as the best American novel"; and again (LXV): "Had the 'George Balcombe' of Professor Beverley Tucker been the work of anyone born north of the Mason and Dixon's line, it would have been long ago recognized as one of the very noblest fictions ever written by an American." Soon after this work Tucker published in the *Southern Literary Messenger* "A Valedictory Address," and in 1836 appeared "The Partisan Leader." This was followed by a number of political treatises: "Lecture on Government," *Southern Literary Messenger*; "Discourse on the Importance of the Study of Political Science as a Branch of Academic Education in the United States," etc. (1840); "Discourse on the Dangers that Threaten the Free Institutions of the United States" (1841); "A Series of Lectures intended to prepare the Student for the Study of the Constitution of the United States" (1845); "Principles of Pleading" (1846). Tucker also published in the *Southern Literary Messenger* for 1844-45 "Gertrude, a Novel." He was a frequent contributor to the *Southern Quarterly Review*, and left among his unfinished manuscripts portions of a "Life of John Randolph," and of a dramatic piece. In all the above-mentioned works of a political nature Judge Tucker fearlessly and unreservedly opposed the Federal encroachments on the Constitution and upheld the rights of the States.

Of all Professor Tucker's works the most remarkable and certainly the most interesting to-day is the fragmentary novel, 'The Partisan Leader.' As this work treats of Virginia during the thirties it afforded the author an excellent vehicle for his political and social beliefs, and will therefore be considered here at some length.

It was printed in Washington in the year 1836 by the well-known James Caxton, its full title being 'The Partisan Leader: A Tale of the Future. By Edward William Sidney.' It was in two volumes

and bore the manifestly impossible date of 1856. The dedication, "To the People of Virginia," was written as if at that date, the events narrated in the novel had intervened. The author in forming the pseudo-historical setting for his novel takes his cue from the proclamation issued in 1832 by President Jackson against the South Carolina "nullifiers" with Calhoun as their leader. Hence he views the Democracy as the party favoring a centralized government and a high protective tariff and therefore at odds with the leaders of the South. Despite this initial blunder he predicted the election of Van Buren. The new President, by freely dispensing Federal patronage, personal favors, and the almighty dollar has succeeded in perpetuating himself in office, and in 1849 is in his third term, at which time the novel opens. Meanwhile he has been constantly encroaching on the federative system and ignoring the Constitution; the tariff has been steadily increased as has also the standing army. Goaded to desperation by a tariff which plunders them whenever they go into the market to buy, and likewise plundered by the foreign reciprocal tariff levied on their cotton, sugar and tobacco, the Southern States see no other remedy and secede from the Union in a body, forming a commercial treaty with Great Britain, which practically doubles the income received from their products. Virginia, however, is prevented from joining her sister States by the large number of Federal troops lodged within her borders. These "regulate" elections and prevent an honest expression of popular sentiment. To free his beloved State from this galling yoke, the Partisan Leader musters a number of patriots in the southwestern part of the State, and by means of a kind of mountain warfare has succeeded in gaining possession of Lynchburg, when he is betrayed by his brother, a Federal Army officer under his parole, and is taken to Washington. Here the story ends abruptly, but with the statement that the Leader's efforts are in the end successful and Virginia is freed from the Northern tyranny.

A careful perusal of the novel will convince the reader that it was designed not so much for a prophecy as for a warning, and as such it was calculated to have a most decided effect, for, though decidedly partisan, Tucker cannot be accused of indulging in economic sophistry. In fact he is decidedly at his best when discussing political and social conditions of the country during his time. His argument in favor of free trade is excellent and as pointed to-day as when it was written. From a literary standpoint the book is an excellent type of the American novel of the period. The author developed his plot just as the jurist handed down his decisions—calmly, without unseemly haste, and according to certain established and well-defined precedence. The plot is interesting and well conceived, but too conservatively dealt with ever to become absorbing. The characters are

rather statuesque, but on the whole not unnatural, and in their words and actions we feel that Judge Tucker has given us the true local color of a civilization which has since passed from the earth.

The character and object of this book are sufficiently indicated when it is said that the manuscript was read by Mr. Calhoun and, perhaps, by other prominent Southern leaders; but its influence was cut short by its suppression soon after its publication—for what reason it is hardly clear. Whether it was suppressed at the instance of Mr. Tucker's friends or at that of his enemies, it must be confessed that, appearing at the time it did, it was rather calculated to do harm than good, for, though expressing none but legitimate conjectures, it was intensely partisan—and thereby hangs the tale:

In 1861 'The Partisan Leader' was reprinted by Rudd and Carleton of New York and contained the following sensational title-page: "A Key to the Disunion Conspiracy. The Partisan Leader. By Beverley Tucker, of Virginia. Secretly printed in Washington (in the year 1836) by Duff Green, for circulation in the Southern States. But afterward suppressed." This sensational title-page doubtless added to the sale of the book, of which seven thousand copies were sold in less than two months. To this second edition was also added an "Explanatory Introduction," the object of which was to prove that since the early thirties there had been forming by "the dark plotters of South Carolina and Virginia" a conspiracy having for its object the disruption of the Union. This introduction is characterized more by a lurid imagination than by a strict adherence to fact, but the arguments advanced, it must be admitted, are quite ingenious, and they made a sufficient impression in the North to be quoted at a considerably later date by Edward Everett Hale. In what way it was logical to regard as a conspiracy a doctrinal movement, which Southern Congressmen had openly advocated in both branches of the National Assembly for fifteen or twenty years, it does not seem to have occurred to these worthies as necessary to explain.

N. Findlay.

TARIFF INEQUALITIES

From 'The Partisan Leader.'

"You must be sensible," said B——, "that the Southern States, including Virginia, are properly and almost exclusively agricultural. The quality of their soil and climate, and the peculiar character of their laboring population, concur to make agriculture the most profitable employment among them. Apart from the influence of artificial causes, it is not certain that any labor can be judiciously taken from the soil to be applied to any other object whatever. When Lord Chatham said that America ought not to manufacture a hob-nail for herself, he spoke as a true and judicious friend of the colonies. The labor necessary to make a hob-nail, if applied to the cultivation of the earth, might produce that for which the British manufacturer would gladly give two hob-nails. By coming between the manufacturer and the farmer, and interrupting this interchange by perverse legislation, the Government broke the tie which bound the colonies to the mother country.

"When that tie was severed and peace established, it was the interest of both parties that this interchange should be restored, and put upon such a footing as to enable each, reciprocally, to obtain for the products of his own labor as much as possible of the products of the labor of the other.

"Why was not this done? Because laws are not made for the benefit of the people, but for that of their rulers. The monopolizing spirit of the landed aristocracy in England led to the exclusion of our bread-stuffs, and the necessities of the British treasury tempted to the levying of enormous revenue from our other agricultural products. The interchange between the farmer and the manufacturer was thus interrupted. In part it was absolutely prevented; the profit being swallowed up by the impost, the inducement was taken away.

"What did the American Government under these circumstances? Did they say to Great Britain, 'Relax your corn laws; reduce your duties on tobacco; make no discrimination between our cotton and that from the West Indies; and we will refrain from laying a high duty on your manufactures. You will thus enrich your own people, and it is by no means sure that their in-

creased prosperity may not give you, through the excise and other channels of revenue, more than an equivalent for the taxes we propose for you to withdraw.'

"Did we say this? No. And why? Because in the Northern States, there was a manufacturing interest to be advanced by the very course of legislation most fatal to the South. With a dense population, occupying a small extent of barren country, with mountain streams tumbling into deep tide-water, and bringing commerce to the aid of manufactures, they wanted nothing but a monopoly of the Southern market to enable them to enrich themselves. The alternative was before us. To invite the great European manufacturer to reciprocate the benefits of free trade, whereby the South might enjoy all the advantages of its fertile soil and fine climate, or to transfer these advantages to the North, by meeting Great Britain on the ground of prohibition and exaction. The latter was preferred, because to the interest of that section, which, having the local majority, had the power.

"Under this system, Great Britain has never wanted a pretext for her corn-laws, and her high duties on all our products. Thus we sell all we make, subject to these deductions, which, in many instances, leave much less to us than what goes into the British treasury.

"Here, too, is the pretext to the Government of the United States for their exaction in return. The misfortune is, that the Southern planter had to bear both burthens. One half the price of his products is seized by the British Government, and half the value of what he gets for the other half is seized by the Government of the United States.

"This they called retaliation and indemnification. It was indemnifying an interest which had not been injured, by the farther injury of one which had been injured. It was impoverishing the South for the benefit of the North, to requite the South for having been already impoverished for the benefit of Great Britain. Still it was 'indemnifying *ourselves*.' Much virtue in that word, '*ourselves*.' It is the language used by the giant to the dwarf in the fable; the language of the brazen pot to the earthen pot; the language of all dangerous or interested friendship.

"I remember seeing an illustration of this sort of indemnity

in the case of a woman who was whipped by her husband. She went complaining to her father, who whipped her again, and sent her back. 'Tell your husband,' said he, 'that as often as he whips *my daughter*, I will whip *his wife*.'"

"But what remedy has been proposed for these things?" asked Douglas.

"A remedy has been proposed and applied," replied B——. "The remedy of legislation for the benefit, not of the rulers, but of the ruled."

"But in what sense will you say that our legislation has been for the benefit of the rulers alone? Are we all not our own rulers?"

"Yes," replied B——, "if you again have recourse to the use of that comprehensive word 'WE,' which identifies things most dissimilar, and binds up in the same bundle, things most discordant. If the South and North are one; if the Yankee and the Virginian are one; if light and darkness, heat and cold, life and death, can all be identified then WE are our own rulers. Just so, if the State will consent to be identified with the Church, then we pay tithes with one hand, and receive them with the other. While the Commons identify themselves with the Crown, 'WE' do but pay taxes to *ourselves*. And if Virginians can be fooled into identifying themselves with the Yankees—a fixed tax-paying minority, with a fixed tax-paying majority—it will still be the same thing; and they will continue to hold a distinguished place among the innumerable WE'S that have been gulled into their own ruin ever since the world began. It is owing to this sort of deception, playing off on the unthinking multitude, that in the two freest countries in the world, the most important interests are taxed for the benefit of lesser interests. In England, a country of manufacturers *they* have been taxed that manufacturers may thrive. Now I will requite Lord Chatham's well-intentioned declaration, by saying that England ought not to make a barrel of flour for herself. I say, too, that if her rulers, and the rulers of the people of America, were true to their trust, both sayings would be fulfilled. She would be the work-house, and here would be the granary of the world. What would become of the Yankees? As I don't call them, 'WE,' I leave *them* to find the answer to that question."

“Look at your rivers and bay, and you will see that Virginia ought to be the most prosperous country in the world. Look at the ruins which strew your lower country, the remains of churches and the fragments of tombstones, and you will see that she once was so. Ask for the descendants of the men whose names are sculptured on those monuments, and their present condition will tell you that her prosperity has passed away. Then ask all history. Go to the finest countries in the world—to Asia Minor, to Greece, to Italy; ask what has laid them desolate, and you will receive but one answer, ‘misgovernment.’”

“But may not the fault be in the people themselves?” asked Douglas.

“The fault of submitting to misgovernment, certainly. But no more than that. Let the *country* enjoy its natural advantages, and they who are too ignorant or too slothful to use them will soon give place to others of a different character. What has there been to prevent the Yankee from selling his barren hills at high prices and coming South, where he might buy the fertile shores of the Chesapeake for a song? No local attachment, certainly; for his home is everywhere. What is there now to prevent the planter of this neighborhood from exchanging his thirsty fields, for the rich and long coveted low grounds of James River, or Roanoke, in Virginia? Are these people wiser, better, more energetic and industrious than they were twelve months ago, that their lands have multiplied five-fold? Is it your uncle’s fault, that, were he now at home the tame slave of power, he could hardly give away his fine estate? The difference is, that this country now enjoys its natural advantages, while Virginia remains under the crushing weight of a system devised for the benefit of her oppressors.”

“I see the effect,” said Douglas. “But tell me, I beseech you, the cause of this change in your condition here.”

“The cause is free trade.”

“And how has that been obtained?”

“I will answer that,” said B——; “because’ my friend’s modesty might restrain him from giving the true answer. It has been obtained by intelligence, manly frankness, and fair dealing. It has been obtained by offering to other nations terms most favorable to their peculiar and distinctive inter-

ests, in consideration of receiving the like advantage. Instead of nursing artificial interests to rival the iron and cotton fabrics, and the shipping of England, the wine of France, the silk and oil of Italy, and enviously snatching at whatever benefit nature may have vouchsafed to other parts of the world, this people only ask to exchange for these things their own peculiar productions. A trade perfectly free, totally discharged from all duties, would certainly be best for all. But revenue must be had, and the impost is the best source of revenue. No state can be expected to give that up. But it has been found practicable so to regulate that matter as to reduce the charges which have heretofore incumbered exchanges to a mere trifle."

"How has that been effected?" asked Douglas.

"If that question were to be answered in detail," said B——, "I should leave the answer to him by whom the details have been arranged. I will give you the outline in a few words. These States were first driven to think of separation by a tariff of protection. Their federal constitution guards against it by express prohibition, and by requiring that the impost, like the tax laws of Virginia, should be annual.

"They have felt the danger to liberty from excessive revenue. Their constitution requires that the estimates of the expense of the current year shall be made the measure of revenue to be raised for that year. The imports of the preceding year are taken as a basis of calculation, and credit being given for any surplus in the treasury, a tariff is laid which, on that basis, would produce the sum required."

"Then there never can be any surplus for an emergency," said Douglas.

"Always," replied B——; "in the right place, and the only safe place—the pockets of a prosperous people. There is no place in the treasury to keep money. The till of the treasury has a hole in the bottom, and the money always finds its way into the pockets of sharpers, parasites, man-worshippers, and pseudo-patriots. But let that pass. You see that a small revenue alone will probably be wanting, and being raised annually, the tariff can be annually adjusted.

"Now what says justice, as to the revenue to be raised by two nations on the trade between the two, seeing that it is equally levied on the citizens of both?"

"On that hypothesis each should receive an equal share of it," said Douglas.

"Precisely so," answered B——; "and let these terms be held out to all nations, and if one will not accept them another will. On this principle a system of commercial arrangements has been set on foot which, by restoring to these States the benefit of their natural advantages, is at once producing an effect which explains their former prosperity. It places in stronger relief the evils of the opposite system to Virginia, and really leaves her, while she retains her present connection with the North, without any resource. Tobacco she cannot sell at all. *Invita natura*, she will have to raise cotton to supply the beggared manufactories of the North, from which she will not receive in return the third part as much of the manufactured article as the Carolina planter will get for his. This is her fate. She sees it, and would throw off the yoke. But her Northern masters see it too. She is all that remains to them of their Southern dependencies, which, though not *their* colonies, they have so long governed *as* colonies. Take her away, and they are in the condition of the wolf when there are no sheep left. Wolf eat wolf, and Yankee cheat Yankee. This they will guard against by all means lawful and unlawful, for Virginia alone mitigates the ruin that their insatiate rapacity has brought upon them. They will hold on to her with the gripe of death; and she must and will struggle to free herself as from death."