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TO JUDGE SPENCER ROANE - Thomas Jefferson, The Works, vol. 12 (Correspondence and Papers 1816-1826) [1905]

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 12. Chapter: *TO JUDGE SPENCER ROANE*

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TO JUDGE SPENCER ROANE

Monticello, March 9, 1821

Dear Sir,

j. mss.

—I am indebted for your favor of February 25th, and especially for your friendly indulgence to my excuses for retiring from the polemical world. I should not shrink from the post of duty, had not the decays of nature withdrawn me from the list of combatants. Great decline in the energies of the body import naturally a corresponding wane of the mind, and a longing after tranquillity as the last and sweetest asylum of age. It is a law of nature that the generations of men should give way, one to another, and I hope that the one now on the stage will preserve for their sons the political blessings delivered into their hands by their fathers. Time indeed changes manners and notions, and so far we must expect institutions to bend to them. But time produces also corruption of principles, and against this it is the duty of good citizens to be ever on the watch, and if the gangrene is to prevail at last, let the day be kept off as long as possible. We see already germs of this, as might be expected. But we are not the less bound to press against them. The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning-knife; and I doubt not it will be employed; good principles being as yet prevalent enough for that.

The great object of my fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is ingulphing insidiously the special governments into the jaws of that which feeds them. The recent recall to first principles, however, by Colonel Taylor, by yourself, and now by Alexander Smith, will, I hope, be heard and obeyed, and that a temporary check will be effected. Yet be not weary of well doing. Let the eye of vigilance never be closed.

Last and most portentous of all is the Missouri question. It is smeared over for the present; but its geographical demarcation is indelible. What it is to become, I see not; and leave to those who will live to see it. The University will give employment to my remaining years, and quite enough for my senile faculties. It is the last act of usefulness I can render, and could I see it open I would not ask an hour more of life. To you I hope many will still be given; and, certain they will all be employed for the good of our beloved country, I salute you with sentiments of especial friendship and respect.¹

[1] Jefferson further wrote to Judge Roane:

Monticello, June 27, 1821

Dear Sir,

—I have received through the hands of the Governor, Colonel Taylor’s letter to you. It is with extreme reluctance that I permit myself to usurp the office of an adviser of the public, what books they should read, and what not. I yield, however, on this occasion to your wish and that of Colonel Taylor, and do what (with a single exception only) I never did before, on the many similar applications made to me. On reviewing my letters to Colonel Taylor and to Mr. Thweat, neither appeared exactly proper. Each contained matter which might give offence to the judges, without adding strength to the opinion. I have, therefore, out of the two, cooked up what may be called ‘an extract of a letter from Th: J. to—;’ but without saying it is published *with my consent*. That would forever deprive me of the ground of declining the office of a Reviewer of books in future cases. I sincerely wish the attention of the public may be drawn to the doctrines of the book; and if this self-styled extract may contribute to it, I shall be gratified. I salute you with constant friendship and respect.

The “cooked up” commendation was:

EXTRACT OF A LETTER FROM TH: JEFFERSON TO —.

I have read Colonel Taylor’s book of *Constructions Construed*, with great satisfaction, and, I will say, with edification; for I acknowledge it corrected some errors of opinion into which I had slidden without sufficient examination. It is the most logical retraction of our governments to the original and true principles of the constitution creating them, which has appeared since the adoption of that instrument. I may not perhaps concur in all its opinions, great and small; for no two men ever thought alike on so many points. But on all its important questions, it contains the true political faith, to which every catholic republican should steadfastly hold. It should be put into the hands of all our functionaries, authoritatively, as a standing instruction, and true exposition of our Constitution, as understood at the time we agreed to it. It is a fatal heresy to suppose that either our State governments are

superior to the federal, or the federal to the States. The people, to whom all authority belongs, have divided the powers of government into two distinct departments, the leading characters of which are *foreign* and *domestic*; and they have appointed for each a distinct set of functionaries. These they have made co-ordinate, checking and balancing each other, like the three cardinal departments in the individual States: each equally supreme as to the powers delegated to itself, and neither authorized ultimately to decide what belongs to itself, or to its coparcenor in government. As independent, in fact, as different nations, a spirit of forbearance and compromise, therefore, and not of encroachment and usurpation, is the healing balm of such a constitution; and each party should prudently shrink from all approach to the line of demarcation, instead of rashly overleaping it, or throwing grapples ahead to haul to hereafter. But, finally, the peculiar happiness of our blessed system is, that in differences of opinion between these different sets of servants, the appeal is to neither, but to their employers peaceably assembled by their representatives in Convention. This is more rational than the *jus fortioris*, or the cannon's mouth, the *ultima et sola ratio regum*.