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Money and the Taxing Power

BY W. H. ASHBY.

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BOOK 2.—Chapter V.

When a government issues its certificates stamped with the "money" symbol, and makes those certificates express truly the quantity of value actually received in exchange for them by that government, and makes them transferrable by delivery, and conclusive proof of payment, and a peremptory receipt by "tender" against tax levies "in the public offices" and against judgments "in the courts," that government does thereby "coin" its "money"—and in thus exercising the "power to coin money" it exercises the power of taxation.

A certificate thus endowed has power to perform every beneficial service for man "in the public offices and in the courts of the United States" that a gold coin can perform—no matter how flimsy may be the material upon which it is coined.

On side of those offices and courts, neither a gold coin nor any other thing has any power as a conclusive proof of payment, as a receipt by its tender, except as that power is conferred upon it by statute. Outside of the satisfaction by tender, or tax levies and judgments "in the public offices and in the courts," every payment of obligation of every nature is a voluntary transaction and rests, like exchanges, upon the agreement of the parties.

And let it be noted that this statutory power to perform a statutory service beneficial to men, constitutes the utility and the only utility of "coin," and is the power men struggle to obtain dominion over; and the resulting expenditure of human energy in that competitive struggle for their possession, produces the force of demand for coin which maintains their statutory "valuation."

But when such certificates, whether stamped as a damnable and iniquitous falsehood upon some favorite's private gold (for which government received nothing) or a truthful acknowledgement of the receipt by the government of the quantity of value expressed upon its face (as on a "greenback"), are presented to the custodian of a tax levy or a judgment, "in the public offices and in the courts," such "tender" conclusively proves that payment of the tax levy or judgment had already been once made, and, without any agreement with anybody, satisfies and cancels the claim. Unlike exchanges and voluntary payments it does not rest upon agreement or contract.

It is not coins, nor diamonds, nor silver, nor gold, which thus pays these claims. The tender of such certificates in those two places is the authoritative and conclusive declaration of the government that the bearer had already paid that amount to the government as taxes in advance of any tax levy; and whether tax levy or judgment, that government is its custodian, and having already received from the bearer the quantity of value expressed, compels the creditor to accept the means of satisfying tax levies—or nothing—in the case of the judgment; and accepts it as a receipt and conclusive proof of payment in the case of the tax levy.

Outside the public offices and courts the power of "tender" does not exist. In those two places its power is absolute and arbitrary. A certificate of the character we are dealing with is the only real coin. It is a mere question of evidence, over the sufficiency of which the power of government is absolute. It is a conclusive receipt for "value," presumed to have been paid by the bearer in taxes advanced to government in its hour of need.

Every litigant who goes into court submits himself to its jurisdiction and is compelled to accept its adjudication—or nothing. The government having by statute endowed its certificates of advance payment of taxes with exclusive power to perform a beneficial statutory service for man, (the performance of which is urgent and universally required by statute, and which is likewise beneficial to the government), assumes the right to compel those whose claims it enforces, to accept those "coins" as a substitute and in satisfaction for their claims, in return for compelling the debtor to so satisfy them.

And this is not inequitable, because the creditor will sorely need those cer-

tificates called "coin," as the only means of securing deliverance from his own obligation to meet tax levies and judgments; or else the need of others for them, for that inevitable service, will enable him to obtain in exchange for them a quantity of utility of a valuation equal to that expressed in his judgment.

Government has no right to compel people in their dealings with each other to accept such certificates in exchange for their services or valuable commodities. But in dealings between the government and the people this is always done; as where it has conscripted men to form an army, paying them with such certificates, and using that army to forcibly impress needed commodities which are paid for by the same means.

But whatever governments may do upon their own account, and for their own advantage, it is not within the power of government to extend the power of "tender" so as to compel one private person, when dealing with another (outside of public offices and courts), to perform beneficial service or deliver valuable commodities in exchange for such certificates or "coin." But wherever governmental power is supreme, as it is both "in the public offices" and "in the courts," there it is competent for that government to make such certificates or "coin" conclusive proof of payment, and also to compel their "tender" as the only means of making that proof.

When the United States stamps the talismanic words, "United States of America—Ten Dollars," and declares by statute that all taxpayers and judgment debtors shall use that, and nothing else, as the only means of freeing themselves from the burdens of tax levies and judgments, by "tendering" it "in the public offices and in the courts;" and on the other hand declares such tender shall be sufficient proof that they have been paid; these acts being performed in the public offices and in the courts are within the jurisdiction of a sovereign government.

We arrive, then, where we can perceive that the American gold eagle has exactly two powers—and no others. It can perform no office except as a peremptory receipt, by its "tender," in the public offices and courts, as conclusive proof of payment previously made by its bearer. It has no authority or power elsewhere. It does not pay anything; it simply proves conclusively that payment had already been made.

The attempts of economists to account for the "value" of coin excite pity. John Stuart Mill, smothered by the received rubbish, gives the following explanation:

"As the whole of the goods in the market compose the demand for money, so the whole of the money constitutes the demand for the goods. The money and the goods are seeking each other for the purpose of being exchanged. They are reciprocally supply and demand to one another."—Pol. Ec., p. 27.

"So that the value of money, other things being the same, varies inversely as its quantity; every increase of quantity lowering the value and every diminution raising it in a ratio exactly equivalent. This, it must be observed, is a property peculiar to money."—Id., p. 30.

Absurdity could go no further. The proposition that inert "goods on the market" could "compose the demand for money" is such a preposterous statement that we are astonished to find it seriously put forth by so distinguished a man as Mill.

"So the whole of the money constitutes the demand for the goods." If you pile all the coin and all the goods in the United States up in two heaps, while all the inhabitants betake themselves to distant countries, would the coin and goods constitute the force of demand for each other?

It is clear that Man is the active factor, and that it is the expenditure of his energy in efforts directed to obtain exclusive possession of things in the adverse possession of others (those efforts being restrained from taking the form of violence) which produces the force of demand. And this is necessarily as true of one commodity as another; as true of coin as it is of corn.

(Continued Next Week.)

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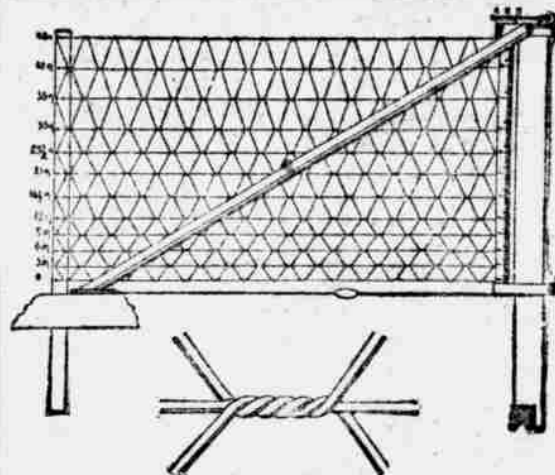
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