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BEGINNINGS OF THE CIVIL WAR IN AMERICA

(Continued from page 40.)

PRESIDENT BUCHANAN, moved by the extreme gravity of the situation, granted an informal interview to the South Carolina Commissioners, touching the objects of their mission, on the 28th of December, or within forty-eight hours after Anderson's pregnant movement. Courteously received, they were informed that as "Congress was the only competent tribunal" to act on any proposition "they might have to offer," he would communicate it to that body; therefore the interview was barren of any desirable result. On the same day, it appears, they also addressed a formal note to the President, an ill-judged paper both in tone and scope, no doubt materially warped thereto by the provocation of the unexpected tidings that had followed so quickly upon their heels, of what Major Anderson had done.

Their note was ill-conceived, because its chief request, "the withdrawal of the troops from the harbor of Charleston," was so couched that it could but serve to complicate the situation for Mr. Buchanan—a statesman who, with a deep sense of the fast-brooding calamity with which the hours were big, was ardently desirous of averting from his countrymen the incalculable misfortune of a sectional civil war. His answer, a long one, bears date of the 30th of December, and suffice to say, in effect, he refused either to withdraw the troops of the United States from the harbor of Charleston or to restore the *status quo* in that quarter. To this there was an immediate rejoinder on the part of the commissioners in its tone sufficiently unmindful and heedless of the President's well-known earnest disposition to remove all sources of sectional discord as to lead him to return it with the indorsement that it was of such character that the President "declines to receive it." *

* Here in the North possibly it has become a matter of almost immovable historical faith that before the secession of South Carolina, the War Department, under Secretary Floyd, systematically emasculated or impaired in all possible ways, the military strength of the Government within the Southern States. And yet there is abundant, easily-found evidence to the contrary, even in connection with the fortifications of Charleston harbor, some of which must be briefly adduced: *Early in August, 1860, Captain John G. Foster, United States Engineer Corps, assisted by two accom-*

JOHN BRECKINRIDGE

A DEMOCRAT OF THE OLD RÉGIME

Late in life Albert Gallatin wrote to a friend: "During the twelve years I was in the Treasury I was anxiously looking for some man that could fill my place there and in the general direction of the national concerns; for one, indeed, that could replace Mr. Jefferson, Mr. Madison and myself. Breckinridge of Kentucky only appeared and died; the eccentricities of J. Randolph soon destroyed his influence."

It is remarkable how many men once well known in their own states and also in connection with national affairs are now forgotten. Doubtless there are persons, more than ordinarily conversant with American history, who may need to ask the question, "Who was John Breckinridge?" He was a principal actor in some of the greatest events of our national life, and of a large family more than one of whom deserved well of their country. Although the father of a line of descendants who were to play important parts in the various spheres of public life, yet his name outside of his adopted state is either wholly forgotten or at best has become a barren memory that tells no tale. It is plain that one who could be mentioned by Albert Gallatin so favorably in such a connection, should not lightly be forgotten. John Breckinridge was indeed the trusted friend and confidant of all that great Virginian dynasty—Jefferson, Madison and Monroe. Younger than any of them, he was, as Gallatin suggests, the rising star. Unhappily cut off at the early age of forty-six, while attorney-general in Jefferson's cabinet, his career was but half unfolded. "Breckinridge's death and John Randolph's eccentricities," says Mr. Henry Adams, "left Wm. H. Crawford as the residuum of six great reputations;" and Wm. H. Crawford's stroke of paralysis broke the bonds of that succession which seemed confirmed within the Cabinet, and initiated the new era of American politics.

John Breckinridge was not only a member of the House of Delegates and of Congress, but of the House of Representatives of Kentucky and of the Senate of the United States. He was also speaker of the Kentucky House, attorney-general of Kentucky and of the United States, and mover and probably draughtsman of the justly famous Kentucky Resolutions of 1798 and 1799. He was born in Augusta County, Virginia, on December 2,

1760, and died December 14, 1806. It is always interesting to note whence the traits originate that make a man great, and if the ability is permanent in several generations it becomes doubly interesting to trace its sources. Here we find one whose elder brothers, his father's children by a previous marriage, occupied very important posts in their states; the elder, Alexander Breckinridge, in Virginia; the younger, Robert Breckinridge, in Kentucky, where he played a most prominent part in the early constitutional conventions and in the legislature, of which he was speaker. His younger brother, James Breckinridge, was a member of the Virginia legislature and of Congress, and was a candidate for governor against James Monroe. The persistency of John Breckinridge's blood is traceable. His eldest son, Joseph Cabell Breckinridge, speaker of the Kentucky House of Representatives and secretary of state for Kentucky, died at an early age and left an only son, John C. Breckinridge, the well-known member of Congress, senator, Vice-President, candidate for the Presidency, and a major-general in the Civil War, and Secretary of War for the Confederacy. He, in turn, has left a son who has for some time been a member of Congress.

The three younger sons of John Breckinridge were distinguished divines of the Presbyterian Church who achieved a national reputation and have left sons who have kept the family prominent in Congress, upon the bench, in the army, the pulpit, and in every walk of life. The second of these sons was Robert Jefferson Breckinridge, who practiced law and served several terms in the Kentucky legislature before he entered the ministry, and who afterward played a part second to none in keeping Kentucky true to the Union. He presided over the Baltimore Convention which renominated Mr. Lincoln, in 1864.

As we might well suspect the Breckinridges came of sturdy stock. The first we hear of them is in the Wars of the Covenant. They were then settled in Ayrshire. When the tide turned and Charles II. came to the throne, the part they had played was too prominent to leave them secure, and they fled to the Highlands of Braedalbane and thence, after some years, removed to the North of Ireland. In 1728, Alexander Breckinridge moved to America, and after a short delay in Southern Pennsylvania, finally settled in Augusta County, Virginia, on a farm, upon which the town of Staunton has since been built. His son, Colonel Robert Breckinridge, married Lettice Preston, whose father was born in Londonderry during the famous siege of that place, the son of an officer in the army of William III. From this marriage sprang the subject of this sketch. He needed all the hardy vigor of his Scotch-Irish blood to enable him to grow

into a strong character in those rough times. He was but a lad when his father removed to Fincastle, in Botetourt County, then upon the very confines of civilization. The perils and hardships of life upon the frontier were greatly increased by the complications which preceded the Revolution, and as soon as the war began the struggle was made doubly hard. It was just at this period that his father died. The care of his mother, his sisters, and his younger brothers devolved upon him. Nevertheless he found himself able in 1778, at the age of seventeen, to enter the good old college of William and Mary, at Williamsburgh. The autumn of 1780 found him prepared to start again collegeward, with no other thought than that of another year in quiet study. But the election of a representative to the House of Delegates was at hand. No man in the county could have been more surprised than young John Breckinridge, when the result showed that he, a boy of nineteen, had been returned. His name had not been even talked of for the place. It was one of those silent movements that sweep strong and sure to their goal. The sequel proved the depth of the current.

The times were dark. Kings Mountain and the Cowpens had not yet lifted the heavy veil that lay over the South. Men were needed; not only in the field, but also in the council-hall. What, then, did these frontiersmen mean by sending a beardless boy to sit for them among such orators and statesmen? The House treated the election as a jest or worse, and summarily set it aside. They were surprised to see the same boy returned at the next election, and once more set that aside. A third time the same return was made, and this time the lad took his seat. Thus, not at his daily task of Latin and Greek, but as a legislator, John Breckinridge found himself at Williamsburgh. Though he made no mark in that brilliant assemblage (it was not to be expected of one so young), he did his duty faithfully and to the entire satisfaction of his constituents, and at the same time improved the opportunity of making valuable friends for the future.

The years slipped along. The war ended, young Breckinridge studied law, was admitted to the bar in 1785, and removed to Albemarle County, where he commenced practice in its county seat of Charlottesville—the home of Jefferson. He remained here for nearly eight years, until his removal to Kentucky in 1793, and in these busy years laid the foundation of his future career. The best stone in that foundation was a devotion to his profession. This bar was then a brilliant one, numbering among its members many of those who had won high applause in the work of awakening and nerving Virginia to the revolutionary struggle now so happily past.

The tradition is preserved of a meeting with Patrick Henry in an important case, and of much dispute as to which of the two the palm belonged. But although they are many accounts preserved of the power of his oratory, it was probably in the higher walks of his profession that he excelled—in his mastery of legal principles and in close and accurate reasoning. If this was indeed the corner-stone, it will seem to many that he built even better when he laid well the friendship of Jefferson and Madison, and confirmed that of Monroe and of others prominent in the affairs of state and nation. He was admitted into the closest friendship with these leaders, and carried on with them until his death an intimate and confidential correspondence. There are many men who easily win friendship, but he had that happier faculty of stirring the deeper chord of confidence. The same qualities that had first brought him into public life stood him in good stead now, and never deserted him. Men trusted him, not alone as a loyal, but as an able man. In that is summed up most of what bears men upward. Jefferson was not slow to show his own confidence in him. In 1791, without solicitation, Jefferson wrote sending Breckinridge a commission as attorney for the District of Kentucky, under the hand of Washington and his own as secretary of state, urging with much earnestness the acceptance of the post, and emphasizing that the President had heard most favorably of him not only from himself but also from others. However flattering the offer, personal affairs compelled Mr. Breckinridge to decline the appointment. It was some two years before he again appeared in political life. He was then elected to the Third Congress—in December, 1793. He never took his seat, however. The same duties that forced him to decline the attorneyship of Kentucky, then a part of Virginia, now carried him to that state, newly entered upon her career as the fifteenth of the United States. His removal was during the year 1793, and he took up his residence near Lexington, in the central part of Kentucky, on a farm known as Cabell's Dale. Here he at once opened a law-office and was quickly in active practice.

There was no lack of occupation for a man of his attainments at this time in Kentucky. Land titles were the all-engrossing theme. The practice growing out of them was both interesting and lucrative. The wretched system, which Virginia early initiated and long continued, of making vast grants on worthless or mere paper surveys, had made the state one vast net-work of overlapping claims, while over the whole had been thrown an incredible number of "blanket grants" in order to catch any stray corners that might have been left without an owner. Over and above all this there were certain claims which the State of Virginia herself re-

tained, and which led to no small vexation. To this task John Breckinridge gave many years of his life. Virginia sought him as the attorney to press her own claims, but he was then attorney-general of Kentucky. The final solutions owed much to his painstaking care and great resources.

State politics, too, had a claim upon him. It is a very different thing, this launching of a new sovereignty, from the *dillettante* politics of an old and well-tryed commonwealth. Strong hands and brave hearts were needed. John Breckinridge had scarcely been in the new state two years when, on December 19, 1795, he was appointed attorney-general, and it was just two years later that he took his seat in the legislature, where he served three terms—the last term, that of 1799 to 1800, as speaker. Already, in 1794, he was the choice of the Republicans in the legislature for United States Senator, but the extraordinary conduct of Genet produced a reaction even in Kentucky (that stronghold of Jeffersonian principles before they had become Jeffersonian), and Humphrey Marshall was chosen by a slim Federalist majority. Six years was not long to wait for such an honor; but six years was a long time in his brief life. It was, nevertheless, a happy fortune that kept him in state politics for the present. The characteristic part of his life-work is bound up in the events that led to and are embodied in the Kentucky Resolutions.

The Spanish intrigues that gave such a romantic turn to the early history of Kentucky, are to-day either forgotten or summarily relegated to the realm of treason and condemned out of hand. In truth, there is no chapter in the early history of any of our states more fascinating than this. The war was over and the British yoke was sundered. The colonies were free and independent. The feeble tie that bound them in the effete confederation was too weak to awaken even a sentimental union. If this was true along the seaboard it was doubly true beyond the mountains. The difficulties of communication, of permanent connection, with the Atlantic states seemed at that time insuperable. Her movement for a separation from Virginia had begun early in the decade of the eighties. That bond was irksome. There was no doubt that it would be soon broken. Where, then, was this little commonwealth to betake itself? If it was difficult to pass the mountains, it was correspondingly easy to send its products to a mart by the waters rolling grandly seaward. The Ohio on the north, the Cumberland on the south, the Kentucky and the Licking from the center seemed to be tempting them to the Mississippi and thence to the Gulf. But at the Gulf was Spain, and Spain eager to add to her possessions did her utmost to win Kentucky to her. Later-day ideas of nationality had not dawned. They were free. Their bourne was where they should find

the greatest profit. But the pendulum swung back. Virginia released them and they entered the Union. The problem now assumed a different aspect. Spanish intrigue had become treason. But it was hard to forget the flesh pots of Egypt! And as the coveted trade began to slip away it is small wonder that there were men ready to open again the old negotiations and try again what magic could be found in the name of Spain. Such was the state of opinion in Lexington when John Breckinridge came thither from Virginia. There was little danger that he would join this Spanish faction. His heart was at the country's head and his eyes already upon the Sun that was wheeling into their orbits about itself state after state. But he was a fine example of that Democracy of the old *régime*, and it is well to remember that it was built upon a fear of encroachment upon personal liberty. The freedom of the individual, alone, had been in danger under British rule. No system ever guarded property rights with more jealous care. It was this that underlay the whole course of this party and is especially to be seen in Jefferson's early phrase, "life, liberty and the pursuit of happiness," and in the intense agitation over the Alien and Sedition laws. These ideas, crystallized into a formula, became a permanent political plea and were preserved long after they had lost all practical utility. But the thing they feared was real enough as yet, and the French Revolution was even now stirring up the old tide afresh. Being such a one Breckinridge came to his own. The Spanish faction was small but able. The Anti-Federalists or Democrats were the mass of the people. George Nicholas was then the leader at the Lexington bar and well known in Virginia, but sadly mixed up with the Spanish fiasco. John Breckinridge stepped at once to his side, and unsoiled by intrigue, high in favor with the party leaders was not slow in assuming leadership. Democratic clubs began quickly to spring up throughout the land as if the "blood of the patriots," which Jefferson declared to be the seed of freedom, had been sown broadcast. None of these clubs was more prominent than that of Lexington, and John Breckinridge was before long its president. It was just at this time that John Adams was elected to the chief magistracy of the nation, and the odious Alien and Sedition laws fell like a thunderbolt upon all good Republicans.

What length might not the central government reach if these laws were to stand? Jefferson and his coterie were fairly in a panic. But all the rest of the commotion was as nothing to the grand outburst that broke from Kentucky. Young, and as yet numbering few citizens, she was at least united. From every county-seat remonstrance after remonstrance rolled forth, beginning even before the bills were passed. In this John

Breckinridge was at once in the van. It was midsummer when the laws were enacted; it was winter before the legislature should assemble. In the mean time he went to Virginia and discussed the matter with the chiefs of his party. There is no record of what flowed from his pen. His letters that remain are chiefly family letters and contain no hint of what was passing in the state. It is well known that the suspicion of the management of the public post was so great at this time that none of the plans of the opposition were committed to it except in the most guarded manner. We know, however, from a letter written to J. Cabell Breckinridge, the son of John Breckinridge, in 1821, Mr. Jefferson's version of an interview between Breckinridge, Wilson Corey Nicholas and himself. This letter is the famous "—— Nicholas" letter of Mr. Jefferson's edited works, and is still in existence, on a single sheet bearing the postmark "Charlottesville, Va.," and Mr. Jefferson's frank and the address, "*J. Cabell Breckinridge, Frankfort, Ky.*," all in Mr. Jefferson's handwriting. How this letter came to appear in Mr. Jefferson's works as to "—— Nicholas, Esq.," is only open to conjecture, but it seems most probable that it is there taken from a letter-press copy, to which the address, naturally enough (being on the fourth page of the sheet), was not attached, and the editor inferred from the contents alone that it was addressed to some one of the Nicholas family, the blank awakening no slight suspicion as to the accuracy of his knowledge. However that may be, the letter itself is indubitable evidence of its real address. It relates that in this memorable summer Jefferson, Nicholas, and Breckinridge met at Monticello, and there the draught of the Resolutions of 1798 were drawn. Mr. Jefferson in this letter claims to have himself drawn them, and to have laid upon his *confrères* a strict injunction to keep his part in the matter entirely secret. Upon this letter, and this alone, wholly unsubstantiated, rests Mr. Jefferson's claim to their authorship. It was written on the 11th day of December, 1821, when Mr. Jefferson was in extreme old age; and Breckinridge many years in his grave. There are, moreover, several matters inaccurately stated in it, which seems to show that his memory was none of the best. On the other hand, the claim of the authorship of the Resolutions for John Breckinridge is supported by the unvarying testimony of his whole family, by every authority that is nearly contemporary, and especially and at length by Humphrey Marshall in his "History of Kentucky," who if ever man had opportunity to know the whole truth he certainly had, and by every indication that is to be drawn from contemporary events. It must be confessed that Mr. Jefferson's plain declaration that it was under a pledge of secrecy that the work was done, places a burden of proof upon those seeking to

disprove his authorship that is well-nigh impossible to overcome. The family of Mr. Breckinridge, at the time it was put forth, met this claim with no mild denial, branding it as nothing less than an attempt to filch the fame of his dead friend. Certain it is that if it were true the secret was deeply buried, as not even Mrs. Breckinridge or his dearest friends ever dreamed that Mr. Jefferson drew the paper.

Thus has the authorship of these famous Resolutions become one of the insoluble problems of our early history. Says Mr. Jefferson in the same letter: "That circumstance (*i. e.* the authorship) was certainly of far less merit than the proposing and carrying them through the legislature of his state." By a no less unhappy fortune he has been even robbed of this fame. Turn to any work that treats of the question written in the last fifty years, and almost without exception George Nicholas will be named as the reputed mover of these Resolutions. But this has been inferred solely from the erroneous letter-heading in Mr. Jefferson's edited works. If "your father" was a Nicholas, it must have been George Nicholas, for John did not move to Kentucky. Happily there is no room for doubt here. George Nicholas was not a member of that legislature, and therefore could not have moved the Resolutions. Newspapers, histories, letters, could be quoted *ad infinitum*, were it necessary to show that Breckinridge alone moved them and carried them with only a single dissenting voice, on the 10th day of November, 1798.

It may seem a small matter to many whether one man or another either wrote or moved these Resolutions. But if there ever has been a paper of consummate skill in the drawing, or of deep and wide-reaching effects, presented in any of our state legislatures, it was this. For many years it was enough for any one, challenged as to the source whence he drew his statements, to declare that it was from the Kentucky Resolutions, to have them met with respect or assailed with every power. It is not too much to claim for them that they formulated in a masterly manner the basal facts of American Democracy, and were for many years unquestioned authority. Indeed, they were at once recognized as such. The other states to which they were sent treated them with pronounced approval, or swiftly declared them pregnant with peril to the nation. But there was no doubt in the mind of Breckinridge as to their soundness. In reply to the Federalist states he drew and introduced the Resolutions of 1799 confirming his former position. Whatever may have been potentially in them, the Resolutions of 1798 did not contain that dreadful word, "Nullification;" but in those of 1799 we find it. The whole programme of Democracy, in words if not in spirit, is thus at length enunciated. It is, never-

theless, more than probable that there was no idea in the minds of the statesmen of this epoch at all coinciding with the "nullification" of half a century later. In short, it is a piece of pure anachronism to impute to Jefferson and his compeers such a doctrine. Madison has disavowed it for his chief and himself, and all the evidence seems to point to the true solution of this controversy in their stand as against aggression upon individual rights, not state rights or local or sectional rights. Examine the Kentucky and Virginia resolutions side by side. The one is from the standpoint nearest Federalism; the other from the standpoint furthest removed. Breckinridge had seen less of the old *régime*, had been more fully imbued with the growing idea. To him there had come forth a new interest to be cherished above all, a sectional interest. The Mississippi trade was to Kentucky then what slavery was to the South in after-times; was more to *her* in all probability than slavery ever was. This dominant idea quickened in a genial soil the seed that had been sown without stint. Nullification, though it is hard to believe it, meant what it came to mean—meant to Breckinridge a remedy against one section overbearing the interest of another, in a sense beyond anything that Jefferson knew. If this be so, then, indeed, these Resolutions had in them a terrible potency for evil. But while they were an enunciation of a very broad and radical democracy, there is strong ground for believing that they were meant to confine whatever protests should be made upon their sanction against acts of the central government to the powers within and not without its pale, and, as a consequence, that whatever was put upon them by way of construction different from this was an importation, pure and simple. Certain it is that the men who drew and passed this series of Resolutions would have shrunk with horror from their work had they foreseen what should be in future times imputed to them.

In 1801 Jefferson became President and John Breckinridge senator. In no single phase of his life does he appear in a more extraordinary position nor to better advantage. The Senate was now for the first time Republican, and Breckinridge stepped at once, in his first term—his first appearance in national concerns—to the leadership. Such a thing was truly phenomenal. His first act, at the very beginning of the term, was to assail the judiciary and to effect the repeal of the obnoxious law increasing the number of circuit judges. He showed a skill in management, and a vigor in his speeches, that thoroughly justified his party in intrusting to him so important a task. From this time on he continued to be the mouth-piece of the administration. Among his papers are to be found minutes in Mr. Jefferson's own hand of the matters to be brought up, and

suggestions as to the management of them. There was, however, no very important matter in hand till the Mississippi business entered upon its last phase. Here it is natural to find him in the front rank. He led in the Senate in ratifying the treaty, in giving the authority to the President to occupy the ceded territory and all the matters that led to the actual occupation. Mr. Jefferson wrote to him on August 18, 1803, from Monticello:

"Dear Sir: I wrote to you on the 12th inst. on the subject of Louisiana and the constitutional provision that might be necessary for it. A letter received yesterday shows that nothing must be said on that subject which may give a pretext for retracting; but that we should do, sub silentio, what shall be found necessary. Be so good therefore as to consider that part of my letter as confidential; it strengthens the reasons for desiring the presence of every friend to the treaty on the first day of the session. Perhaps you can impress this necessity on the Senators of the western states by private letter. Accept my friendly salutations and assurances of great respect and esteem.

"Th. Jefferson.

"J. Breckinridge, Esq."

Also in Mr. Jefferson's handwriting we find the following amendment:

"*Resolved*, By the Senate and House of Representatives of the United States, two thirds of both houses concurring, that the following amendment to the Constitution of the United States be proposed to the Legislatures of the several states, which, when ratified by three fourths of the said Legislatures, shall be valid to all intents and purposes as a part of the said Constitution.

"Louisiana as ceded by France to the United States, is made a part of the United States."

But not even Mr. Jefferson's great influence sufficed to induce him to offer this amendment. However we may place him under our modern categories, he firmly held to the inherent right of the United States to acquire territory. On this he was immovable, and consequently refused to do anything to forward the contrary opinion of his chief. His defection was one of the main causes in the breakdown of the attempt to set so bad a precedent.

This was practically the end of his career in the Senate. The matters that remained for him to do were of no such import as to affect our history, and even these were few. For on August 7, 1805, he took his seat in the Cabinet as attorney-general. This change was not made without much urging and many misgivings. His own best judgment was against it. He believed his place to be in the Senate. There certainly he found a most congenial sphere. He was eventually overruled. His appointment, no doubt, was the outcome of that search which Mr. Gallatin alluded to. His

mark was plainly set in view of all. The heads of affairs were only anxious to join it to their own and place him in the line of growth and succession; to imbue him with the methods as well as the principles of the great party that was destined to hold office with such extreme tenacity. They planned well, but an unhappy fortune sealed this much of their work with failure. The time was short which Breckinridge spent in the Cabinet, for on the 6th day of December, 1866, he died of the effects of a long and tedious attack of typhus fever.

Such, in brief, was his career in public life. Conspicuous as he was therein there is little reason to doubt that he was still more remarkable for the traits that won the affection and admiration of those who best knew him in his family and social relations. Upon this, however, I may not dwell here. My purpose has been solely to recall the part he played in our political history. In conclusion I cannot refrain from quoting the following words spoken many years ago: "Simple in his manners, grave and lofty in his carriage, no efforts were too great, no labors too protracted, or difficulties too insurmountable for John Breckinridge's indomitable energies. And yet his earnestness and vigor were tempered by a gentleness towards those he loved, so tender that the devotion of his friends knew no bounds."

Estlin A. Mearns