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THE
SECOND DEFENCE
OF
ROBERT J. BRECKINRIDGE,
AGAINST
THE CALUMNIES
OF
ROBERT WICKLIFFE:
BEING
A REPLY

TO

His Printed Speech of November 9, 1840.

The best temper of minds desireth good name, and true honor.—Lord Bacon.—Sylva Sylvarum. Cent. X. Exp. 1000.

Baltimore:
PRINTED BY RICHARD J. MONTGOMERY,
Corner of Gay and Lombard streets.
.....
1841.

Baltimore

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SECOND DEFENCE

OF

ROBERT J. BRECKINRIDGE, &c.

TO ROBERT WICKLIFFE :

SIR—I now proceed to redeem my pledge to you and to the public, and invite your attention to what I am about to submit, as my *second* defence. Your printed speech of November 9, 1840, (I refer to it, by the date given to it by yourself—though that date is entirely incorrect, as I have heretofore publicly shown) is the principal count in the long and bitter indictment you have preferred against me ; but other publications of yours may enter into the case, and your unpublished letters, in your somewhat famous correspondence of 1832—especially your letter of August 29, 1832, in 38 manuscript pages, must form a large item in it. While it is very far from my intention to go over all you have written against me, and especially not over what I have already refuted and exposed, in my printed speech of October 12, 1840 ; yet, your memory is so elastic and your imagination so creative, that it is often necessary to compare your charges made at various times carefully with each other, in order to get precisely at your meaning ; and, happily, when you mean any thing distinctly, besides unmeasured abuse of all that stand in your way—this process of comparing you with yourself, not unfrequently administers the fullest justice to yourself, as well as the amplest deliverance to those you accuse. Surely no man can expect to be better answered than by himself ; nor can any one desire to be better defended than by his accuser.

Before proceeding with the details of the case, however, I crave your attention to several general observations, which seem to me worthy of a moment's notice. And in the first place, it is to be noted that you have been obliged by the overwhelming facts of the whole case, to give up entirely, the grand cause and ground of your recent attacks upon me. Who, sir, is the guilty and disloyal author

of the detestable act of 1833? Sir, I would not, for all the land you ever wrested from its rightful owner—occupy your position, in regard to that one thing. You attempted to make me infamous, by proving me the author of a particular law, which law I did not know existed, while you had yourself, as a Senator, voted for it; and when these facts are set in a light so palpable, that even the blind cannot help seeing them—you silently drop the subject, and attempt to escape public execration by raising an outcry upon other matters having no sort of relation to the case, or to the merits of the original charge. Upon the case between us, as made by your attack and my defence, your present speech, by its studied silence, concedes your guilt and my innocence. Here we take a new start.

Be pleased to observe, again, that the bitter and violent introduction into this debate, of transactions purely personal and private, has been wholly your work. I had been a non-resident of Kentucky for more than eight years, when my name was introduced into the county canvass of Fayette, and when you delivered and printed a violent speech against me, in the summer of 1840. Your charges, though utterly unfounded, were at first of a public character; but now they have degenerated into private accusations of a nature so scurrilous, that no gentleman should print them even if they were true; and being, to his own knowledge, false, no man could utter them who was not lost to all sense of self-respect. But what I insist on is this—that you had no sort of inducement in the subject matter of our dispute in 1840, nor any provocation or example from me in my speech to which yours of November, 1840, professes to be an answer—to fly off into bitter and abusive personal accusations about private matters, even if your charges had been all true instead of all false. My speech was a public discussion of public acts and principles, and it mixed up personal matters no farther than they absolutely formed a portion of the case. Your reply, is an indecent tirade of personal abuse, for transactions which are in general, altogether private; and public affairs are introduced by you, only so far as to enable you to revile those who took part in them.

There is one peculiarity of your present publication which is so entirely characteristic, that I confess to you, I have never thought of it without smiling. Here is a pamphlet of 55 pages, expressly got up to prove certain charges against me, and so far as may be necessary to injure me, against the Presbyterian Church in America; and at the end of the pamphlet you publish as testimony, a letter, which not only disproves some of the charges deemed by you amongst the worst of all, but which actually proves that you yourself did not believe them! For example, you labor hard to prove abolitionism on me and on my church, and then publish a letter of Mr. *Emilius K. Sayre*, in which he says in terms, and by your own procurement, that you never meant to charge me or it with any such crime, and that you were willing to have said so much in print if called on! You vilify me in a manner unrivalled except in your own pages, and then conclude the book with a certificate, that you had in your other speech, no idea of being “disrespectful or injurious” to me—but on the contrary, “that you had

complimented me highly, for openness, fairness, and great ability." Yea, a speech intended to ruin me, closes with proof, that a public explanation and disclaimer was tendered, the week before the speech was delivered, and all other accusations are capped by this, that I would not ask for a disavowal of all I complained of, with a certainty of getting it!

Ah! sir, I had known you too long and too well to be taken in such a trap. You had made charges which you knew were unfounded—and when you saw, most unexpectedly, that you were to be held responsible for them, you protested that they did not mean what every body saw they did mean—and what you now avow, you always knew to be true, and really intended to utter. It was not to disavow any thing—but it was to turn the dispute with me, from the vile calumnies you had uttered, into a wrangle about the sufficiency of the explanation which you wished me to ask, that you agreed to answer *if called on*. I was willing, nay anxious, that you should disavow what all men understood you to mean; and would have continued to bear, as I had done for ten years, all your private injustice and abuse. But, if you had been in earnest, the only possible course consistent with honor and propriety, was a spontaneous disavowal of accusations, which all men understood you to make—and which you pretended, for the occasion, were erroneously imputed to you. Subsequent events have fully established the accuracy of my estimate of your principles and intentions; and this under plot, in our affairs, affords a new proof of the openness and forbearance with which I have treated you, and of the rancorous duplicity with which you have been accustomed to act towards me.

Let me note as another general fact, that nothing can be more evident, than that your *printed* speech was not intended for the latitude of Kentucky. The *spoken* speech was for the community in which you dwell. The result of our personal discussion, fortified by your subsequent public conduct, left you completely prostrate, not only in the commonwealth but in your own county. Having resigned your unexpired term in the Senate—avowedly because the defeat of your son at the previous election showed that the sentiments of the people of Fayette were opposite to yours on the subject of the importation of slaves; you were *allowed* by the people of the county, to return and finish your unexpired term. But with all the reluctance which many felt to give up a man, who as they thought, had done some service in former years; with all the efforts of those who still adhered to you; with no body out against you as a candidate—and yet with the polls kept open three days, in order to test the real sentiments of the people; still you could command in a constituency polling but the other day some 2400 votes—only about 766 supporters: and under this contemptuous silence, a more eloquent instruction than even the vote that caused you to resign—you went to Frankfort to make your last public acts responsive to the tenor of your private conduct—and finished your political career by the betrayal of your principles, your party, your constituents and your country. In the midst of these transactions you wrote and published the speech to which I am now

replying—not at all to operate on those, who, before its publication, had publicly condemned you ; but to be read and believed elsewhere, by such as were ignorant of the facts, unacquainted with your constitutional infirmities, and not informed of the overwhelming result of your conflicts of 1840 and '41, in Fayette and in Frankfort. For example, sir, who that reads on the 34th and 35th pages of your speech—that I made a public apology for my former conduct and opinions, and was hardly allowed to be heard by “a part of the crowd”—after the mass had departed, refusing to hear me ; can imagine it was intended to be read by those who knew that my apology consisted of a public rebuke of you for charging me with the writings of Judge Green and Mr. Clark—a public defiance to you to prove what you had pledged yourself to prove I had penned and printed, viz., a draft of the law of 1833, which you stood for twenty minutes thumbing old newspapers to find,—and a public protest to the people—which the greater part heard with loud applause that your general character and present conduct required every honest man to consider all you said against others, false, until it was proved to be true.

Let me also, in a general way, call your attention to the correspondence of 1832, already hinted at—and to the origin of our first difficulties. On your return from the Legislature in the spring of 1830, you published a circular to the county, which you then represented in the Senate of Kentucky—making, amongst other things, a great outcry on the subject of slavery. In reply to this part of your circular, I published seven Nos., between the 21st of April and the 9th of June. Here began our troubles—you the friend, as I then thought and as you now admit, of perpetual slavery—I controverting your theories as founded in error and injustice, and your plans as fraught with the ruin of the commonwealth. It so happened that about the same time, I had advocated the repeal of all laws of Congress, requiring the mails to be transported and the post offices to be kept open on the sabbath day ; and that you had caused to be passed, the winter before, a local law about the public high ways, which like all your legislation had a special eye to your own case—and which the people received with general derision. When I became a candidate for the county, therefore, in the summer of 1830, these three points were up for discussion ; and you, though a Senator, “took the stump” against me. A county committee, appointed in relation to national politics—and unless I am entirely deceived, appointed by yourself as chairman of the public meeting—saw fit to arrange a ticket for the county, excluding me ; and the opposite party seeing ours embroiled, brought out a ticket of their own. In this contingency, I did not throw myself into the hands of men whose principles I had always opposed—as you have lately done : but I firmly held by my convictions, refused alike to surrender my principles, or sacrifice my party—and calmly withdrew from a conflict in which success appeared to me no longer compatible with personal honor. I believe, sir, no one except yourself, ever considered my conduct on that trying occasion, unbecoming a patriotic citizen, and an independent and upright man. You, however, had injured me ; and therefore never ceased to hate and

fear me.—You had besides, deeper reasons for distrusting the future than I knew at that time ; and this leads to the *second* point of our troubles. For a very long period you had managed a case for the heirs of my father, against the executors of John Lee, and others, in which we were endeavoring to subject the Slate-Creek Iron Works, to the payment of a large sum of money : of which, more presently. At the March term of the Fayette Circuit Court, for 1830, we obtained a decree *Nisi*, as it is called, for the payment of the money ; and at the June term, 1830, a decree for the sale of the property mortgaged. When you saw us about to collect our money—you, who had been our lawyer in this case from its commencement twenty years before—employed your nephew, Mr. D. McC. PAYNE, to get our decree set aside—and when he failed, you appeared against us yourself—as counsel for other parties whose interest was subsequent to ours—parties who had employed you years after you had brought our suit—and your connection with whom, as a party interest, we never suspected till that moment.—These facts and dates, are from official statements ; you will reconcile them at your leisure, with what you say on the subject in your printed speech. It is needless to say, that I considered your conduct in this matter, altogether outrageous ; that I immediately felt convinced you were personally interested against our recovery ; and that as trustee for my father's heirs, I was obliged to resist a proceeding, which as a lawyer and a gentleman I felt bound to condemn. Of all this more presently ; it leads to the *third* part of our original difficulties. About the first of May 1832, I left Kentucky, with my family, and after spending some months at Princeton, N. J., I settled in the beginning of November, in Baltimore, where I have continued to reside ever since. About thirty days after my departure from the state, you opened a correspondence with my younger brother, the Rev. Wm. L. Breckinridge, then Professor of Ancient Languages in the College of Danville ; the purport of which was, that in this suit with the Lees and others, I had taken a course, as agent of the family, which was greatly detrimental to its interest, and might entirely lose the claim ; that in this I had been led astray by Richard H. Chinn, Esq., who was, as you insinuated, unduly influenced by the Hon. Henry Clay, the executor, remotely of George Nicholas, whose heirs, you said, were in fact, the parties most directly responsible to us, for our debt. Your first letter to my brother William, is dated July 6, 1832, and consists of about 3 pages ; your second letter, also directed to him, is dated June 22, 1832, and consists of 18 pages. Both of these letters are entirely in your own hand writing. The third letter in this series—I speak only of such as are now lying before me—is a copy of my letter to you, dated “Princeton, New Jersey, July 2, 1832,” written in consequence of my brother having communicated to me, the nature of your movement on him. This copy consists of 8 large pages, and the original was sent open, to my brother and to Mr. Chinn. The fourth letter is one from you to me, dated “Lexington, August 29, 1832 ;” it consists of 38 closely written pages. It is not written in your hand—you doubtless have the original—but every page is sprinkled over with your corrections, and the

whole is signed by you. This letter was inclosed to my brother, in one from you to him, dated September 3, 1832, containing 3 large pages—entirely in your own hand. My brother returned it to you, under an envelope, which envelope you returned to him in a blank cover, apparently in childish spite—both of which wrappers are before me. The letter was then sent to me by another channel, and reached me about the end of February, 1833. I have what appears to be a draft of the beginning of a reply to you, dated March 4, 1833—consisting of 5 pages only. It is incomplete, and my recollection is that no answer was ever sent. So ended our *third* period of difficulty. Presuming on my long forbearance in repeatedly permitting such conduct to pass without any further notice than the absolute duties of my position required; you became finally so much emboldened, that in the autumn of 1840, you delivered and printed the speech, which I met fresh from the press on my unexpected visit to Kentucky, in October of that year. It seemed to me, that the time of endurance was ended; that duty to myself, my friends and the truth, required of me a change of conduct; that God had demanded at my hands more than I had done; and that nothing short of a faithful and thorough dealing with you could set matters right. In this view of the subject I delivered my speech in Lexington, in October, 1840; and in the firm conviction that your published reply to it, requires the following notice at my hands, I proceed to administer it in all good conscience.

Looking back on these troubles—it seems to me most proper to proceed at once to the developement of that portion of them, on which you have manifested the most interest—and around which you have made all the personal accusations of your second speech, cluster. We shall thus escape, as far as possible, from the chaos created by your designed want of method, and easily slide along into the midst of those charges, which have induced me to trouble you with this paper.

Some time after the death of my father, John Lee's Executors commenced a suit against his Administrators to recover on a contract entered into by said Lee with my father and George Nicholas, for the sale of one half of Blackwell's Entry for 19,000 acres of land, near the Slate Creek Iron Works. This suit was prosecuted with *various* success, till the month of June, 1825, when a judgment was rendered against us in Woodford, and subsequently affirmed—by which we had to pay about \$7,400. You were our lawyer throughout. In the month of September, 1811, you filed a Bill in Fayette, in the name of my father's administrators and heirs against Lee's executors and others—one principal object of which was to subject to the payment of whatever sum we might lose by the foregoing suit—certain property mortgaged to our father for that very end. The case stood thus: John Breckinridge and George Nicholas, proprietors of the Iron Works, the former owning 18-48 parts thereof, jointly contracted with John Lee, for the purchase of Blackwell's Entry; John Breckinridge subsequently sold his interest in the Iron Works to Nicholas and Walter Beall, taking from Beall a mortgage upon the estate sold, to indemnify him, amongst other

things, against his liability on this claim of Lee; Beall subsequently sold his interest in the iron works, to Thos. D. Owings, taking from him a mortgage upon it, amongst other things, to secure him against his own liability to Breckinridge, on account of his mortgage to him; then Beall, Nicholas, and Breckinridge all died, Owings being still in possession: and in this state of case, Lee's executors sued and recovered against us; we, by you, having filed our bill, as above stated, to recover so much as we might be forced to pay. The nature of Nicholas's liability as partner—and the extent of Beall's and Owings's as mortgagors, are nothing to the present matter. In 1830, as heretofore stated, we got first a decree *Nisi*, and then a decree to sell; and were just on the eve, as we supposed, of getting the money we had actually paid and expended. But all of a sudden, our own lawyer—the honest and faithful Robt. Wickliffe—who had filed our bill—managed our case—made contradictory allegations in our pleadings—and been, as he insinuates, our patron, and our father's bosom friend, came into court in the name of Luke Tiernan and Ellicott and Meredith, and by Mr. Payne, filed a petition for a postponement of the sale ordered, and a review of the decree itself. The reasons alledged in the petition of this faithful counsel in favour of his *new* clients and against his *old* ones, are 1, That George Nicholas's heirs were not before the court. 2. That the decree was for too much; to which others are added, of which learned counsel whose abstract I follow, says, "*they are not worth notice.*" Now the first reason is false, as the pleadings show; and the second is false, if your allegations in our bill are true; for in it you say, all Blackwell's claim is within a circle of three miles around the forge and furnace, and in your reason 2d, you assume that it is not—and therefore our decree is for too much. But if both were true—the question still remains, and your character requires it to be answered—what right had you—our original counsel, and constant attorney in this case—our general legal adviser in the business of the estate, and that for twenty years running; what right had you, thus to interfere against your own clients, friends, yea, if we may believe you—dependants—and defeat a recovery which was in some form absolutely beyond question—upon doubtful points of legal learning? I demand, sir, does the honor of the legal profession, tolerate such a procedure? Will the sacred relations of client and counsel endure it? Does the just interpretation of contract between man and man, allow it? No sir, no sir. It is a procedure, altogether without precedent, at the Kentucky bar; and which, I am glad to say, admits of the clearest possible explanation. I proceed to give it.

On the 11th September, 1817, (six years after filing our bill against Lee and others) you filed a declaration in debt, in the Circuit Court of the U. S. for the Kentucky District, in the name of Luke Tiernan vs. Thos. D. Owings for \$5525,75; and got judgment the following November. On the 10th day of July, 1818, you filed in the same court, against the same defendant Owings, a declaration in debt, in the name of Samuel Smith, for \$17,952; and got judgment the November following. On the 25th of July, 1819, you filed in the same court, against the same defendant

Owings, a declaration in debt, in the name of Comyges and Pershouse, for \$1785,45, and got judgment the November following. These debts jointly amounted, originally, to \$25,263,20, as appears of record; though you say, (p. 5, *speech of Nov. 9, 1840*.) "I had recovered for Samuel Smith, Luke Tiernan, and Comyges and Pershouse, judgments against Thomas Dye Owings, to the amount of seventy or eighty thousand dollars." Now, sir, we begin to get into the light. This Thomas Dye Owings, was a sub-purchaser under Beall, to whom my father sold his interest in the Iron Works; he was a sub-mortgagor under Beall, who mortgaged to my father; he was in possession of the identical property—and was made by you, a defendant to our bill. In your speech (p. 5,) you say—as part of the sentence quoted above—"Owings gave up to the Mar-
"shal large bodies of lands, including parts of the lands mortgaged by Beall to Breckinridge"—to satisfy the debts of your new clients. And then you immediately add—that the trustees of Owings, put your said clients into possession of all these lands, "*and they, by their Agents,*" proceeded to rent them out. At the head of that agency—stood Mr. Robert Wickliffe—faithful friend and counselor of the heirs of his old friend, John Breckinridge.

We find you now in possession of the property—against which, it caused you so much anguish in 1830, that we should get a decree, prayed for, by you, for us twenty years before. Nominally, your possession was that of your new clients; *really, it was on your own account! You are the owner of the estate!* How much you may have paid Smith, Tiernan, Comyges or Pershouse—for their claim of "seventy or eighty thousand dollars,"—I cannot say; but this is notorious, that you are the possessor of the princely fortune of Thos. D. Owings—including the portion mortgaged to us; and that he is hopelessly ruined. When I called at the clerk's office to examine the papers in these cases—I was shown a thick bundle—which the clerk informed me, contained the executions. I counted them—and then asked him to do it. There were just *eighty one* of them. *Eighty one executions*, issued by you, in *three cases!* How you managed to do it—I leave the profession to guess. But by them you managed to divest Owings of all his estate, legal and equitable, in these same Slate Creek Iron Works. Mark that—*legal and equitable*. So that you having entirely divested Owings, in the names of your new clients; and then having become, in a way best known to yourself, proprietor of the interests thus divested; the recovery of your old friends the Breckinridges, upon their case instituted by you in 1811—against a portion of this property—becomes, in fact, a recovery—not against Thomas Dye Owings—but against Robert Wickliffe! No wonder, then, you should be so desperately uneasy, lest we should get our money, before Nicholas's heirs were properly before the court—or before we had proved all your allegations about Blackwell's Entry—twenty years ago, or before some abstract law question had been settled to the entire satisfaction of a passionate lover of mere justice—like yourself. To defeat our recovery makes the Slate Creek Iron Works just worth so much more to their owners—say ten, or twelve thousand dollars; and our old friend and lawyer, Mr. R.

Wickliffe, had become one of the proprietors, if not sole owner—when? Pray, sir, when? Shall I answer for you? Then turn to the 21st page of your great letter of August 29, 1832—and there you will find yourself saying—that at and before our decree *Nisi*—that is, before March, 1830, this Iron Works property *belonged to your clients and yourself—and that you and they, were partners in it!*

Here then is the plain case on which we quarrelled. My judgment is, that I would have been a faithless trustee, if I had connived at your conduct; and that I acted as every honest man placed as I was, would be obliged to act. What the issue of the law suit may be—is not for me to say, as it is still *sub judice*. What men may think of your conduct, is your affair, not mine.

In the confused and false narrative you give of the foregoing case, is contained one of your most unfounded and dishonoring charges against me. On page 6th of your speech of November 9, 1840, you say: “This said Robert J. Breckinridge, found among his father’s or his brother Cabell’s papers, George Nicholas’s and Walter Beall’s bond for indemnity, which he says he has lost, but which, I have always believed he, for motives which he knows I know, has hitherto suppressed.” You then proceed to alledge the solvency of Nicholas’s estate, and the case with which the money due us, might be made out of it, and add, in the following words, the reason, which induced me to suppress the aforesaid bond, viz.: “but this would close every part of the gentleman’s duty as agent or administrator for his father’s estate, and take from him every excuse for not settling with his heirs, by accounting for not only monies received, but lands of great value sold and sacrificed by him.” Again on page 7, you say, that in regard to this whole business, I have “played off from that day to this, an intended deception, on the heirs” of my father, pretending that I cannot settle with them because my business is unfinished. Let us here examine first the *fact*, viz.: the suppression of the paper, and then secondly the *motive*, viz.: that I might fraudulently avoid a settlement with my co-heirs, whose estate I have wasted.

As to the *fact*, you shall be my witness. In your letter of June 6, 1832, page 2, speaking to my brother William of “the condition of a claim your (our) father’s administrators have against Nicholas”—you say, “Nicholas’s estate lay immediately open to pay *two-thirds* of the debt, and other property of Owings and Beall, in abundance, was liable.” This letter shows that you had familiar knowledge of the relations and liabilities of the estates of Nicholas, Beall, and Owings to ours; that you considered Nicholas liable to us, for *two-thirds* of the amount paid by us, to Lee’s executors for Blackwell’s claim; and that you knew that the liabilities of Nicholas and Beall to us, were of an entirely different sort, and *not the result of a joint bond*, as alleged in the preceding quotation from your speech. That is, your written statement of June 6, ’32, is entirely inconsistent with your printed one of November 9, ’40.

Let us hear you again. In your letter of June 22, 1832, to the same individual, and written in reply to his answer to your letter of June 6, you say on page 1, “Indeed without some further aid

“ from the family, there is one fact charged in the original bill or an amendment that I find no voucher for, although *I think* it was made on *some voucher* in the possession of your brother Robert or Cabell, or on *information* from one of them, viz.: that *George Nicholas was bound for two-thirds* of Lee’s debt. By a *joint contract*, your father and George Nicholas bought the one half of “ Joseph Blackwell’s Entry,” &c. Now here observe the utter contrariety of this statement from *both* the foregoing. In the first, you assert your positive knowledge that I had the suppressed paper—that said paper was a *joint bond* of Nicholas and Beall; and that it made them clearly and readily liable to us for the debt recovered by Lee. In the second, you omit all mention of a bond, and state the liability of Nicholas and Beall to be different from each other, both as to amount and foundation, and introduce a third party, viz., Thomas D. Owings. In the third, you profess utter ignorance of the whole matter; confess that you don’t know who told you that Nicholas was liable for two-thirds; nor when they told you so; nor how it was to be proved; nor at what time it had been first asserted.

But we will try you again, from a fourth statement, made by you under still new circumstances. In your letter to me, of August 29, 1832, p. 19, you say, that not long after the filing of the amended Bill of 1826, in this famous chancery suit, I gave you the information which follows—I quote your words: “ Not long after you made this amendment, you informed me that I was mistaken in only charging in the original bill, that Nicholas’s heirs were *bound for half*, that by a *contract* between Nicholas and your father, Nicholas was bound for two-thirds of the purchase money, and I think you stated, you had, or showed me at the time of the conversation, *such contract*,” &c. Now, here we have a new form of the case. What you say in 1840, that you “ *have always believed*,” you tell us in 1832, you did not know till 1826, although, you had at this latter period been managing the whole case for fifteen years. What you tell my brother William in June, 1832, had been obtained, you hardly knew where; you tell me in August of the same year, had come from me, at a precise time. What you assert in 1840, to be a *joint bond* of Nicholas and Beall, known by you to be suppressed by me; you tell me in 1832, was a *contract* between my father and Nicholas, and tell my brother in the same year, was “ *some voucher*.” These absurdities and contradictions, are, however, the less important, as they are all false; as I will prove, by yourself.

Let us hear you for the *fifth* time. In your letter of June 22, 1832, p. 1, you say, writing to my brother: “ Shortly after your father’s death, suit was brought on the bond for the £10 per hundred. At that time your brother Cabell was young and out of the state, and neither of the administrators seemed to be competent or inclined to act,” &c. On p. 2, you proceed to explain clearly how you understood, from actual surveys, and the examination of papers and records, the case to stand, between Beall, Lee, and my father, and declare Beall’s liability to us, to be, not from any supposed *bond*, trumped up in 1840—but because you found a

mortgage, from Beall to my father, precise to the very point, on which mortgage you say you filed a bill of foreclosure and for indemnity. Here then, the liability of Beall, which you charge me in 1840, with trying to smother up, in order to defraud my co-heirs, is confessed by you in 1832, to have been fully understood by you, "shortly" after my father's death, (he died December 14, 1806;) and was actually proceeded on, by you, in chancery, in 1811, and remains unsettled, depending, and open to all mankind, till this hour, in the case of Breckinridge's administrators vs. Beall's administrators and others, on the chancery side of the Fayette Circuit Court. That is, some thirty odd years after you are fully possessed of certain facts, and actually proceed to put them on record, and to hold parties to heavy liabilities upon them; you find it convenient, for purposes of personal malignity, to represent these facts, in four or five different ways—all, as you well knew, utterly false; yea proven so by your own testimony.

But you shall have a full hearing; answer, therefore, for the *sixth* time, and having told us, at last, the real state of the facts about Beall's liability; tell them also truly as to the rest. I have said my father died in the autumn of 1806. His administrators, whom you attack, as neither "*competent*" nor "*inclined*" to do their duty, were, the first, my uncle *Robert Carter Harrison*, a man who could have spared as much repute for unsullied honesty, as would enrich a generation, having such a repute as yours; the second, my brother-in-law, *Alfred W. S. Grayson*, who, though I shall not defend his errors—would, as to all noble, manly, and gentleman-like qualities, have justly considered himself defamed by a comparison with you; the third, my venerated mother. As to the two first, it is not my part to defend them; and for the third, I will only say, I feel a kind of degradation, in mentioning her name on the same page with yours. Now as you expressly assert (in the letter of 22d June, 1832, already quoted) the youth and absence, of our eldest brother (Cabell); the incompetency and negligence of the administrators; and your own knowledge on personal and careful examination of all the facts of the case as to Beall's liability: so also you are shut up by your own statements, as to that of Owings and Nicholas, for on page 3 of that letter, you say, "*On further search I laid my hands on Owings's contract or mortgage to Beall, and ascertained that he, Owings, was bound to Beall, to execute his contract with your father, as to indemnity. In this suit, I made Nicholas's executors and heirs parties, and also Owings a party, praying first, Nicholas's executors might be decreed to pay Nicholas's part, supposed to be two-thirds, and that Owings might be decreed to pay at the rate of £10 per hundred for all of the 10,000 acres of Nicholas and Breckinridge sold by your father to Beall.*" Here then is a clear and precise statement, by yourself, in 1832, flatly contradicting every allegation you have made before or since, against me, or my brother Cabell, on this subject; clearly pointing out the sources of your knowledge, as independent of both of us; and precisely convicting you of intentional falsehood, in all your allegations against me in this behalf.

But there is, if possible, clearer proof still behind; so let us hear you, for the *seventh* time, on this matter. I was born on the 8th day of March, in the year 1800. In the year 1811, you commenced both the suit in chancery in the name of my father's administrators against Lee's executors and others, and that against Beall's administrators and others. In your various statements, spoken, written, and printed, *when you desire not to be understood*, you confound these two cases; though they have little in common, were both commenced by you for many years. You have several times, within a few years, had the papers in these cases under examination, as I learn; and, those who have examined them after you, find them in a state, which all who know you will easily understand, under such circumstances. Being five hundred miles off, when I began to collect materials for this defence, I had to rely on the kind aid of friends. I have before me two abstracts of the case first named above; one made especially for me—the other to aid, in the perfect understanding of the case; both by professional counsel, men above all suspicion. Both these abstracts assert, that in the first case named above, an amended bill was filed in 1811, which contains amongst other allegations, this, *viz.: that George Nicholas the joint obligor with John Breckinridge, to John Lee, was bound to pay for two-thirds of the purchase*, and the amended bill prays that the trustees and executors of Nicholas, may be subjected to contribution. Now, sir, this amended bill is in your hand writing, and was filed by you—when I was eleven years old! So here is matter of record, contrived by yourself, and existing for thirty years before your charges of 1840—proving that what you assert is not only false, but impossible—and that you had for thirty years, known it to be both the one and the other. So far as I know, the first denial that the liability of Nicholas was for two-thirds, and that of my father for one-third, it contained in the answer of Henry Clay, as executor of Morrison, and so executor of Nicholas, filed in this case in answer to an amended bill *written by you*, in 1827—in which after the lapse of sixteen years from the first assertion of the fact, of record, by you—you reiterate the statement that Nicholas was liable for two-thirds.

But, sir, I demand of you as of a man long skilled in all the tricks that bring disrepute on the noble science of the law, to assign one tolerable reason, in this whole transaction, why there ever could have been such a bond, as you say you knew existed? Breckinridge and Nicholas were partners in the Iron Works. They entered into a contract for the purchase of Blackwell's land, wholly for the partnership, or in part for it, and in part on private account. Breckinridge then sold out his his partnership interest to Beall and Nicholas; but swears really for his (Beall's) single use; and Beall gave him a mortgage to indemnify him from loss by reason of any covenants in the contract with Blackwell. If Breckinridge really sold nothing to Nicholas, as Beall's mortgage and oath seem to prove, why should Nicholas and Beall in such a case, execute to Breckinridge a *joint bond*, to secure him against Blackwell? Pray sir, what would be the consideration of any bond under such circumstances, executed by Nicholas to Breckinridge? Especially

how could it be a *joint bond* of Nicholas and Beall to Breckinridge, when the interest of Beall and Nicholas, was in every respect unequal? If Nicholas owned 30 shares on his own account and 4½ shares purchased from Beall, making 34½ in all; while Beall owned only 13½ shares, having, as he swears, immediately sold to Nicholas 4½ shares of the eighteen purchased from Breckinridge, and received for them, in cash, the consideration money from Nicholas; how is it conceivable that they should execute a *joint bond* to Breckinridge? Moreover, why should Beall execute any bond, joint or single, when he had paid, in lands, the price contracted to be paid to Breckinridge, and secured him by mortgage, against collateral liabilities? That he committed a fraud as to some of the lands given to my father in payment for his 18-18ths of the Iron Works, or was himself in error in regard to them, and thereby rendered a subsequent transaction necessary between those two; rather strengthens than weakens this whole view of the matter. In other words, is it not perfectly clear, from the mere statement of the case—that neither Beall nor Nicholas could have executed such a bond; in other words, that no such bond ever existed? The liability of Nicholas to Breckinridge for money paid by the latter, was that of a partner—that of Beall, was that of a mortgagor.—And the quantum of their several liabilities, was matter of contract, of record, or of law; and all you say about a joint bond, is pure fiction.

I rest this part of this matter here—although I have ample means to push it farther—because I cannot see how any man who is open to conviction, can fail to perceive that I have demonstrated my innocence and your guilt. I now proceed to clear myself of those motives charged by you, as the spring of actions, which I have proved by yourself, it was impossible for me to have committed. It is indeed, true, that not having suppressed any bond, I could not be fairly held to feel the motives, which you say caused its suppression. But this does not satisfy me.

Why should I suppress such a bond, supposing it to exist? Look, sir, at the facts. The whole question, as made by yourself, is, whether we are to recover from Nicholas's estate one-half or two-thirds of a certain sum of money—amounting now to some ten or twelve thousand dollars. That is, the utmost interest we have at stake, is, the one-sixth part of that sum of money; and my utmost personal interest in that would be one-fifth or sixth part. So that, my particular interest, whether Nicholas's liability were settled at one-half or two-thirds, could not possibly exceed a few hundred dollars, even if we had no other remedy. But, you have repeatedly asserted, and I suppose there can be no doubt, that the mortgaged estate of Beall and Owings, is additional to this liability of Nicholas, as a partner of my father, and perfectly ample; so that the only question is, *how much* we should recover from Nicholas, and *how much* from the rest; and thus, whether there was ever any such bond as you alledge, is utterly indifferent, to every interest of my father's estate and to me.

But the entire facts in the case, show conclusively, that Nicholas is responsible to us, as the partner of my father, for money paid by

us, on the partnership account, for precisely so much as his interest in the concern was, say 30 parts out of 48, of what we have so paid; for 18 parts out of 48, was the exact interest of my father, as you assert; and that of Nicholas, if he owned the rest, must needs be 30 parts out of 48.

Again, the interest of Nicholas's estate in the premises, must be precisely measured by ours; the only question with them, on your own presentation of the case, is, whether they shall pay one-sixth more or less; for this is just the difference between one-half and two-thirds.—Whether Henry Clay, who has acted as the lawyer and the executor of Nicholas, would attempt to exert a corrupt influence over any one, and in particular over me, as you constantly insinuate, for an interest so remote and contingent as to him, and so clearly null as to me, I leave the public to judge. As to the heirs of George Nicholas being capable of such an attempt, luckily for me it happens to be true, that fair and open proposals of compromise, have more than once been made to me on their behalf, since the recovery of Lee's executors against us, in order to liquidate the liability of Nicholas; to all which I have steadily replied, that nothing less than the total settlement of the whole case would satisfy me; for since I had discovered your dishonorable and faithless conduct in it, I felt obliged to stand fast by our legal rights and remedies, and would do it, even if I did it singly. So that any collision between me and the heirs or representatives, whether legal or personal, of Mr. Nicholas, is utterly out of the question, upon the very face of the transaction; and for further proof, I appeal to all those parties, and especially to Henry Clay; to Judge Nicholas, and to Richard Hawes, Esq's.

But again. Why should I endeavor to prevent a recovery *by* my father's heirs? If you had said there had been a bond suppressed to prevent a recovery *against* us, there might have been sense at least, though no truth in the charge. But to say this was done to prevent a recovery *by* us, is at the same time false and ridiculous. In one breath you charge me with wasting the estate of my father; in the next, with preventing the recovery of its means: while, in very deed, your cause of quarrel with me was, that as its trustee, I had so managed its interests as to detect your infidelity as its lawyer, and to endanger your enormous speculations in property and claims, incompatible with its interests, and with your professional engagements to it.

There is one proof against this accusation, which, I presume, you, at least, will consider difficult to answer. Ah! you are too good to your adversaries. Who could suppose, that in charging me in 1840, with preventing the collection of certain monies due my father's heirs, in order to have an excuse for putting off a settlement with them; you had been so considerate of my good name, as to furnish me, eight years in advance, with proof, under your own signature, that my conduct was actuated in the identical case, by an entirely different motive? Hear yourself, and believe; for if you tell truth, I can prove my innocence by you; and if you tell not truth, that, too, establishes my innocence, for no one else accuses me. In your *letter of August 29, 1835*, you thus discourse

in regard to the money, which you say, I will not allow to be collected, and of the motives, which you *then* said, actuated me. "I wrote to you, stating your DECREE was erroneous, that it was void, and if it could be carried into effect, it was iniquitous; that the bill should be amended to state Clay's compromise with Nicholas's heirs, and his agreement to pay five thousand dollars, the insolvency of most of the heirs of Nicholas, and the necessity of an injunction, to prevent the money going into their hands. To this writing, communicated with the sincere desire that others, if not yourself, of your father's family, might not, *through your malicious folly*, be defrauded of what was justly due them, you made no reply, but that I must proceed at my peril." You then go on to assert, that the money could have been easily collected—not on any bond, as you now talk, but by the proceedings indicated above, and then add: "But this was not what you wanted; *this would not have been your sweet revenge.*" I do protest, sir, that it seems marvellously odd, to a plain man like myself, that a professed spendthrift should refuse to take money, part of which is his own, when he has only to hold his hand out and receive it. But it is still harder to see, how it could be true that he did this upon motives precisely opposite to each other. Good gentleman, you cannot tell how you have aided me in my defence, by abusing me too often.

And why should I desire, much less attempt, to shun a settlement with my father's heirs, either partial or general? It is true, my business relations with those heirs, individually and collectively, have been large; but they are wholly misunderstood, or wilfully misrepresented by you. I was the youngest child of the family, but one, that attained mature age; and must, therefore, have been involved in the business of my co-heirs, as individual persons, purely and solely by their own acts. And now, omitting all mention of any service I may have had the happiness to render to any of them, I freely tell you, that if you will point out any act of mine, by which any of them have lost and I have gained one dollar, in any individual transaction between any of them and myself; I will pledge myself immediately to cancel the act, or to prove it to be not only perfectly equitable, but kind and fraternal. As it regards the estate of my father, you utter a pure fiction when you say, (p. 9, Speech, Nov. 9, '40,) "the reverend gentleman had got himself, by an act of the Legislature, appointed administrator, with power to sell lands, pay debts," &c. &c. I never got the Legislature to pass any act on the subject; I never was an administrator of my father's estate; and I never *got myself appointed* to any thing whatever, by any authority whatever connected with that estate. While I was yet a child, other persons administered on it; while I was yet a boy, the Legislature passed two acts, (in 1812 and in 1813,) on representations in which I was too young to take any interest, by which certain trusts were created, to a limited extent, as regarded portions of the undivided estate of my father; and for many years, my oldest brother executed these trusts with great skill and ability, and as trustee, performed most of those important services which you falsely claim as your own. After his death, which occurred in 1823, I was, I may truly say, obliged by the family to consent that

the courts should throw on me the un-finished business of this trustee-ship—two of my co-heirs, one of whom had been my guardian and of course knew me well, becoming my sureties; and this trustee-ship is the sole foundation for your unparalleled statements. In it my powers were limited and special; the business which I transacted, though large, brought comparatively little money into my hands to be spent or accounted for. I never sold an acre of its land, nor compromised one of its claims, without a previous order in writing from a majority of the heirs, under the acts of Assembly; and the estate has always been in debt to me, from the moment I became its trustee. I have given bond and security that I would account for all monies that should come into my hands as trustee; and the statutes gave a summary remedy against me.

No, sir, you are utterly deluded, or else, in your malice, talk at random. It has been the aim of my life, to be always ready to settle with every body, in all respects. No rule of conduct has been more rigidly adhered to by me; and I think by this time, you must yourself be convinced, that it had been well if you also had adopted for your government, a principle which would have required you to be just, truthful, moderate and honest; and, therefore, constantly prepared, without fear, and as to all good men without reproach, to answer for all your conduct.

But if you still doubt, I submit to you the following testimonials. They are from the only children of my father, besides myself, who survived at the time they were given; and since their date, one of them has passed to his enduring reward above, affixing the seal of death to his ample vindication of me, and just rebuke of you. If any one should know the truth on the general subject in regard to which they speak, *they* should. The public know these men; and when they know that they speak in regard to matters about which you have attempted, for ten years, publicly and privately, to poison their minds; the matter must be considered as put to rest. If I had nothing to offer in my defence, but these two statements, I should consider myself beyond the reach of your malice.

CABELL'S DALE, NEAR LEXINGTON, KY., }
 May 14, 1841. }

Having been requested by my brother, ROBERT J. BRECKINRIDGE, to give him my certificate in regard to certain charges brought against him by Robt. Wickliffe, Sen., in his late speech, touching his management of our father's estate, I do hereby declare, that to the best of my knowledge, my brother Robert's agency has, throughout been conducted with ability, faithfulness, and a disinterested regard to the good of those he represented, which often exposed his own interests. These statements derive additional force from the facts, that the estate was remarkably difficult to direct, and that the agent occasionally found *fraud* practiced by those who were engaged with him in its settlement.

If this had not been requested, I should have thought it useless to give it, for I do not think that any one believes the charges brought; no, not even Mr. Wickliffe himself.

JOHN BRECKINRIDGE.

Having been from his earliest boyhood up to the period of his last illness, intimately acquainted with the hand-writing of my late friend and kinsman the Rev. Dr. John Breckinridge, corresponding with him for years together in boyhood, youth and manhood—I have no hesitation in saying that this is entirely his hand-writing, piece and signature.

Aug. 20, 1841.

J. CABELL HARRISON.

I have looked over a pamphlet by Mr. Robert Wickliffe, Sen., in which very severe charges are made against my brother, the Rev. ROBERT J. BRECKINRIDGE, in relation to his management of our father's estate, as Trustee thereof. Being one of the heirs, I deem it proper for me to say, that I have had no occasion, at any time, as far as I can now recollect, to be dissatisfied in the slightest degree with any part of my brother's management of that business, and that as regards his entire control and disposition of it, and his assiduity, discretion, and fidelity, I consider Mr. Wickliffe's insinuations as perfectly gratuitous, and utterly destitute of all foundation in fact.

W. L. BRECKINRIDGE.

Louisville, March 22d, 1841.

One of the most painful and degrading accusations you have seen fit to make against me, relates to a portion of my Brædalbane estate, and to my alleged unkindness to my deceased aunt, Mrs. Meredith. I will state the accusation in your own words. In your speech of November 9, 1840, you say, "I also recovered for the heirs 300 acres of first rate land, from their aunt, the late Mrs. Meredith, which this reverend individual now holds, at a price merely nominal, from the other heirs, as I am informed and believe." Again, on page 20, thus: "You were born and raised here, and inherited your fortune (except what you wrung from your old aunt Meredith,) *through my labor*. No sooner had you dispossessed your old aunt," &c. Again, on page 22, thus:

"In a practice of more than forty years, amidst our conflicting land titles, it could hardly happen that I should not be the lawyer for the successful claimant, and often interested in the event of the suit; and sometimes my feelings have been greatly excited for the unfortunate occupant. And I declare before high heaven, that in all my practice I never had my heart wrung more, than from the nominal ejection of the reverend gentleman's uncle, Samuel Meredith, but the real ejection of his aunt, old Mrs. Meredith, his father's beloved and only sister—*by the gentleman himself*; and that I never had a more unfeeling wretch for a client, than he was. After having dispossessed his aged relative, he had the impudence to apply to me to bring an action against her *for mesne profits*. This I indignantly refused, and rebuked the gentleman, by telling him he wanted me to do what I would not do, and that he ought to treat and speak of his aunt more kindly; that he had no right to *mesne profits*. He then, to harrass his aged, infirm and destitute aunt, who, if then not a widow, had a husband incapable of business—employed another lawyer, brought his suit and paid the costs. This I state from impression, and the records will correct me if I do the gentleman wrong as to his suit for the mesne profits. Mrs. Meredith was unfortunately married, and always relied on her brother for protection and counsel; and has often with tears in her eyes declared to me that the mortgage for 300 acres of land of which the gentleman dispossessed her, was had and contrived by her and her brother, to prevent her husband from selling her lands in Fayette county and moving to Green River. That her brother's claim on Col. Meredith, the father of her husband, which her brother and her made the foundation of the mortgage, had been fully paid by Colonel Meredith; and that her brother had died suddenly without thinking of the condition she would be in by the enforcement of the mortgage. This mortgage of ancient standing, was found among the papers of Mr. Breckinridge, and enforced by the expulsion of his sister; and *is the farm, the very farm*, the gentleman says he has come by the providence of God, to visit! Poor old Mrs. Meredith now sleeps with her brother in the silent grave, while the gentleman struts the lord proprietor of her land and her labor; and if any want to learn the character of this pious preacher, let him inquire of the descendants of his aunt."

These are bitter things; and whether they have any relevancy to prove that I was the author of the act of 1833, or not; if they were true, I should confess myself that detestable wretch, which

every upright man must pronounce him to be, who could bring them, knowing them to be false. I frankly take issue with you, then, upon this case as put by you. If what you say, be true, I confess myself infamous; if it is false, I hold you to be everlastingly disgraced.

I produce then at once the highest of all proof—in the most undoubted of all forms. Hear it—and if you are not dead to all honor, hide yourself forever from the haunts of men.

I, Harry I. Bodley, Clerk of the Fayette Circuit Court, in the State of Kentucky, do hereby certify, that I have examined the records of my office, and find that an action of ejectment was commenced in said court on the 20th of June, 1814, in favor of John Breckinridge's heirs against Samuel Meredith, which was served on said Meredith, on the 23d of June, 1814; the declaration in said case, is in the hand-writing of Robert Wickliffe, Esq., and his name is marked thereto, as the attorney for the plaintiff.

Judgment in said case was rendered for the plaintiff at the March term, 1817, which was enjoined by a suit in chancery, instituted in said court by defendant Samuel Meredith, and in which a decree was rendered in August 1819. A writ of possession issued on the judgment in favor of Breckinridge's heirs against Meredith, on the 1st March, 1821, upon which the Sheriff made the following return, viz.:

“ Executed March 1st, 1821, by taking into and delivering to David Castleman, a complete possession of all the within mentioned premises amounting to 10 tenements.

R. SHARP; D. S. for
J. C. Richardson, S. F. C.”

Said writ issued for 355 acres of land in Fayette Co. on the waters of Elkhorn, except the interest of Conway's alienees in 4 acres, on which a saw mill &c. is erected, being one-half, which was enjoined in suit of Dallam against Breckinridge's heirs.

On the 20th November, 1821, Breckinridge's heirs commenced a suit against Samuel Meredith (Richard H. Chinn being the attorney for the plaintiff) for back rents, &c., which abated by the death of Samuel Meredith, on the 1st April, 1825.

April 8, 1841.

H. I. BODLEY.

If you can look your degradation in the face, compare your libelous assertions with this overwhelming proof. My “father's beloved and only sister”—was ejected “*by the gentleman himself*”—you hardily assert and *print* the assertion in Italicks to give it damning emphasis. The truth sternly replies—that *you brought* the ejectment, when I was just fourteen years of age; recovered the estate when I was seventeen, and pursuing my studies at Princeton in New Jersey; got a decree in chancery, when I was nineteen and still a non-resident of Kentucky; and finally a writ of possession, on which the estate was put into the possession of David Castleman, who you know to be one of the legal representatives of John Breckinridge, while I was still a minor; and Mrs. Meredith not even a party to the proceedings! So that in point of fact, neither my aunt nor myself had any thing to do with this matter—as in point of law, neither of us had any authority to act in regard to it; and all you say about it—is a clear, sheer, and baseless fabrication. You say, that “to harrass his (my) aged, infirm and destitute aunt,” I proceeded after the recovery of the estate, and after being indignantly rejected by you, to engage other counsel to oppress her in the matter of *mesne profits*; whereas, the record shows, that this proceeding was had at a time, when I was barely of full age, and when this estate was under the general control of my brother

Cabell, as trustee, and the particular management of Mr. Castleman, as agent, and when I could not if I had desired it, have controlled the business; and in point of fact, had nothing at all to do with it. I repeat, it was impossible for me to have interfered, directly, in this matter, even if I had been of full age, and had ever so much desired it; for by those special acts of the Legislature of Kentucky, which I have spoken of in another part of this defence—passed in 1812 and 1813—cases of this very kind were put under the control of a trustee—my oldest brother, being such trustee from the 28th day of March, 1814, (which is the date of his bond as trustee—not quite ninety days before the commencement of the action of ejectment by you, against Mr. Meredith,) till the 1st day of September, 1823, (just two years and a half after the final recovery—and nearly two years after the commencement of the action for *mesne profits*)—when he died, in the midst of his days, his usefulness, and his reputation.

But, sir, I have a never failing, and you must believe an unimpeachable witness, by whom to prove the absolute untruth and entire impossibility of all these grievous things. It is yourself. You have repeatedly written and published, that your recovery from Mr. Meredith, was *for my father's heirs*—not for me particularly. You say this in one of the passages already cited, (*speech of Nov. 9, 1840, p. 10.*) thus, “I also recovered *for the heirs*, 300 acres of first rate land, from their aunt, the late Mrs. Meredith,” &c. Again, page 28 of your letter of August 29, 1832, thus, “After I obtained judgment *for your father's heirs* for 300 acres of land against Meredith,” &c. And to the same purport in various other places and on divers occasions. Now observe; in the accusations I am answering, you charge *me* with being your especial client, in all this business from 1814 to 1821; with being the cruel and unfeeling persecutor of my ‘aged, infirm, and destitute aunt;’ and with endeavoring, after wresting her estate from her by your agency, to engage you in still farther wrongs against her, under a demand for *mesne profits*. Mr. Bodley's statement, shows by the record, that all this must necessarily have been before the end of 1821, if at all. Now hear my unflinching witness. On page 18, of your letter of August 29, 1832, addressing yourself to me personally, you say, “I will now, sir, pay my respects to yourself in proper person, for “the last time, as I trust, on this side the verge of eternity. *The first business I ever transacted with you, as the representative of your father, was to make you a deed and to receive one in the Voss claim, after dividing the land with you. Finding that you had taken upon yourself the agency, I informed you of all the unfinished business, which hung upon my hands, or that had passed over to your brother,*” &c. Here, then, we have a fixed date assigned by yourself, for the commencement of our business relations, touching the property of my father's heirs; and the land recovered from Mrs. Meredith, was by your own showing, and in fact, property of that kind. This period was *after* my brother Cabell had ceased to act—that is after September 1, 1823; and it was after I had “*taken the agency,*” that is after February 9, 1824—which is the date of my bond as trustee. I have endeavored twice, without success, through a pro-

fessional friend, to find the date of the execution of the deeds spoken of by you; but it must necessarily be later than Feb. 9, 1824. To confirm all this, and put it out of the possibility of dispute, you say (*p. 14, speech, Nov. 9, 1840,*) "Of the reverend gentleman who now assails me, *at the death of his brother, of my own knowledge, I knew nothing,*" &c. That is, until after Sept. 1, 1823, when my brother died, you "*knew nothing*" personally of a man who had been your client from 1814 to 1821, in a most painful case—whom you dismissed with indignation and full knowledge of his being a "*wretch*" in the latter year—and whose conduct, during seven years, you paint in the blackest colours, from personal knowledge—yea, appealing to God for the truth of what you say; when by your own printed confession, you had no personal knowledge whatever of him till more than two years after these seven had expired. Now, sir, how do you like the looks of this proof? I ask you, can anything be more certain, than that you have herein published that of me, which you could not but know, was as completely false, as it was utterly disgraceful?

"If any want to learn the character of this pious preacher, let him enquire of the descendents of his aunt." It is thus you sum up the case. Yes, I freely consent, let all inquire.—They will tell them, I cannot doubt, that from the day of my birth to the day of my aunt's death, I never extended to that venerable lady any thing, but kindness, respect, and veneration; that in the unhappy difficulties, which, for a number of years, existed between Mr. Meredith and those legally responsible for the adjustment of my father's estate—difficulties which in some degree alienated the families from each other—I never took the slightest part: that the confidence and affection of my aunt, in many of the members of my family, and in myself, continued unabated to the close of her eventful life; that it was her habit to consult me, to trust me, and to confide in me as a son—God having given her no son—amid some of the sharpest and keenest trials she was ever called to bear; that, to the best of my capacity, and with a veneration which the dignity and excellence of her character, and the greatness of her trials—not less than her peculiarly interesting relations to me inspired—I eagerly availed myself of all such opportunities, not to minister to her wants, for none know better than you, sir, that she lived and died in affluence; but to offer my protection, and to testify my love; and that in my last interview with her, no great while ago, and but a little before her death, she put into my hands a token of her constant attachment, with tears and blessings, all unwonted in one so lofty, tranquil and composed, thanking me for my friendship, and commending me to God. This, sir, I dare not doubt, is what her descendants will tell you. And they may add that one of them, the one whose trials have perhaps been the greatest, sought my intervention as that of a tried kinsman, with a member of your own family, in a matter of most delicate and painful interest, but a brief space before your first libel of 1810, was published against me. And to testify the cordiality with which I assent to this reference—made by you with a spirit and motive unworthy of a savage—I now inform you, that as soon as I read your speech in Baltimore, I wrote to a friend

in this country, beseeching him to lay it before all the surviving children of my aunt, all of whom are females, and all in circumstances which would prevent any being but yourself from dragging them, without permission, before the public; and with one accord their response was—that your reference to them was wholly unauthorized. Sir, it is idle to say, no gentleman could act thus; you scarcely deserve to be called man.

You make it necessary, that I should speak of these family transactions. Beware, that you drive me not to break over my firm resolution and visit you with a horrible retaliation. I will merely say, at present, that my father, before emigrating to Kentucky, purchased from the original patentee, Col. Samuel Meredith, of Va., a portion of his lands in the present county of Fayette, held by grant for military services. Samuel Meredith the younger, then married to my father's only sister—received the balance of these lands by gift from his father and settled on them; and notwithstanding the sale from his father to mine, sold the larger part of that conveyed to my father, to other persons. On the subsequent removal of my father to Kentucky, in 1792, he found things in this posture, and at the solicitation, as it appears both of Mr. M. the younger and his vendees, he confirmed the sales, and in lieu took from the former, evidence of claim and title to adjacent property. All these things happened before I was born. In 1806 my father died, intestate—all his children being minors: and in 1814, you sir, instituted proceedings on the deed of Samuel Meredith the younger, under the instructions, I will suppose—at least by the wish of the elder members of my family—and especially of my brother, Joseph Cabell Breckinridge, then trustee of the estate of my father. I have already stated, when and how, you recovered the estate, I have no doubt on a just and perfect claim—to which there was and could be no defence either in law or equity, but about which I knew nothing—and up to 1824, did nothing. All these are matters standing, not in hearsay, conjecture and belief, but in deeds and oaths of all the parties. In this last named year, I became the purchaser of the interest of my father's heirs, in this and some other property; not out of choice—but because the convenience if not the necessities of some, and my liabilities for others of my co-heirs, rendered the sale of the estate indispensable, and my purchase of it, hardly less so. In book Y, folio 15, and book Z, folio 161, you will find the deeds of my co-heirs conveying their interest in this land to me, of record in the office of the clerk of Fayette county; and the property now constitutes, not as you emphatically assert with reiterated Italics "*the very farm*"—but somewhat over half of that on which I last resided in Kentucky; and which I still cultivate.—The consideration paid by me, for this property, you say, was "*merely nominal*;" a statement which, if true, could be made only to give offence—as all the heirs who sold and conveyed it were adult persons, fully acquainted with the value of the property; but which as I will show, being like nearly all you say, untrue, adds another shade to that infamy which the whole affair brands indelibly upon you.—The consideration "*merely nominal*," stated on the face of these deeds, is \$850 for each fifth part

of 355 acres, being \$4,250 for the whole. This was silver; and by the scale kept by D. A. Sayre, of Lexington, from 1820 to 1830, I ascertain through a friend, that the average value of specie, during the year 1824, was rather over 100 per cent., or 2 for 1 in currency. The consideration paid by me, therefore, was as near as may be \$24 per acre in currency—prompt payment. Now, I find by examining the records, that this is more than the common price of circumjacent estates, at and about the same time. For example: Nicholas Long, sold to Newbold Crockett, 60 acres of land adjoining my farm, for \$1,000, on the 3d of May, 1824, which is only \$16,66 $\frac{2}{3}$ per acre; and John Clarke sold to William Nutter, 96 acres, then adjoining my farm, and now forming part of it, for \$1,431,45, on the 25th October, 1825, which is \$14,91 per acre, payable, as Mr. Nutter himself informs me, in currency, at seven annual payments—currency being then, by Sayre's tables, worth about fifty cents in the dollar; and as late as June, 1830, the heirs of Preston Breckinridge deeded to Jacob Shannon, 77 acres of land, also adjoining my farm, for \$16 per acre, which, even if it were silver, made only about \$20 per acre in currency, as by Sayre's tables, currency was then worth about 88 cents in the dollar.

What makes this matter more glaring in its injustice, is the fact, notorious in the neighborhood, that this Meredith portion of the Brædalbane estate, was in a worse condition than any other land in that region when I bought it; and instead of being worth more, was worth less than the common average. The statement of Mr. Bodley shows, that the Sheriff delivered 10 tenements on the 355 acres, when he put my father's heirs into possession; and it was partly on account of this enormous use and waste for many years preceding its recovery, that the suit for back rents and mesne profits was instituted. On the 25th May, 1824, I purchased the estate, which my family had finally recovered and peaceably possessed since March 1, 1821; on the 9th February, 1824, I became trustee of my father's estate. Mr. Meredith, and not his wife, was the sole party on that side in all these suits; his property, and not her's, was in contest. On the other hand, I was never your client at all in any personal sense. I had, properly speaking, nothing to do with the difficulties, legal or personal; and long after the property was finally recovered, I reluctantly, and by necessity, purchased it of my co-heirs, at a full price. This, then, is the case between us; and if you can escape without dishonor, I confess my inability to decide on moral conduct.

The slanders which I have now refuted, are perhaps the most offensive and disreputable of any in your pamphlet; on which account, I put them first. As you observe no order in making your charges, it is difficult in disproving them, to classify and connect them. I will do this as far as possible; and therefore invite your attention next to a congeries of falsehoods, which you have collected into your narrative of what you call your last legal service to our family. The facts of the case, as furnished to me by one of the learned counsel who managed a large part of it, stand thus: In October, 1811, you filed a bill in chancery, in Fayette, in

the name of *John Breckinridge's administrators vs. Walter Beall's executors, trustees, and others*, to recover £1,000 secured by mortgage dated April 23, 1801. There was an interlocutory decree, 9th Sept., 1814, and a final decree in our favor, 16th day of September term, 1819. A bill of review and injunction filed by N. B. Beall, September term, 1820. Demurrer and order to commissioner to proceed and sell, February term, 1822. June term, 1824, motion to set aside sales, heard and overruled. Under these sales, among others, N. B. Beall gave bond, with P. B. Ormsby as his security, for \$1,212, and P. B. Ormsby gave bond, with N. B. Beall as his security, for \$4,031; upon which suits were instituted and judgments recovered in Jefferson; and on the 10th May, 1824, certain equitable estates of P. B. Ormsby sold, and \$1,862,29 credited on the execution against him. On the 24th of May, 1824, Ormsby filed his bill against Beall and Breckinridge—praying that the decree of the Fayette Circuit Court might be reviewed, and alledging that Walter Beall was *non compos* when he made the mortgage which was the basis of the decree. Answers filed 6th June, 1826; injunction granted; and on the 17th February, 1827, injunction made perpetual, and appeal by the defendants; January 15th, 16th, 17th and 19th, 1829, cause argued before the Court of Appeals. Court took time; and on the 16th of April, 1829, decree of inferior court reversed. This case was managed in its various stages for Breckinridge's administrators, by R. Wickliffe, J. C. Breckinridge, R. H. Chinn, R. J. Breckinridge, and A. K. Woolley, of Fayette; and by G. Duncan and S. S. Nicholas, of Jefferson. From the filing of the original bill to the final decree in the Court of Appeals in our favour on the particular branch of the case with Ormsby, was nearly eighteen years; and the original case is still depending in Fayette, waiting a final settlement in the case of other parties prosecuted to insolvency. The mere inspection of the dates and facts herein given, shows conclusively, that the case was gained by us, against the most desperate opposition—and upon the absolute merits of our claim; and of consequence that the attempt to stultify Beall and impeach my father's character, was as you admit, an utter failure—made by unscrupulous men, for selfish purposes; and, also, that your graceless allegations that you gained the case by trick—watchfulness and overreaching the Bealls, are unhappy manifestations of your propensity for romancing, exercised upon your own character; and finally that your statements implicating the character of your brother, Governor Wickliffe, in his agency at the Bardstown sales, (*see letter, June 22d, 1832, p. 5, 6 and 18,*) though meant by you to do him a favor, by impressing us with high ideas of the value of his services and of our obligations for them—are, in truth, slanderous on him.

Your account of all this matter, is scattered over a number of pages of your speech—and as your intention was to prevent people from understanding the case, and thereby to enable you to say about it, whatever you judged most suitable to the particular objects you successively had in view; you have mixed it up with all sorts of things, according to your common habit in such cases. Your largest printed statement of the case, is, I think, on *p. 11-12, speech of November 9, 1810*; I give it in your own words:

“I directed the mode of defence, which was in part pursued; but notwithstanding able counsel appeared for the administrators of Breckinridge, the decree of the circuit court sustained the charges in the bill, and granted a perpetual injunction. I advised the appeal, with the intention to argue the cause in the appellate court; but such was the decline of my health and strength, and the weight of public and professional duties that had pressed upon me for some time before the court approached the trial, that I felt wholly unable to appear in the cause, and so advised the reverend gentleman, who seemed to acquiesce, and consulted with me as to the counsel he should substitute. In this we agreed, and I promised to aid them with my views upon the case, which I faithfully did. *But when the day of trial came near, my present slanderer and persecutor had confidence in me alone.* He appealed to me not only on account of the large sum involved, and which was indispensable, he said, to relieve me, as his security, but because the decree involved the memory of his father, to lay aside my public duties and make an effort for him. The last consideration was decisive with me. I arranged with Senators, to suspend, for a day, the important business of the Senate, and obtained, from the Court of Appeals, the same day to make my defence. I made it. The decree of the inferior court that nailed the foul charge on the coffin of the deceased—that he had cheated and defrauded a poor senseless lunatic—was reversed and annulled. By this decree, not only was the exalted name and spotless character of John Breckinridge vindicated, but nearly ten thousand dollars was put into the pocket and under the control of his profligate son. This was the last professional service I performed for the family, and God knows when at night I retired, exhausted and prostrate from the court room, I felt as if it was doubtful whether I should ever enter the court house again. If I risked my life as I did in the effort, it was in defence of the memory of a departed friend, and well has his ungrateful son paid me for it. It was not two years afterwards that he occupied the newspapers and took the field against me; and now again, when sixty-six winters weigh upon me, in the presence of my children and grand children, and before my county and country, under the garb of religion and a pretext that he is a missionary of heaven, he has, with a virulence and a brutishness suited to the mouth of a baron of a brothel, and to no other, falsely and infamously assailed my name and peace. In assailing me thus, this individual assails not only the friend of his father while living, but the defender of his fame when dead.

It is scarcely worth while, sir, in a letter to one like you, to argue any question, touching the meritoriousness, or even the propriety of human conduct, as exhibited by your statements: *first*, because your moral sense seems to be so obscure, that you could not feel or understand what would be said; and, *secondly*, because what you say is nearly always untrue, and, therefore, it is not material to urge, that the conduct charged is good or bad. If the case were otherwise, I would here point out, how, that in representing me to be, in general, a bad and an abandoned man; and in this particular case, while aiming to represent me in a light altogether hateful, you have recorded a fact, which, if the whole case was not a fiction, would put me before the mind of every virtuous man, in the noblest of all lights. A witness like you, whose soul is consumed with the very lust of gold, boldly declares of one, whom, in the same breath he calls a profligate, that the ruling passions of his life, gave way before the fervor of his filial love! A witness like you, consumed with a selfishness so intense, as to be able to make himself an idol even when that self was you; denounces one as a pattern of iniquity, and in the same sentence, proves that the great end of his anxious zeal, was the vindication of a father's memory! A witness like you, destitute of all notion of real glory and true nobility, in the very attempt to fasten the lowest vices upon one, sets him forth as struggling to save, from the least impeachment, a fame already so pure, that the great effect of its relation to him, is

to make his own enormities the more hideous, by the fearful contrast! That is, in attempting to blacken me, you set forth a character shining under one of the noblest, loveliest, brightest manifestations. Sir, in return for this felicitous blunder, I offer you one profound hope. You have often and bitterly accused me of degeneracy. I forgive you these unfeeling taunts, because they imply or assert the excellence of one, whose image nothing has been able to efface from my heart, and whose fame is precious to me as life itself. And now, my sincere and unfeigned hope is, that in all future time, no man may ever have just occasion to draw a picture of human baseness, such as is on the lips of scores of your cotemporaries every day, and applying it with fearful emphasis and unanimous consent, to any miserable descendant of yours—say, “worthy son of a sire like yourself.”

There are many things in this tirade about which it is not necessary, at present, to say much, beyond a mere indication of them. 1. Thus, you imply that you expected the cause to be gained in Jefferson, and after it was lost contrary to your hopes, you were consulted by us, being doubtful what to do, when we found that “the decree of the Circuit Court sustained the charges in the bill;” and that you “advised the appeal.” But the record shows, that the decree of the Circuit Court in Jefferson—seventy-five miles from your residence—“sustained the charges,” on the 17th February, 1827, and on the same day, an appeal was taken by us! 2. You say, that when it became probable, you could not argue the cause in the Court of Appeals, I consulted you, and “we agreed,” “as to the counsel” I “should substitute” for you. But it is of record, that Mr. Chinn argued the case with you; and it is not only notorious, but I could prove, out of your letters, if it were necessary, that he had been engaged in the law business of my father’s estate in the courts in which he practised, from the period of my brother Cabell’s removal to Frankfort—that is, for about eight years. 3. You speak of a certain security-ship, on your part, for me, which, as I shall have to explain it more particularly again, I will only say, is a pure figment of your imagination. 4. You speak of my attacking you upon the stump and in the newspapers, in former years, and then again more bitterly in 1840; whereas, in every case, as I have shown in my speech of October 12th, 1810, and more fully in the present paper, my difficulties with you, public and private, have been always in defence; viz.: that my “*Hints on Slavery*” were written in 1830, in defence of myself, my opinions and my party, against a circular previously published by you; that our controversy on the stump, during the same year, was produced by your previously attacking me before the people, when not a candidate yourself; that our personal difficulty, about the same time, arose out of your coming into open court, and endeavoring to set aside a decree for money we had paid, you being the counsel for us in the very case, and against our interest, counsel also for an opposite party; and that my conflict with you in October, 1840, was produced by libels published by you against me, in your September speech, of the same year, resigning your seat in the Senate of Kentucky. 5. The scurrility of your language, in a portion of

what you say, renders it alike unworthy of my notice, and inapplicable to my person or character. For the rest, I now proceed to a more particular notice of what seems to require it at my hands.

And, in the first place, you know perfectly, that what you say in regard to the alleged insanity of Walter Beall, and the supposed effect of that insanity, if proved, on the character of my father, is absolute trash. This pretended insanity was no new thing. On the 2d of August, 1804, Walter Beall himself filed an answer in the Federal Court for the District of Kentucky, to a bill previously exhibited against him by my father, in which answer he swore that he was mad when he executed the mortgage for the £1,000, above spoken of. On page 9 of your speech of Nov. 9, 1810, you make two statements, to which I call your attention as bearing on this point. The first is in these words: "*I voluntarily took upon myself the whole business of the late Mr. Breckinridge's estate,*" &c. The second is, that you knew my father had sued Walter Beall "in the Federal Court," on "a mortgage to secure" "a thousand pounds;" and you add, "That court having no jurisdiction, *I dismissed the suit,*" &c. Here, then, we have you first confessing your knowledge of this charge of Beall's madness, very soon after it was originally made; and secondly, acting without authority, in such a way as to prevent its being then tried. On the 4th of March, 1814, Samuel T. Beall, son and heir of Walter Beall, filed his answer, on oath, in the Fayette Circuit Court, in the case of *Breckinridge's Adm'rs. vs. Walter Beall's Exec'rs. Trustees and others*, (brought by you in 1811, after dismissing the suit in the Federal Court,) and reiterated the allegation of the madness of his father; making his father's answer of 1804, a part of his own answer in 1814. In this case, then, the question of his feigned madness was fully made, for the second time, and as a part of the cause was tried and decided in our favor, before our final decree in September, 1819; and in all the subsequent steps of that violently litigated case, up to the sale of 1822, was an adjudicated point. On the 24th of May, 1824, *Peter B. Ormsby* filed his bill in Jefferson, against Beall and Breckinridge, as already stated, and here again, for the third time, the question of Beall's insanity was made; and in this case, it came up before the Court of Appeals, and was again settled in our favour. So that the fact, that Walter Beall was not mad at all, was a fact fully settled by proof, and by a court of chancery, before the period we are now about to arrive at; was a fact sworn to by you, in a deposition taken in the defence against Ormsby; and whether it was a fact or not, was not of the smallest possible importance; because, at a period confessed by all, even by Walter Beall himself, to have been a period of perfect sanity, he had, by deed of record, confirmed the previous mortgage. These are the unvarnished facts; and they were all notorious to you, when you wrote your speech.

Suppose, sir, I now show that this whole statement of yours, in regard to my appeal to you, is a mere fabrication, without even a foundation in fact? You say, "*When the day of trial came on, my present slanderer and persecutor,*" &c. Again: "*He appealed to me,*" &c. Again: "*I arranged with Senators to suspend, for a*

day, the important business of the *Senate*, and obtained from the Court of Appeals, *the same day*, to make my defence," &c. Here you identify the supposed appeal to you, by me, as being during the session of the Court and the Senate; immediately before the hearing of the cause; and under an emergency, that allowed a *single day only*, for you to prepare for the argument. It is matter of record, that the cause was argued in the Court of Appeals on the 15th, 16th, 17th, and 19th days of January, 1829—upon some one or all of those days, and upon no other day. This is fixed beyond cavil. (See Order Book of the Court of Appeals, No. 29, pp. 108—113.)

I was a member of the House of Representatives of the Kentucky Legislature in the year 1828-9. The Assembly met that year on Monday, the 1st day of December, 1828. Immediately after the August election, I had gone to Western Virginia, and did not reach Frankfort, Ky., until the last day of November—the day before the Assembly met. I sat and did business in the House of Representatives, for twelve days—the first twelve of the session; and I never sat again in that house; as the Journal proves. I passed a considerable portion of the 14th day of December, 1828, in company with Col. James Love, now of Texas, and Judge John P. Oldham, of Jefferson; both of whom were at that time, members of the House of Representatives; the object of the interview on the part of Col. Love, and myself being to get Judge Oldham to consent to become a candidate for the Senate of the United States—at an election then about to take place; the party with which we acted being unable to elect a man of our opinions—and Judge Oldham being the person of the opposite party, most acceptable to many of ours. He declined being a candidate, for reasons—which I do not feel free to repeat—but which struck me at the time, as being disinterested and honorable in the highest degree.

On the night after this interview—I was taken dangerously ill, with a bilious fever. From that bed of sickness no one ever expected me to rise. I was confined to it for more than two months, and was at last removed from Frankfort, in a state of emaciation and debility—nearly as much dead as alive. I have not been able to bring the subject before the mind of Col. Love; but I confidently appeal to him for the truth of what I say. The statement of Judge Oldham follows:

During, and I think shortly after the opening of the Kentucky Legislature, in 1828, I spent a considerable part of a sabbath day in company with Robert J. Breckinridge, of Fayette, and James Love of Knox county, all of us being members of the Legislature.

The object of the interview, on their part, was to induce me to offer for the Senate of the U. S., there being a vacancy then to fill—much conversation passed between us on the subject, and when I assured them I could not offer, they seemed unwilling to take the decision as final, and insisted I should give further consideration to the subject, and that the matter should be farther discussed at another time.

On the next day I learned that Mr. Breckinridge was very sick, and I believe remained so until the end of the session.

Fair Hope, March 4th, 1841.

JNO. P. OLDHAM.

The Hon. Thomas A. Marshall, Judge of the Court of Appeals of Kentucky, was my room mate, from the commencement of the

session of 1828, till I took sick : he being then a member of the House of Representatives, from the county of Bourbon. In a conversation with him, he informs me his recollection is distinct that my sickness commenced within the two first weeks of the session; and he has permitted me to make this reference to him. I refer also to Garnett Duncan, Esq., of Louisville, who was with me in Frankfort, when the session began, and subsequently during my sickness slept many nights in my room; and who being an intimate friend both of Judge Oldham and myself, was personally and deeply interested in all the events of the period; and has full knowledge of them all. You will observe also, from the statement of Judge Oldham, that Col. Love and myself were to have had another interview with him before the Senatorial election, and were prevented from having it, by my sickness. But the Journals of both houses will show that this election took place on Tuesday the 23d of December, 1828. The proof, therefore, exclusive of my own assertion, is positive, is irresistible, that my sickness commenced early in the session. I have already asserted that its actual commencement was on Sunday night, the 14th of December.— From that day till January 15–19, 1829, when you argued your “*last suit*,” is more than thirty days. I had been in bed all that time, at the point of death; and yet you gravely tell the world a long cock and a bull story, of my making visits, appeals and what not to you, a day or two preceding this 15th–19th of January, 1829. Who do you expect will believe you when these facts are known?

But, sir, this is not the whole, nor perhaps the worst of the proof. You arranged important business with Senators for a *single day*: so, so. You obtained from the Court of Appeals “*the same day*,” good, again. Now, Order Book of the Court, No. 29, shows that the last day in December, 1828, on which the Court of Appeals sat, was the 4th day of the month, [p. 103–4] Judges Owsley and Mills being present. The next day on which the Court sat was Wednesday, January 14, 1829, leaving a period of *forty days* during which the court did not meet. On that day George Robertson and Joseph R. Underwood, Esq’s, produced in Court their commissions as Judges of the Court of Appeals, and also evidence that they had taken the oaths of office (the former on the 24th of December, the latter on the 12th January) and thereupon constituted the court (*Order Book, No. 29, p. 105 and 6*). Your “*last suit*” was called that same day, and fully argued on the 19th. Now if you will examine the Senate Journal for the same period, you will find the following facts, viz: That Judges Owsley and Mills resigned on the 5th December, 1828, and were renominated by Governor Metcalf, (p. 63,) and were rejected by the Senate on the 10th (p. 69–70); that Messrs. Robertson and Underwood were nominated as their successors on the 20th, (p. 107–8) and confirmed on the 22d (pages 110, 111 and 112); that Chief Justice Bibb (the only remaining Judge) was elected to the Senate of the United States, on the 23d (p. 118 and 119); and that *Robert Wickliffe*, the Senator from Fayette, was present and voted on these various occasions, and therefore knows all these facts from his personal knowledge. I have already shown that Judge Underwood was not qualified till

January 12, 1829, and that no Court was held after December 4, 1828, till January 14, 1829. And now it is seen that no Court of Appeals existed—there were not Judges enough, *in natura rerum*, to hold a court, for a month after I took to bed, on the 14th of December; and therefore, that all your fine statements, about our very pathetic interview, are, by inevitable necessity, untrue; and were of your certain and personal knowledge, known to be not capable of being true, in the nature of the case—when you printed them to damage me and glorify yourself.

But this is not all. You yourself furnish evidence, of that violent and dangerous illness, which you attempt to use, as you do every other incident in my life commented on by you—to my injury and your advantage. To my injury, by a fiendlike insinuation, as false as it is base, that the whole disaster arose from an attempt on my part, to kill myself, by taking an over-dose of calomel after a long debauch: to your advantage, by setting forth your great solicitude for me, and kindness to me during that long and painful malady; thus piteously exhibiting my ingratitude to one who had loved me so much, as well as served me so faithfully. On p. 14–15 of your speech of Nov. 9, 1840, after an account of a paternal visit to me, as fabulous as it is dramatic, you proceed as follows:

“ He promised fair, but that was all, for he still kept up his habits *until late in the session of 1828*, I think a mutual friend disclosed to me that he was ruining himself at Faro and other games of chance, and had on the night before lost enormously. About the time I expected him to repair again to his sinks of ruin and infamy, I went to his lodging room, and found him in the act of rising from his bed to accompany some of his companions then in attendance for his company to commence Faro again. His guests soon disappeared, and he threw himself into bed, pretending to be very sick. After speaking to him privately not to leave his room that night, and obtaining a promise that he would not, I left him for the night, as I hoped, to sleep off the desperation which his countenance portrayed, arising from his dissipation; but I learned afterwards, that the gentleman, instead of going to sleep to ease his mind, took a quantity of calomel, without weight or measure, (having no more effectual remedy at command,) and was found prostrate next morning. The local physicians proving deficient to give the gentleman relief, he prudently called in Dr. Marshall, who, with Dr. Munsell, by the aid of hot bath and steam battery, brought the calomel from him in *witches balls*, and saved his life. During the awful suspense in which his fate was in the hands of his physicians, I remained near him, and no man living could feel more relieved than I did when Dr. Marshall exhibited to me the balls of calomel which the steam battery had forced through his stomach, and announced to me his hopes of saving his life, and when I saw him able to return to his family, all I said was to advise him to quit politics, go home and repair his constitution and fortune; this he assured me was his own plan, and I parted with him in perfect friendship.

Now, from the 12th day of the session, that is from the 14th of December, 1828, (the 7th and 14th being Sundays,) till after the session closed—which was on the 29th of January, 1829—all my friends were looking daily, for me to die; and yet during this period you were watching over me to prevent me from ruining myself at Faro! The Journal of the House of Representatives shows that I was in my seat on the 8th, 9th, 11th, 12th, and 13th days of Dec. There is no recorded vote on the 10th; and therefore only presumptive proof of my presence that day. The statement of Judge Oldham shows that on the *last day I was able to be about* (which was the 14th of January, the Sabbath day,) I spent “a considerable

part" of it with him and Colonel Love, on a matter, I now admit with sorrow not suitable to the day, but clearly proving my position, both social and political, to have been all I could have desired. But your testimony is, that having slept all the day that Judge Oldham thinks I was with him, I only rose up at night to commit suicide with calomel, producing thereby a disease, which my physicians were foolish enough to consider bilious fever! It is perfectly manifest from the whole testimony, that no such interviews as those described by you, could have occurred.—As is usual with you, you not only prove yourself a slanderer, but give a *key* to unlock your method; for you say, and no doubt thought, my illness did not commence till "*late in the session of 1828,*" and therefore supposed yourself safe so long as you laid the scene of your fictions in the fore part of the session.

But my proof goes a step or two further yet. You do not publish what you spoke, in this, more than in other cases. But take it as you say. I assert that I never saw your face, during my whole illness at Frankfort; and that although you boarded in the same house, represented the same county, belonged to the same party, were connected with me by marriage, and professed to have been a personal and hereditary friend; I have no knowledge of a single act of yours, indicating the very slightest interest in my living or dying; and no reason, but your word, which can scarcely be called one, to believe you felt or manifested any. You have introduced the name of Dr. Marshall—a name precious wherever genius, knowledge, and honor are revered—a name dear to me by a thousand obligations, and by all the ties of the firmest friendship, continued through every vicissitude of life, from childhood to the present hour. Hear what he says:

SIR:—You ask me to state what attentions were paid you in your illness in Frankfort, by Mr. Robt. Wickliffe, Sen.? I staid with you 62 days, never having left the room but twice, for very short intervals each time, (not exceeding one hour each,) except for my meals, and when Mr. Wickliffe was at the private table with me. During this time Mr. W. was never in your room, or ever sent any enquiry for you as far as came to my knowledge. When I left the room, as stated, I left your brother William to stay with you until my return. After the adjournment of the house, I staid in your room until you removed, when I brought you home.

R. J. BRECKINRIDGE.

LOUIS MARSHALL.
Lexington, May 3, 1841.

Allow me also, to call your attention to the following statement:

IN relation to Mr. Wickliffe's personal attentions to my brother during his illness at Frankfort, in the winter of 1828-9, I can only say that, I did not reach my brother for some days after his sickness commenced; that although I was not with him the whole of its continuance, I was a great part, I think much the greater part—that when there, I was seldom out of the room many minutes at a time, and have no recollection whatever of having seen Mr. Wickliffe in it during the winter, or of having heard any thing of his attentions. It is proper, however, for me to add, which I do with a very distinct and grateful recollection of the circumstance, that our friends were so abundant and kind in their attentions, that those of no particular individual were absolutely required.

Louisville, March 22d, 1841.

W. L. BRECKINRIDGE.

In addition to this, I feel authorized to refer to David Castleman and James H. Allen, Esq'srs., who are the only gentlemen of the

number who laid me under lasting obligations by their kindness at that period, with whom I have had an opportunity to confer particularly on this matter.

I have gone over this part of our case thus minutely, not so much on account of its intrinsic importance, as because of my peculiar abhorrence of the particular offence herein charged upon me. If I know my own heart, it is a grateful heart; prompt—it may be, too prompt perhaps in taking fire at intentional indignities and insults, even more than at real injuries, of which I think I am patient; but utterly incapable of forgetting benefits—of slighting affection—of requiting kindness with ingratitude. In my estimation, ingratitude is not a vice; it is a crime. I have therefore thought it my duty to put in the clearest light the falsity of your assertions, in this behalf, as relating to me personally; as I will now proceed to do the groundlessness of those which impeach me on the basis of your intimacy with, and services to my father; concerning whom you boastfully say in the foregoing extract, that you were his "*friend while living,*" "*the defender of his fame when dead.*"

What may have been the precise relations between yourself and my honored father, I cannot, of course, personally know, since he died before I had reached my seventh year. It has, however, as far as I know, always been the opinion of the whole connexion into which you married, at your first nuptials, that that marriage was the earliest decisive step in your fortunes; and that the notice of my father, and of your brother-in-law, General Howard, were your earliest passports into society and at the bar. How you requited the kindness of the latter, I shall not take upon me, at present, to display; how that of the former, I leave others to decide, after your controversy and mine is finished. You have yourself said to me, (*letter of August 29, 1832, p. 34,*) "I had a debt of gratitude to discharge to your father's family, for his kindness to my wife;" and to my brother William you have said, (*letter of June 22, 1832, p. 14,*) speaking still of your first wife and our father, "He was her best friend and kind benefactor." It is also true, as I suppose you will hardly deny, that my father was the tender and faithful friend of your present wife, and the steadfast and valued counsellor of her excellent mother, in their orphanage and widowhood, up to the hour of his own death; and that from the earliest settlement of the country, till your marriage into that family, the widow, the child, and the grand child of John Todd, and the entire family of John Breckinridge, were united by ties of friendship, cemented through three generations. Sir, there are things that might be said here, and I am not sure I am faithful to the memory of one of the earliest and dearest friends of my childhood, in leaving them unsaid; the bare recital of which, in the public ear, would be deemed, by any honorable man, a dear purchase of all the undeserved wealth conferred upon you by that generous family. *Conferred*, did I say? It was a hasty expression. I will qualify it a little, and venture an opinion, which may be of some importance to you, and for which, though it is professional, I will charge you nothing. Those deeds of settlement; you have ridiculously enough accused me of prying

into and exposing your private affairs. My answer, if any were necessary to such a charge, under such circumstances, would be—*first*, that when a man puts a deed on record, he does it precisely, that it may be private no longer, and that all the world may note its contents; and, *secondly*, that I noticed the matter no farther than to prove that you were more an abolitionist than I, on your own showing, with this difference, however, that I set my own slaves free, without being paid for them; while you set your wife's free, and got a princely fortune for doing it. But did you get it? Will those deeds pass it? This, sir, is the point on which I venture to give you a legal opinion. I predict to you now—note it down by the side of your scornful declarations of my incompetency as a lawyer—I predict to you, that those deeds, whenever the question is fairly made, will turn out to be absolutely void, as being utterly at war with some of the most sacred principles of equity, and some of the clearest maxims of law. This will be remembered, when you and I are dead.

But to return. The obligations you were under to my father are confessed. The evidences of any special intimacy, and more particularly of any ground of obligation on our part to you, upon the basis of our father's intimacy with you, or his obligations to you, are not only utterly unknown to the whole family, but are precisely and explicitly denied. I speak now of your relations with my father during his life. Your alleged services to his family, collectively and individually, after his death, are distinct matters, to be treated of in their proper places. Your speech contains two allegations to sustain your general statements on this particular subject, which I will now examine.

The first relates to a suit of one Wood, of Va., or his representatives, against the administrators of my father, for certain monies, which you say my father was represented to have collected and kept; and about which you give a long story, embracing your services in it, and a visit to my mother founded on it. The story is told on pages 7 and 8 of your speech of November 9, 1840. The extract which follows is from the latter page:

The suit was shortly called, and the administrators being wholly unprepared, I with great difficulty got the case postponed until I could go, myself, and search Mr. Breckinridge's papers for evidence, pledging myself to make no further resistance to the claim, if I found no evidence against it among his papers. On the next Sunday, (for then the sun shone but few Sabbaths on me,) I repaired, for the first time, to the desolate mansion of my departed friend, which, in his palmy days, I had visited as the happy residence of the most accomplished gentleman and talented man I ever knew. It was my fate to find no human being at home but his bereaved and disconsolate wife. I told her my business. She handed me the key to her husband's papers, at which the tears streamed from her eyes. I found his papers in such order as to stamp the mind with a thorough conviction that he was a fair and honest man, for he seemed to have retained the evidence of his whole life and transactions with perfect security. Among these thousands of papers, I at last found Wood's papers, and, to my joy, discovered that the suit was a gross fraud, and the tale a vile slander. The papers and the vouchers showed that Wood had been paid every farthing, and was debtor to Mr. Breckinridge, nine shillings. I soon put an end to the suit and an end to the calumny.

I find, through professional counsel, that a suit was brought in Fayette, *Wood vs. Breckinridge's Adm'rs*; no date to the declara-

tion, nor is it stated on it when it was filed, but a *capias* amongst the papers directs the sheriff to summon the defendants to appear at the *September term*, 1809. The declaration is endorsed, "*Dismissed for want of prosecution.*" *Barry*, for plaintiff; *Clay*, for defendants. So far, then, as the record goes, it appears that the suit was never tried, and that you never had any thing to do with it. The danger and the calumny of which you speak, as well as the great zeal, success and friendship of which you boast, having existed only in your own imagination. But I thought it worth while to quote the passage from your speech, chiefly on account of the narrative it gives of your visit to Cabell's Dale, and your interview with my mother, and your inspection of my father's papers. All this, *I am authorized, by the highest authority to say, is pure fiction; absolute fabrication.* In a letter to me, dated March 6, 1841, my venerable parent, speaking of this particular matter, positively denies that you were ever on terms of intimacy in my father's house; and says in terms, "*I never gave him access to your precious father's papers in my life.*" This decisive testimony is confirmed by the best of all witnesses, as you must believe, viz: yourself. If you will examine your copy of your 38 page letter of August 29, 1832, you will find, on p. 3-5, a statement of this Wood's case, differing materially from your published account of it; and especially in two points, conclusive of the matter now in hand. For you say, in the *first* place, (p. 3,) that *prejudices* existed in our family against you; that they were strengthened by your bringing a suit against them in the name of William Breckinridge; and (p. 14,) that "no intercourse of a family character took place"—such are your words—till your alledged appearance in this Wood's case; that is, for *three years* immediately following my father's death. And, in the *second* place, you give (p. 5) quite another version to your famous visit to Cabell's Dale, after a confessed absence of three years. Here you say, "Before the next court, I visited your mother, "examined and found myself, or received from Harrison, whom I "directed also to search, a bundle, labelled, Major Wood's papers," &c. Sir, have I spoken too hardly of you, where I have said, you had two tongues and no memory?

Let us now try your *second* specification, to prove your intimacy with my father, and kindnesses conferred on him, and by consequence, my dreadful ingratitude in defending my character, my principles, and my conduct, against your vile calumnies. On p. 7, *speech Nov. 9, 1840*, you say :

I had known Mr. Breckinridge long, and in the latter part of his life our acquaintance ripened into an intimate and family friendship, and no man living or dead ever had more of my respect and esteem. I witnessed his last moments, and bore him to his grave, where I mingled my tears with those of his bereaved family and friends.

This is the *last version* of your conduct during my father's last illness. Your *second version*, given in your speech, as delivered, was, that you had tenderly and assiduously, watched by him, as a tried friend, according to the simple and affectionate manners of our country, during his last protracted and fatal sickness.

Your *first and earliest version* of the story, known to me, is con-

tained in your letter of August 29, 1832. You will find it on p. 3. I give it in your own words: "I visited him on his death bed, and "the few moments I was (alone) with him, convinced me, that in "the event of his death, he expected my friendship to his family. "I parted with him most friendly, scarcely hoping to see him living "again, promising to return, &c.; but, alas, I was doomed to see "him again but a lifeless corpse," &c. It is your part, not mine, to reconcile these statements with each other; and when you have done so, perhaps those which follow will enable you to perceive the difference between the truth and every allegation on your part, that any thing occurred at the death, any more than during the life of my father, to justify your unfounded, indelicate, and repeated boastings and accusations on this subject.

THE MEADOW, JUNE 30th, 1841.

Rev. Robt. J. Breckinridge.

My Dear Sir:—In conformity with your expressed wish, I now answer the questions proposed. With a view that my answers may be certainly correct, I have referred to my day book, on which I kept a record of each day's business: On the 30th of Oct., 1806, I was sent for to the residence of the Hon. John Breckinridge; where I met in consultation Doctors Todd, Marshall, and Walter Warfield—that I attended very constantly from that day until the 14th of December, on which day I believe Mr. Breckinridge died—Dr. Marshall or Dr. Watson, or both, were (the latter part of his illness) nearly all day and night in the house; and at any time when I was there, and that nearly daily, I have no recollection of seeing Mr. Robt. Wickliffe at the house; neither do I remember of seeing him at his burial. If there was a personal intimacy existing between Mr. Breckinridge and Mr. R. Wickliffe, I did not know it. I am respectfully,

Yours 'obt'y.

E. WARFIELD.

LEXINGTON, MAY 3d, 1841.

Dear Sir:—You desire to be informed what I know as to Mr. Robt. Wickliffe, Sen. having nursed your father at any time during his last illness. In answer to this inquiry, I state, I attended your father without intermission during his last illness, and sat up with him the forepart of every night until the evening but one preceding the day of his death, (as informed afterwards by his attendants.) During this time I never saw Mr. R. Wickliffe at the house, nor did I ever hear of his being there. I was with Mr. B. from the 18th of October to the 12th of December inclusive, he having died on the 14th, in the morning. I saw all the family of the Grove (except Mr. W. and lady,) at Mr. B.'s during my attendance, and left Mr. B. Howard with Mr. B. when an appointment previously made, rendered my going to Frankfort indispensable.

Robt. J. Breckinridge.

LOUIS MARSHALL.

To these proofs, furnished by the surviving physicians, I add a few words, from the letter of my mother, already referred to, of March 6, 1841. Speaking of you and your statements on the present subject, she writes: "He never nursed your deceased and "ever lamented father. I don't recollect ever to have seen him at "my house, during his long illness. If he was at his funeral, I did "not know it." In what light does the subject now appear to you?

Perhaps it is as well, while we are on this general subject of *ingratitude*, to go through with it; for you charge me with forgetting your services and friendship, not only to my father, but to his heirs in general, and to several of them in particular. You carefully set forth your claims on me, for having served my sister; and then again, for having served my brother Cabell; and still more elaborately, for having *intended* to serve me; a benificent purpose, which my

alleged intractableness, haughtiness, and general worthlessness, unhappily defeated. As it regards my brother, it is perfectly notorious in the country, that his standing, whether personal, professional, or political, was, as compared with yours, when you and he were on the theatre together; such, that if there was any patronage in the case, it was your part to receive, not to confer it. In what you say about my sister, you go into particulars, and, therefore, put it in my power to show your constitutional bias. On the 12th and 13th pages of your speech, you tell a long story about a most important service rendered to her at very great personal sacrifice to yourself, and that your influence over *Mr. Charles Carr* was successfully exerted to prevent him from pushing for a certain debt; and conclude by saying, the service was gratuitous. As to this last point I am not able to speak, as I have not access to the books of Alfred Grayson's Trustees, by whom you confess, on p. 17 of your letter of August 29, 1832, you were employed. But a friend, who conversed with Mr. Carr, at my instance, informs me, that he says you are entirely mistaken, in so far as relates to him; for he actually proceeded, and made his debt. You must permit me also to doubt your accuracy, both as to the general extent, and still more as to the gratuitousness of your services, both to the Trustees of Alfred Grayson, and to the estate of my sister; both of which are paraded with much pretension by you. For, in the first place, you confess, on p. 17, of your letter of August 29, 1832, that you were paid \$25 by General Robert Breckinridge, one of Mr. Grayson's trustees, for certain professional services for the trust estate, thereby showing your relations to that estate; and, secondly, however true it may have been, that you were employed on some special business by those trustees, about which I know nothing, it is hardly probable, that you did their general business, as two out of the three (Cabell Breckinridge and Frederick Grayson,) were themselves eminent lawyers. As regards your relations to my sister, you shall yourself be my witness. In your letter of August 29, 1832, p. 3, you thus write: "Mr. Grayson, I understood, was appointed or assumed the duty of the lawyer, declaring, that when he wanted counsel, he would engage me, *your sister protesting that I should have nothing to do with the business,*" &c. You then go on to explain the origin of this prejudice, which you trace back to a period several years anterior to the death of my father; and afterwards show, that it increased to a total separation of the families, which you confess lasted till your famous and fictitious visit about "Major Woods's papers," in 1809. I confess to you, that this early contempt and aversion of my sister for you, which you were the first to inform me of, is a very remarkable evidence of that elevation of character and force of understanding, which distinguished her through life, and made her one of the most remarkable women of her age. And I venture to suggest, that with many hundreds, perhaps thousands of persons, in our wide spread country, your confession, that the late Mrs. Porter, from her early womanhood, throughout her greatest trials, equally as during her subsequent brilliant life, absolutely refused to trust, or even to employ you; will be the last proof you could adduce that you were

ever worthy of the friendship, or had earned the gratitude of her family.

In immediate connexion with the general subject, which we have just been considering, are others closely connected with it. Having elaborately set forth our ingratitude in contrast with the *greatness* of your services, you carefully explain that they have been, in reality, *gratuitous*. Let us now examine that. On the 12th page of your speech, the following paragraph occurs :

Fellow citizens, I have only adverted to the prominent cases and services rendered to the estate of the gentleman's father. While his children were in infancy and unable to help themselves, I performed other and numerous services for them; I performed the duties of agent, attorney, paymaster and friend; I caused witnesses to be summoned, surveys to be made, and, for the family, advanced the fees when called on—for all which, I never asked or presented a fee bill, until I argued the last suit, and then did not charge, for all I did, what would have been charged by many lawyers, for the single suit of Ross and Carneal against Preston and Breckinridge; and a part of that pittance was paid in a most iniquitous demand on my brother, which the reverend gentleman coerced, of the injustice of which he was fully notified.

What may have been the true extent or value of your services to the estate of my father, it is not possible for me, at this time, to ascertain. Whatever they were, you deserved proper compensation for them—(of which more presently)—and were also entitled to due consideration and respect on the part of those you served. It is notorious, however, that my father left a very large estate, which was so entirely free from embarrassment, that the proceeds of the sale of that part of it which was most perishable, not only discharged all its debts, but divided many thousands amongst his children. So that all pretence of there having been any necessity for gratuitous, and especially, pecuniary aid from you, is about as well founded as the insinuation that you were a man either able or disposed to extend charity to us, or that we were people likely to receive it. The difficulties of the estate were such as grew out of executory contracts; and these almost exclusively in regard to lands; and even taking all your statements as true, the evident fact is, that our claims very greatly exceeded our liabilities, and that we have gained very much more than we have lost on this score; and the estate, ample at my father's death, has had large additions made to it since. That your professional services were the *only* cause of our prosperity and success, may perhaps be modestly doubted, when it is considered, that from 1804, (two years before my father died,) till 1830, (one year after the argument of *Breckinridge's Adm'rs. vs. Ormsby*, which you say was "*the last suit*" you argued,) there was an uninterrupted succession of lawyers in our own family, who devoted themselves, for twenty-five years, to all our business. It is also to be considered, that at various periods, other lawyers, and they the most distinguished in the Commonwealth, James Hughes, John Allen, Henry Clay, Martin D. Hardin, J. J. Crittenden, James Haggin, R. H. Chinn, James Denny, S. S. Nicholas, Garnett Duncan, and many others, were employed from time to time, in various, difficult, and important business of the estate; and that you, sir, were often, on your own showing, employ-

ed adversely to us, sometimes to our vexation, and sometimes to our loss. For example, I think you sued us *twice* in the name of Howard, after the death of General Benjamin Howard, who was the near kinsman and confidential friend of our father; a third time in the name of Wm. Breckinridge, who was his brother; a fourth time on the claim of Green, by which you gained a large estate, and my sister Porter lost one, that we had to replace; as a fifth case of favor to us, we surely ought to be thankful, that you, as the attorney of Morrison, who was executor of Nicholas, defeated Lee, and so turned him over on us for about \$7,400; (*see p. 13, letter 29th August, 1832;*) and as a sixth special mercy, you are now, and have been for some years back, trying in the name of Tiernan and other parties, to prevent us from recovering those \$7,400, which we have paid *for some body*, but for whom it seems hard to find out, and you having been, by turns, lawyer for nearly all the parties in the case, have tried successively to show *was for no body in particular*. When all these matters are considered, I think I may venture to conjecture, that your habitual modesty has for once forsaken you, and that in the general statement of your services and relations to us, you have gone a little, a very little, over the mark.

What I cordially admit, however, is that you ought to have been paid, fees, advances, out door work and all. And I will contend, on your behalf, even against myself—that twenty-two or three years are too long to keep you waiting—and that you ought by all means to have presented your bills before 1829. You have doubtless been a greatly injured man. But let us compose ourselves, and examine together, the weighty allegations of this extract—which contains the essence of what is distributed over many of your pages.

You positively assert, that you never presented a bill against my father's heirs, for services rendered and money advanced for the estate, *until you had argued the last suit*. This *last suit* is clearly identified in your speech—the 11th page of which is devoted to it. It was the suit in chancery, *Breckinridge's administrators vs. Ormsby*, an appeal from Jefferson county, about which I have already said so much. It was argued in the Court of Appeals on the 15th, 16th, 17th, and 19th days of Jan., 1829, as already proven at large. Appended to the opinion of Chief Justice Robertson in this case, is the usual notice of counsel, from which it appears that '*Chinn*' was with '*Wickliffe*,' in the argument for the appellants (the same gentleman, whom you lose no opportunity of insinuating evil against, in all the manuscript letters before me;) and I remember that the case below was managed with great ability by Mr. Duncan, and prepared with much labor and learning above, by your son-in-law, the present Judge Woolley, upon whose brief, I think, you argued the case. But no matter; you have forgotten that any one else ever had any part in the cause—and as it was your "*last suit*" for us—we will pass over your left-handed compliments, to your colleagues and kinsman. Until after the 19th of January, 1829, you "*never asked or presented a fee bill*"—this is the point at present.

Now, sir, my first difficulty is, that this statement, like about nine-tenths of your speech, is not what you delivered; but what on second thought, you chose to publish. Your original statement was, that you had never at any time, charged my father's heirs any thing at all; and this was stated in order to prove the blackness of my ingratitude, against one who had served me and mine, so long and so largely—without charge. That you really made that statement, let the following proof show:

MR. BRECKINRIDGE: We, whose names are hereunto affixed, have no hesitation in saying that we heard that part of Mr. Robert Wickliffe's Speech, which was delivered in the Court-house yard, in answer to you, on the 12th day of October, 1840, and we distinctly understood him to say that he had never put pen to paper to charge your father's heirs one cent for any legal service rendered by him.

ROBERT S. RUSSELL,
JAMES C. TODD,
D. M. CRAIG,
C. M. CLAY,

JAMES H. ALLEN,
THOS. S. REDD,
CHAS. McDOWELL,
BEN. WARFIELD.

April 12, 1841.

I understood him to say he had made no charge for services rendered to the family of Mr. Breckinridge as a lawyer.

D. A. SAYRE.

It is for you, sir, to reconcile these statements. To me, it is of little consequence which you select to stand by, since both are false, as I will prove by yourself. Falstaff was accustomed to say, that he was not only witty himself, but the cause of wit in others; and I may, without a metaphor, say of your 38 page letter of Aug. 29, '32, that it is not only a repository of untruths, but also of the means of detecting your other untruths. See what is written on page 27: "When I was compelled to remind you, that it was necessary, that we should settle our accounts, you asked me to make it out. I told you that I had done so and handed it to your brother, J. C. Breckinridge; you replied that you had lost it or had never seen it; and sir you made this statement with my account in your possession as certainly as you live; for after you commenced your prosecutions against me, you admitted that you had the account I had given your brother, but only wanted to see if I would make out such another." Passing by the portion of this extract, which was only intended to give offence, and which needs no reply; we have here the most positive contradiction of Robert Wickliffe in 1832, against Robert Wickliffe in 1840. At the latter period he publishes to the world that he had "never asked or presented a fee bill" before January, 1829, when he argued the last suit; at the former, he asserts with insult, that he had made out and presented his account to my brother, before September, 1823, when he departed this life.—Pray, sir, do you know this distinguished witness, and can you tell us at which end of these seven or eight years, he is to be believed? But this is not all; for on the next preceding page of the letter (p. 26) the same disinterested gentleman, who asserted before hundreds of his neighbors in October, 1840, that he "had never put pen to paper to charge" my "father's heirs," not only abuses me roundly in August, 1832, for not having paid him his fees before, but charges me (falsely of course) with a design to plead the statute of limitations against him

—all which, he says he defeated, by notifying me that he would file a Bill in chancery! Nor is this all; for on the 32d page of the same letter, this honest gentleman actually sets forth items of cash received, on account of John Breckinridge's heirs credited by himself, viz: \$155, "Michael's hire for two years," and \$163,46, "cash received of H. Grubbs in a judgment." The *dates* of these payments are suppressed. After all, however, it is a hard thing to hide the truth. If the *name* of the servant as well as the period of his hiring had been suppressed, I would have had no means of fixing the date of the payment. As it is, I can do it precisely. There was only one slave of the name of Michael, or as he was familiarly called *Mike*, belonging to my father's estate; and he was a man, in many respects remarkable, and was particularly associated with some of my boyish recollections. I remembered that this man, was one of the slaves assigned to my mother as part of her dower—and therefore as you had hired him from the estate of my father, it must have been before its division; whereupon I set to examining the accounts of those "*incompetent*" administrators, whom you condemn with so little ceremony. In a list furnished as part of the account of Robert C. Harrison, and so settled on the 30th June, 1812, by Richard Higgins, Elisha Meredith and John D. Young, Commissioners, are the following entries; under the year 1810, thus, '*Mike Mr. Wickliffe, £75;*' and under the year 1811, thus, "*Mike Mr. Wickliffe, \$80.*" In the letter of *this same Mr. Wickliffe*, of August 29, 1832, it stands thus, "*Michael's hire for two years, \$155.*" So, sir, it seems that you "*voluntarily took upon yourself the whole of the business of the late Mr. Breckinridge's estate*" [*p. 9, Speech of Nov. 9, 1840,*] from about the period of Michael's hiring. I leave it to the public to judge, whether it is more likely that this *unsolicited* beginning of services, labors, and advances, which have proved so onerous to you, was out of pure charity to us, or with an eye to \$155 "*for Michael's hire for two years,*" and to \$163,46 "cash received of H. Grubbs in a judgment." As to the charges made against the cash admitted to have been received, they seem to be items mostly trumped up for the occasion; and are generally such, as if true, could have no place in an account with the estate, or heirs general of my father; for example, "\$150 cash paid to Davis, for Mercer, for J. C. Breckinridge; and again, "cash sent widow, \$35;" again "cash paid, in the suits of Logan and Martin \$100;" in all cases dates suppressed. This "cash sent widow," you admit (*on p. 29, bottom, letter, 29th August, '32,*) was paid to the widow of my brother Cabell, not of my father; and in the same connexion say that these suits 'of Logan and Martin' were his suits and not my father's; and moreover you distinctly say of Martin's case, "*the costs all fell on me,*" and of Logan's case, "*I paid all the costs of the suit.*" And yet you charge against Breckinridge's estate, money said at one time to be paid out of your pocket, and at another said to be paid for J. C. Breckinridge; all the while saying your services were gratuitous!

With this fatal account you mix up the bond of Mr. Charles A. Wickliffe, late Governor of Kentucky, which is made the basis of a

charge of dishonesty against me, and which I now proceed to explain. In the case of *Breckinridge's administrators vs. Beall's administrators and others*, which has been fully explained, J. Lewis, as commissioner, sold portions of the mortgaged property on the 26th June, 1820, and again on the 2d of May, 1822. At the latter sale your brother, *Charles, A. Wickliffe, Esq.*, became the purchaser of Lot No. 58, [in Bardstown, I suppose] at the price of \$265, and executed his bond with J. M. Wright, for that sum. At these sales your brother, as I have every reason to believe, acted for my father's heirs, who were always willing and ready to pay him for his services, as well as to acknowledge them. But it is also true, as I have always understood, that your brother was a good deal interested in the property mortgaged to us, and therefore we always thought that an act of friendship had been extended to him by our brother, in giving him a certain control over these sales. And in point of fact the matter was so managed, that while your brother, "in bidding to save his property, bought in a piece of the mortgaged property at about \$250" as you express it, [p. 5, letter of June 22, 1832] and did "save his property;" another purchaser under Beall, whose property was also covered by our mortgage, viz: Peter B. Ormsby, was saddled with the bulk of the debt, amounting before he finally paid it, if we believe your speech of November 9, 1840, p. 10, to "nearly ten thousand dollars," or if we believe your letter of June 22, 1832, "to about 7 or 8,000 dollars. You are well aware, that Ormsby was so outraged by the result of these proceedings at Bardstown and with having certain property he had purchased from Beall, and sold to Smiley, run up on him, that he refused utterly to pay his bonds; and when he was sued on them, went into chancery, in order to invalidate if he could, the original mortgage from Beall to my father, and thus escape what he considered the hardship if not the imposition, which had been practised on him, to save your brother's property. This is the very case already explained at large, which came up and was argued in January, 1829, as your "*last suit*" for us; and the whole difficulty arose out of transactions, connected with which your brother's bond had its origin.

After the death of my brother Cabell, these matters devolved on me, and in my arrangement of so much of them as relates to your brother Charles, you have said I acted every how basely. First, that the demand itself was "most iniquitous;" secondly, that its 'injustice' was fully explained to me—[both of which charges are contained in the foregoing extract;] thirdly, that the professional services of your brother in this business, were worth more than the amount of his bond; [letter June 22, '32, p. 5, 6;] fourthly, that the settling of the bond of your brother with you in the way of your fees, was a simple robbery of you—as you never intended to take the amount of him, [letter of August 29, 1832, p. 32.]

At this point, sir, be pleased to read the letters which follow. I have no copies of my letters to which the two first of these appear to be replies; but I hereby authorise Governor Wickliffe to hand the originals to you—or publish them, at his discretion.

WASHINGTON CITY, Dec, 6th, 1823.

Dear Sir:—Your letter under date of the 10th Nov. I have received. I did act as the quasi agent of my *friend*, your brother, in the business against the estate of Beall. A sale, or sales of property was made under the decree alluded to by you, a Report of which made by Gen. Lewis, commissioner, I gave your brother about twelve months, to be filed in the Fayette Circuit Court. Under the last sale by reference to the report, it will be seen that a tract of land was sold to Mr. Kelly for \$1001, he at first refused to give bond as required. Afterwards, your brother, or I did for him, compromised; by which means he transferred to him the benefit of the purchase in full of the demand for his bid, this was done by my advice; the land lies in Ohio county, and is worth three times 1001 dollars. Several persons are living upon it under purchase from Beall after the date of your father's mortgage. Your immediate attention ought to be given to this business. You had better see Mr. Jo. Allen, of Hardensburg, Breckinridge county, and take steps to evict the settlers.

You will find also by the Report that Gen. Tompson was a purchaser of a tract of land in Bath county; he failed to give bond. Your brother talked of proceeding against him, in the Fayette Court.

You will also find a bond of my own to the Commissioner for one lot. Which, upon my return home, and upon a Deed being made by order of the Court, I will settle.

I would not advise the quashing of the Replevin bonds in Jefferson, &c. You will loose the debts if you do.

We are just carving out business; the hopes of the West, in relation to the Presidency, begin to brighten.

I am, with sentiments of friendship and regard,

Your ob'dt. servant,

R. J. Breckinridge.

C. A. WICKLIFFE.

WICKLAND, OCT. 1st, 1830.

Dear Sir:—Yours of the — ultimo was received, an *immediate* answer as requested by you was not given, owing to my absence at court.

I was surprised I can assure you, that I was so called upon to discharge a debt which I had considered settled by the understanding between us more than twelve months ago. *Robert Wickliffe was indebted to me, and I agreed with him to offset the amount.* It is a matter of no moment to me to whom the money is paid, except that I am not prepared now to settle it, not anticipating the payment in any other mode than as above. I expect to be in Frankfort the 2d week in October, when I hope to see you and R. Wickliffe, and have the subject arranged.

I am respectfully, your ob't. servant,

R. J. Breckinridge.

C. A. WICKLIFFE.

LEXINGTON, OCT. 28th, 1830.

Dear Sir:—I had expected to have seen you in this place, upon the subject of the note of mine, but am disappointed. If you will transfer the note to my brother, I will arrange it with him. By law and the terms of the note I am compelled to pay interest, but submit it to yourself to determine, whether in justice it ought to be exacted for the period the whole business was suspended by the bill of Ormsby against your father's heirs; during which time I never took possession or used the Lot, for I did not wish to subject myself to be sued by Beall, or to pay him rents, nor had I a deed made by which I could have protected my possession. Under these circumstances, equity and justice would seem to say, during the pendency of that suit I ought not to be charged with interest.

I have a claim for my services in superintending the sales and other business connected with this transaction equal to \$20, which I hope you will feel yourself authorized to allow by a credit on the note at its date. At all events, I hope to be able to settle this demand in the course of the spring, not sooner.

I am respectfully, your ob't. serv't,

R. J. Breckinridge.

C. A. WICKLIFFE.

These letters, put beyond all controversy, the perfect equity of the debt, even in the estimation of the debtor himself; they show precisely the relations of Governor Wickliffe to the case and to my brother; they establish the amount at which he valued his services, (\$20 instead of some hundreds,) and they prove that you owed him, instead of his owing you. That is, they prove all your charges, without exception—false.

You will observe the length of time between the dates of the first and last of these letters—nearly seven years. The intervening time was diligently occupied by us with Peter B. Ormsby, in bringing the principal debt and cause, in the whole transaction, to a close; which was effected on the 16th April, 1829, by the final decree of the Court of Appeals in our favor.

You will observe also, in the second of these letters, that there appears to have been a previous arrangement, a year before its date—that you were to take up this bond; and that as matters stood at the date of the letter, this arrangement seemed likely to fall through. On a previous page of this defence, you will see a clue to this difficulty. You were afraid to render an account lest it should not tally with one you had previously rendered to my brother before his death; and when at last you rendered it, and sent it to me through Judge [then Major] Woolley—there was a difficulty in settling it on account of your having mixed up the accounts of the heirs general, with one against one of the heirs individually, (the late Mrs. Porter, as I remember,) I as trustee, being responsible only for the former. Major Woolley withdrew the account to enable you to make this change; after which period, I have no recollection of the account's having been returned—nor can I since, on repeated search, find either it or your brother's bond. Amid these difficulties, I wrote to your brother; his second letter above, is the reply.

You will also observe a question of interest, stated in the third letter of your brother. On page 32 of your letter of August 29, 1832, you state his bond at \$250, and give us credit for that sum. But the bond was \$265, with interest from May 22, 1822, till paid—say till the spring of 1831, the earliest period at which it could be paid, as he says in the close of his third letter; that is nine years, equal to \$143,10, or a round sum of \$408, subject to his fee, whatever that might be. Whether this interest was really charged, I cannot say, having neither your account nor the bond; but that it ought to have been charged, seems to me very clear, since the delay of payment was the act and for the benefit of the debtor. If he chose to await the chances of Ormsby's success, it is surely most just that we should not be deprived of the benefit of his defeat. I cannot say, however, how this part of the matter was arranged. If you keep any books they should show. The only entry in my own day book, touching the whole subject of your fees, that I can at present find, during or since 1830, is in these words, viz: "1830, March 15, J. Breckinridge's estate, Dr. to cash paid Wickliffe and Woolley in part for fees in various suits; see their account when settled, \$55,00." This date and payment were anterior to any difficulty with you; my first No. of "*Hints on Slavery*," being published on the 9th of June, 1830; and the order in chan-

cery, in *Breckinridge's heirs vs. Lee's executors* against Owings for £1704,14,6, being made on the 7th April, 1830; and the county canvass for 1830, as you have repeatedly written and printed, not having commenced till I had finished my Nos. on Slavery. I take it therefore, that this \$55, was in addition to your brother's bond, the supposed amount of your fees, in full, while you were yet in a good humor—and had not discovered, that in order to wrong my father's heirs, it was necessary to ruin me, seeing you could neither seduce nor befool me; and in order to open a wider row for yourself in public life, it was necessary to put me aside, seeing I could neither be coaxed nor bullied into the support of measures I did not approve.

Upon the whole, the proof is positive, 1. That your spoken and printed statements are wholly irreconcilable with each other. 2. That both are false; it is false that you made no charges at all; it is also false that you made none till 1829. 3. That instead of performing legal services gratuitously, you were paid some hundreds of dollars by my father's administrators, a portion of it as far back as 1810–11; again stated your account fully to the trustee of the estate, during or before 1823, and were probably paid by him; and again stated it with clamor and indecent threats of suit, and paid in full by me in 1830–1. 4. That instead of acting with great generosity in this matter, you have made public demands on our gratitude, which were utterly unfounded; have denied payments proved to have been made to you; and have trumped up fictitious and futile offsets to those acknowledged. 5. That the demand against your brother instead of being most iniquitous, was most just—and so confessed by himself. 6. That your brother's services, however well intended, instead of being of the great value you attach to them, were valued by himself at a very moderate rate—and were the source of many and serious difficulties to us. 7. That instead of his being your debtor, or your giving him the amount of his bond to us, by which you say we treated him and you both unjustly—the truth is that you were his debtor, and it was in reality a favor to you, and not to your brother or to us, to allow you to take up his bond in the way of your fees. 8. That to all appearance your purpose was to get double the amount of this bond, under pretence of settling it; once by getting credit with your brother Charles for its amount, and once again by getting us not to oblige you to credit us with the amount of it, under the double pretext that you would in that case lose it, and that your brother's services were worth the whole; which was, to say the least, pretty keen. This is the simple truth on this part of the case; and it puts our relations to you, in a posture, at which we at least, have no occasion to blush.

Let us pass now to another cluster of accusations. On p. 5, of your letter of August 29, 1832, you say: "Col. Morrison spoke to me to defend him in a suit brought by Lee's executors against him and Davis, executors of Nicholas, and your father's adm'rs. I did so, and finding that no effectual defence could be made, and that Mr. Clay had brought the suit wrong, I demurred to his Decn., and had the suit dismissed. Mr. Clay thereafter sued your father's

“ adm’rs only, and when I requested him to do so, he refused to sue “ Nicholas’s exec’rs. also.” (See also p. 9, *speech of Nov. 9, 1840.*) It seems from this, that amongst your other claims upon our gratitude, one is that you prevented us, by some legal quibble, which as Col. Morrison’s lawyer, you found occasion to employ, from paying, in 1808 or 9, one-third part of a just debt, which, if you had permitted us to pay it, would have cost us about \$2,000, for which we had a clear and perfect recourse to get it all back; and by this trick, you put us into a posture, in which we have been litigating up to this hour—have paid above \$7,400 as far back as ten years ago, and are now likely, if you can succeed against us, to lose every dollar of it, after more than thirty years of law suits. Being defeated in the joint action, Lee brought a separate one against us, to make us, for your sake, pay all, instead of one-third. When this suit was instituted, I am not able to say precisely. Many of the papers are missing, and after careful and repeated search, they seem to be lost; so counsel inform me. We find, however, that the suit was brought in Fayette, during or before 1811, in the name of *Lee’s Executors vs. Breckinridge’s Administrators*; that it was several times decided against us, and reversed in the Court of Appeals; and in March, 1823, was removed from Fayette to Woodford. In your *letter of August 29, 1832, p. 10*, you make two insinuations, which are characteristic of you: 1. That the case was lost in Woodford, on account of the improper “influence of J. J. Crittenden and others of the Lee family, in Woodford Circuit.” 2. That for his own convenience, my brother Cabell, as you express it, “having, without consulting me, after he removed to Frankfort, consented to remove the suit from Lexington to Woodford.” The reason for the removal, however, assigned on the record is, *that the presiding Judge in Fayette had been counsel in the case, and declined sitting.* In June, 1825, there was a verdict and judgment against us in Woodford; in June, 1827, the Court of Appeals affirmed the whole; and in September following, the Woodford court entered final judgment against us. In reference to this case, and this stage of it, you speak as follows, in your *speech of Nov. 9, 1840, p. 10 and 11*:

The reverend gentleman told me that Mr. Price, the agent for Lee’s executors, would coerce the payment immediately, by execution on his father’s negroes or lands, unless he would give his own bond with John W. Hunt, John Brand, or myself, payable in twelve months, for the debt, and as he could not give either of these gentlemen, he had no reliance but myself. I had suffered severely by being surety, and had no money to pay the debt with if the gentleman failed. I did not believe that if he settled fairly with his father’s estate he was worth any thing; but he was John Breckinridge’s son, and the execution would fall immediately on the dower property in the hands of the widow. I knew the estate of the father, though greatly diminished, was still good, yet that I might have my property first sacrificed, and then have to wade through Chancery for indemnity. Still, I joined the individual in a bond to the amount of the debt, under his solemn promise to push the suit against Ormsby, and to so arrange, as that the bond should be paid at maturity. Thus assured, I assisted that individual to prepare to meet the bond; but the year rolled round, and no money, except perhaps about one thousand dollars, was to be found; and Ormsby had enjoined the judgment against him, charging, in substance in his bill, that he was an under purchaser, &c.

Speaking of these same transactions, in your *letter of August 29, 1832, p. 27*, you use the following language: "*You never asked me what was my fee in the case, or to hand you my account of 23 years' standing. Nor have you, to this day, given me any evidence that my note, as your security, has been paid.*"

The suit referred to in this last extract, is the case of Ormsby, mentioned in the preceding one, and already much handled, as your "*last suit.*" In regard to your accounts, enough, I suppose you will agree, has been already said. And the security-ship spoken of in the two passages, is the same. For the rest, my defence is the same as continually heretofore, viz: that your statements are entirely destitute of truth; which I proceed to prove.

It is not true, that I ever told you Mr. Price would attempt to distress my father's estate; it is not true he ever did so; it is not true, as I verily believe, that he ever had any intention of doing so. So far otherwise is the truth, that Mr. Price, who knew me from a child, and who was to his death, my warm personal friend; never even put an execution into the hands of an officer, as the record shows;—never asked, never had security of any kind that I know of, besides my naked, verbal promise, in addition to his judgment against my father's administrators; and after being at law with us from 1811 till 1827 and finally succeeding against us—he knew perfectly that the sole object of my father's administrators was to ascertain what ought to be done—and that it would then be done fairly and truly. Andrew F. Price was a man of tried honour and integrity; and a more signal proof, than the record in this case furnishes, that he confidently relied on me, as being both the one and the other, never existed. With a judgment against the large estate of my father—with the administrators aged, and, you assert, incompetent—he relied simply on my word, that he should receive seven or eight thousand dollars, more readily without, than by our legal process, as it then stood. He believed me—and I redeemed my word, in despite of intervening sickness, trials, and afflictions of no ordinary kind. Sir, what you bring against me, as ground for a calumny, is one of the proudest and most evident proofs of the uprightness of my life.

It is not true, that if execution had issued, it would have been against my mother's dower estate; the law, the state of the case, and the final judgment, all rendering the thing impossible; and if it were all true, my conduct under it would be only another evidence furnished by yourself against yourself, as my accuser. It is not true, that I was any more bound than all my co-heirs for this money, which was a judgment against the administrators; but several of these co-heirs were persons of immense wealth, and therefore the assertion that there was any difficulty about security, is altogether ridiculous. It is not true that I ever told you Mr. Hunt or Mr. Brand refused to go my security—nor is it true that they did so refuse; in regard to which, if you doubt, read their letters which follow. There is an error in the reference of Mr. Hunt, to Ormsby as the creditor instead of Lee; an error very naturally produced by your way of stating and jumbling up cases, when you wish to confuse a subject; but both the letters are *universal* in their terms.

LEXINGTON, FEB'Y 25th, 1841.

The Rev. ROBERT J. BRECKINRIDGE.

Dear Sir:—Your letter under cover of one from the Hon. J. J. Crittenden, dated the 15th instant, received this morning. I have examined Mr. Wickliffe's speech, page 10, as referred to in your letter, in which he says that Mr. Price, agent for P. B. Ormsby, Esq., was willing to receive me with others as security for the debt due Mr. Ormsby; I have not the slightest recollection that you did apply in that or in any other case to become security for you.

Respectfully, your ob'dt. servant,

JOHN W. HUNT.

LEXINGTON, 25th FEB'Y, 1841.

Rev. ROBT. J. BRECKINRIDGE.

Dear Sir:—Your favor of the 15th inst. was received by to-day's mail, calling my attention to the 10th page of Mr. Robert Wickliffe's second speech against you, where my name with others is mentioned; and stating that according to the best of your recollection you never asked me to unite with you as your security, *in any case*.

I answer you, my dear sir, that I was never asked by you to unite with you as security in any bond or note that I recollect of, nor do I believe you ever did so, or I should recollect it.

I am, dear sir, very respectfully,

Your ob'dt servant and frind,

JOHN BRAND.

But you say "*I joined the individual in a bond to the amount of the debt, &c.*" Was this a replevin bond? That cannot be; for no execution was ever in an officer's hand. Why should it be "*payable in twelve months,*" and why given to Mr. Price *individually*; when by both facts, he actually diminished his security; and in addition might have rendered himself liable for the debt? But still you joined in the bond; knowing all the while as you assert, that I was really a bankrupt, and worse still, a dishonest man; a man worth nothing if he settled fairly—and refusing to settle fairly! Really sir, if this is all true, it reveals one of the most extraordinary and gratuitous procedures on record. But the truth is, no such thing ever took place. I have no recollection of any such bond; no body else, that I can find, of all those who acted for the Lee's, for Price, for us, or in the offices, know any thing about it; none of Price's receipts, say any thing of such a bond, nor does his account stated, covering the transaction, make any allusion to it. The allusions are frequent to the execution, (which he issued, and kept himself, to prevent the judgment from expiring;) but no hint of any bond. And sir, to be plain, my firm belief is, that no such bond ever had an existence, except in your unfounded statements; and until some satisfactory proof to the contrary is produced, I shall feel obliged to presume, that as you have departed from the truth about every other item of this transaction, you have been consistent throughout.

In this state of case, you should not distress yourself too much, about this outstanding liability. But as you say, "nor have you till this day given me any evidence that my note as your security has been paid;" and I suppose, what you mean is that you have no evidence the amount recovered by Lee's executors has been paid them: in the hope of quieting your anxiety, I submit the following proof to you. I suppose, sir, you can hardly fail to consider it satisfactory; and in return for this quietus against your imaginary

bond, I hope you will try to remember that this large sum of money with much interest and costs, is the identical money which would have been paid to your old clients in 1831, but for you; the very money, which the estate you are enjoying should have paid to us above ten years ago.

I have this day examined the account and receipts of Andrew F. Price, (agent for Robert Alexander, surviving executor of John Lee,) of money received by said Price on account of the administrators of John Breckinridge, and find the following sums at the following times received for by Mr. Price, and stated by him to be endorsed on Executions, viz: 1828, January 7, \$1,000—May 21, \$361—September 30, \$1,000; 1829, February 4, \$1,624—May 11, \$21,13—July 13, \$3,300; 1830, February 23, \$69,00—April 27, \$47,20—October 23, \$16,86. This last receipt expresses on its face that it is "Supposed to be in full of an execution issued from the Woodford Circuit Court, in the name of Robert Alexander, Executor of John Lee, dec'd., against the administrators of John Breckinridge, dec'd;" and the full sum paid appears to be \$7,439,19, as stated by Mr. Price. These receipts are now in my possession to be filed, at the proper time, as exhibits in the Chancery suit depending in Fayette, in the name of Breckinridge's Adm'rs. vs. Lee's Executors and others; in which the recovery of this money is sought by the former.

Fayette County, August 13, 1841.

DAVID CASTLEMAN.

There is one remaining transaction, by which you have connected yourself with my father's estate—and the narrative of which you have interlarded with very indecent abuse of me; which I ought not to overlook. I quote a few passages. "I had discovered that Mr. Breckinridge had a contract with J. Lewis, for one third of what he could recover in a suit, Monson's heirs against Fisher, Rice and others, for land near Nicholasville," (*speech Nov. 9, '40, p. 9.*) On the next page you mention this land again, in connexion with other claims, and the narrative proceeds thus: "A large amount in value of them, as I was informed, was sold, and the proceeds gambled off by the reverend gentleman, before the debt of Lee's Executors fell upon his father's estate. (Here Mr. Breckinridge demanded if Mr. Wickliffe asserted that to be a fact?) No, said Mr. Wickliffe, I only assert that I performed the service, and that I was informed you had sold the lands and had gambled off the money you had sold them for." Again, on page 14, you say, "Late in the session of 1838 I think a mutual friend disclosed to me that he was ruining himself at Farro and other games of chance." Again on page 20, "the gentleman has spent thousands to learn Farro." Again on p. 23, recurring to the case of the land near Nicholasville you say that except the case of the gentleman with his aunt"—about which I incline to think you have heard enough—"that in Jessamine against Craig, Rice, and others, were attended with as hard and cruel circumstances as ever existed in the country. Men who risked their lives to make settlements and spent more than a quarter of a century in improving their lands, were expelled from their homes, and the gentleman, with the feeling of the lime stone, saw it unmoved, sold the land and dissipated the price." Again, p. 40. "Yes Presbyterians, has it come to this with your church, &c. that this new recruit from the bar and gaming table, &c."

Now, sir, my first remark in regard to so much of these extracts as relates to the Jessamine land, is, that if any wrong was done in recovering it—you are guilty and I am not.—For the proceedings began as early as 1797, (several years before my birth)—and were all terminated before I had attained full age; and, as for yourself, you not only boast of the service you did us, in its recovery—but on pages 8 and 9, of your letter of August 29, 1832, there is a long account of your having actually *volunteered* your services for us in this case—and that in defiance of the efforts of Thomas Lewis, and the late Charles Humphreys, to hinder you. My second observation is that all you say about the hardship of this transaction rests wholly on your naked word; and that the character of my father who directed it till 1803, and that of my brother Cabell, who completed it, while I was yet a minor, are, even by your own showing clear and positive proof, that all you now say on this head is utterly untrue. In the third place I refer the public to *Maj. John H. Hanly*, of Jessamine, a man of as high character for justice and humanity, as any other, for the whole facts about this Jessamine land, and especially as it regards my connexion with it, which I will explain in a moment. Major Hanly purchased the interest of my father's heirs in the estate and knows all about it. He has been good enough to send me a statement of the case, covering ten large pages. If you will learn the true history of the case from him, you will have another proof that no man can rely on any thing you say. My connexion with the business was of the simplest possible kind. After the death of my oldest brother, I found this estate, consisting of about three hundred and fifty acres, in the peaceable possession of the family. Major Hanly owned property adjoining it, and had rented this for several years. By certain family arrangements, the interest of two of the legal representatives of my father, was transferred to the rest of the family; I then purchased the interest of my brothers John and William—and the property thus belonged, as to three-fourths, to me individually, and as to one-fourth to my sister the late Mrs. Porter; whereupon we both sold to Maj. Hanly; I in person, and she by our brother William, as her attorney in fact; and to the purchaser I again appeal, that the entire doings of all our family—from 1797, till the last sale, were fair, open, simple, and beyond question, by an honest or reputable man. Your allegations, therefore, of my cruelty to "Craig, Rice and others," whose ruin you say "*I saw unmov- ed,*" and with the knowledge of their injuries, inflicted by my father and brother, turned them out of doors; all this, first and last, is an unmitigated fabrication; as it regards me—destitute even of a pretext, as I had nothing on earth to do, either with the men or the business; and as it regards the honored dead—a slander, which I will allow you the grace to suppose, you will confess to be unfounded, so far as it relates to them.

As to what you say of the manner in which I disposed of the proceeds of this land—as well as your general charge against me as a gambler, and your low attempts to connect that charge with attacks upon me, as a member and a minister of the Presbyterian church; it can hardly be expected that I should make any formal

reply to such things from such a quarter. What I have done as a minister of the Gospel of God, may well form a part of that defence of my public conduct, which it may yet be my duty to write against you ; but every transaction of a private nature in regard to which you accuse me—took place as you well know, before I began to preach the gospel ; many of them indeed before I was born. Your attempts to injure me, as a minister, for defects of character or errors of conduct, manifested, while I made no profession of the religion of Jesus ; must be regarded by every just and candid man, as manifestations of a most depraved and malevolent disposition, even if you had truth on your side and were labouring under great provocation. But when you falsify and exaggerate without limit or restraint—when you do this as a persecutor—and do this against a servant of God who has borne much and in silence, and that for many years, to avoid you ; you cannot expect any thing else than the anger of God, and the abhorrence of all good men. Sir, I never professed to be any thing but a poor sinner ; and before the Lord, as I trust, called me into his kingdom—I was far more a sinner, than I hope I have been since. But that I was ever in any proper sense a gambler—or that I ever squandered my estate at play—is not only a most dreadful falsehood ; but it is notoriously the fact, that I was less edicted to this sin, than the mass of gentlemen of my time and condition in the West ; less so, than yourself, sir, and hundreds of other men, whose names you are not worthy to mention. The church which you hate almost as much as you do me, that church for whose sweet communion I have joyfully relinquished whatever hindered me of it ; is indeed, so far, worthy of your hate, that she has, far beyond my deserts trusted and honored me, and by the influence of her reflected confidence, far beyond my desires, made me an object of consideration amongst men.—I sought her ministry with one single aim ; to have space and opportunity to work for my master, during my brief and uncertain pilgrimage. What more I may have done for her, by God's grace—than her humblest son—was above my hopes ; what more she has bestowed upon me—beyond my deserts ; and I pray the Lord, as David did of old, that your cursings this day like the cursings of Shimei, may come in remembrance before him, as a ground of good unto me.

These constant attempts to wound me as a Christian, and disparage me as a minister, by reason of conduct and principles, true or false, charged against me, from my boyhood up ; have put you to some curious shifts, and seduced you into accusations, which if it were worth while, I could easily enough turn upon your own head with a frightful emphasis. Let us make one experiment as a sample, selecting the case paraded as most important by yourself. It occurs on the 23d and 24th pages of your speech. I quote so much of what you say, as will clearly exhibit your charges.

“ Never shall I forget my mortification when a man entered my room, in Frankfort, and asked me if I had heard the news ? I asked him what ? “ Why, Bob Breckinridge, last night, at the theatre, insulted Doctor Flournoy, in the presence of ladies, and the Doctor has challenged him, and he has refused to fight ; and the Doctor has posted him a coward all through town. Here is one of his adver-

tisements, which I have just pulled down in Weisiger's Bar-room." I read it, and for the first time, as I believe, saw in the gentleman's name, the long **J**. The wicked Doctor seemed to have made it double the common length, as much as to say, I don't care to disgrace him by the names his father gave him, but I wish to make my card especially apply to the name he has assumed, to make himself a great man and a counterfeit *bully*. "Where is Doctor Flournoy?" said I. "He has taken the street, waiting to catch Breckinridge," said he. "And where is Breckinridge?" "Safe soul, he is in that house where you see the door well shut. He is safe enough," said he, "the girls will protect him." "If that be the case, he had better compromise," said I. "So I think," said he. And so I learnt, thought this fiery *parson*. He was like, he said, his friend Thompson was, who thought prudence the better part of valor. I am really sorry to tell this upon this *Hot-spur* of a preacher; but when a parson hints at the days when he was a flint and trigger fowl, it is due to truth to let the world know that when he had a chance to fight, he raised his hack-feathers, and would not fight. * * * Neither the gentleman nor any one else should mention a duel; and in *mercy* to him, tell him to strike out the long **J** which he has added to the name his father gave him, that his son may plead a misnomer to the Doctor's card, should it ever be thrown up to him."

If there be on earth a man, who should be dumb on the whole subject of duelling, that man is yourself. Above all men I ever knew, you are the one, that has been most frequently, most outrageously, most publicly—bullied and pushed to the wall; and now you deprive yourself by a formal avowal of principles favourable to personal combat, of your only excuse for cowering before Col. Owings, General Bodley, John H. Morton, Col. James Johnson, John T. Mason, Sam'l Combs, S. M. Brown, George Shannon, John Rowan, and no body can tell how many more. Compromise a duel! Why sir, would it not have been better to have compromised on honorable terms, the duel in which your oldest son fell in your quarrel? Was it not better, far better, to compromise on honorable terms, even on the ground and with pistols in their hands, the duel in which your youngest son so lately risked his life in another of your quarrels? Was it not infinitely better, for your son-in-law, partly by reason of my own intervention, and that by your earnest solicitation—to pass by the public insults of J. G. Trotter, after your son had fallen by his hands—than to have shed his blood, or been slain by him, in what, (having studiously avoided it through life,) you are now pleased, when beyond the age of danger, to set forth as the proper duty of a gentleman? Sir, I must be allowed to express my abhorrence of your whole conduct in all this matter. If duels are to be fought—let every man fight his own. If men must be murdered, let every professor of the black art do his own killing. But for shame's sake, let us not pursue a line of conduct and advocate a set of principles, the combined effect of which is, to keep us safe, and bring ruin upon our friends. For myself, I thank God, I have no man's blood upon my conscience, I have slain no man, personally or by proxy; I have caused no man to be put to death, directly or indirectly. And strange as you may consider it, this reflection gives me more pleasure, than I should derive from the admission of all mankind, that I had more courage than Cæsar, Alexander, and Robert Wickliffe, combined. Yea sir, if it had been true, as you say, that Dr. Flournoy had frightened me nearly out of my wits; I would this day, a thousand

fold, prefer it should have been so, than to have sent him to hell—or been sent there by him. Pshaw, sir! it is the idlest of all employments, for a man who can smell gun-powder even farther than he can a flaw in his neighbor's land title; to attack the character of a minister of Jesus Christ—because forsooth, he once had a chance to shoot at a man and let a man shoot at him, and by the great mercy of God was kept from the folly and wickedness.

It is truly a great calamity to be destitute of personal courage; the more so as many weaknesses, and some great vices, are commonly found in close union with cowardice. The most common and injurious of these, are malice, falsehood and meanness. A brave man is commonly generous, true, and noble; and the eminent lack of these fine qualities, is a pretty sure mark of an irresolute and timid man. It would carry me too far to trace out these connections; and I forbear, as a thing needless, to make the personal application. In the case immediately before us, there are two distinct matters, viz: 1. The special facts alleged. 2. The general charge of cowardice. Now of both in their order.

In the month of December, 1821—nearly twenty years ago—I was in the theatre at Frankfort, with several female relatives; and, as it afterwards appeared, gave offence, without intending it, to the individual whose name is so freely used by you. He wrote me a polite note the next morning, (as I remember) asking an explanation; and I immediately gave him, what I intended should be, and what I thought ought to be, one entirely satisfactory. He, however, pursued the correspondence, writing me an answer, which I thought not respectful, and returned it. Upon this he sent me what I understood to be a challenge; but which having declined to receive his second letter, I of course refused to accept. Upon this, he published a placard against me, in the usual form. If the whole affair had ended here, it is clear enough, that a thousand reasons besides cowardice might have actuated my conduct, even if I had been a duelist; which, thank God, I never was. These reasons, according to the true scope of the murderous code of which you have become, something of the latest, an amateur expounder—will afford you practice in stating and classifying them; wherefore, I leave them to you. But the matter between Dr. Flournoy and myself, did not end with the publication of his card. I was very young and very violent; and though I thought it proper to refuse his challenge—I did not intend to let the publication pass; and upon its being issued, I proceeded to arm myself for a personal rencontre. Many persons know these facts. The late Thomas McClannahan, of Louisville, was my immediate friend; and the present Judge H. J. Thornton, of Alabama, procured me a pair of pistols after the publication was made. In this crisis the following mandamus was put into my hands:

BRO: ROBT. J. BRECKINRIDGE,

You are hereby notified to appear instanter before the Worshipful Master, Wardens and Brethren of Hiram Lodge, No. 4, at their Lodge room, then and there to answer to such charge as may be exhibited against you in relation

to an unfortunate difference said to exist between yourself and Bro: M. W. Flounoy.

Yrs. Fraternaly,

Dec. 3rd, 1821.

JOHN MCKINNEY, Jr. G. M. G. L. Ky.

Mr. McKinney, as you know, is dead.

The statement of Judge Davis, of Lexington, and the official certificate of Mr. Swigert, which immediately follow, establish the genuineness of the foregoing mandamus and the authority by which it was issued.

I certify, that I have this day examined the foregoing mandate signed by John McKinney, jr. G. M. G. L. Ky., addressed to Robert J. Breckinridge, dated the 3rd December, 1821, and that it is wholly in the hand writing of said McKinney, being well acquainted with his writing.

Lexington, 16th July, 1841.

JAMES E. DAVIS.

As Grand Secretary of the Grand Lodge of Kentucky, I certify that John McKinney, Jun., was elected Most Worshipful Grand Master of the Grand Lodge of Kentucky, on Tuesday, the twenty-eighth day of August, A. D. 1821 A. L. 5821, and installed as such on Wednesday the 29th August, A. D. 1821 A. L. 5821, that he continued in the office aforesaid until the 29th of August, A. D. 1822 A. L. 5822.

IN TESTIMONY WHEREOF, I have hereunto set my
 name and affixed the seal of said Grand Lodge,
 this 23d day of July A. D. 1841, A. L. 5841.

PHILIP SWIGERT, G. Sec'y.

The result of the investigation thus enforced was a unanimous decision, by a very numerous body of gentlemen—all of them perhaps as well qualified as yourself to decide what is becoming in a brave and honorable man; 1. That my explanation to Dr. Flounoy, was sufficient, and should have been satisfactory: 2. That his placard ought to be withdrawn: 3. That there was no ground of quarrel, and we ought to be reconciled: 4. That a publication, under the authority and by a committee of the body should be made, stating these facts and the adjustment of the matter honorably to all parties. All which was done; as is, not only notorious, but as you yourself could not fail to know, when misrepresenting the transaction, from the most unworthy motives, after the original parties to it, had ceased for twenty years, to consider it of the least consequence. And you perfectly knew, that ever since the difficulty, and for thirty years before it, the Flounoy family and my own had been on terms of hereditary friendship. I think it proper to say, that I have not been able to communicate on this subject, with Dr. Flounoy, who I have lately understood, is residing in Missouri. It is also right to add, that except yourself, no human being has ever called either Dr. Flounoy or myself in question touching this matter—save only an unscrupulous fanatic in Petersburg, Va., by the name of *Shore*; the same who got some boys and negroes to unite with him in making a public bonfire of me, (as an abolitionist) in the shape of a book—for that which another man had written. You ought to seek his acquaintance; I am sure you would like him. And as to the 'man,' who you say entered your room, and held the dialogue which you repeat with verbal accuracy, after so long an interval; if you will give me his name, I have no doubt I can prove by him that no such dialogue ever occurred. I insist, however, that it shall be a *living* man; for in your hands,

the dead change their speech, as soon as they can no longer contradict you.

There is another matter here so low and so malevolent, that really I blush for you while I am obliged to expose you. "In mercy to him, tell him to strike out the long J which he has added to the *"name his father gave him,"* &c.—"I don't care to disgrace him by the name his father gave him, but I wish to make my card especially apply to the name he has assumed," &c. Such are your words; words, utterly incompatible with every sentiment that distinguishes a gentleman—and, just as such words so uttered, always should be—destitute of a particle of truth. Read what follows and then read again what you have written, if you can do it without hanging yourself:

MY SON:—The *Jefferson* in your name was added by your sainted Father, who also wrote the whole name as you find it in the family Bible. And moreover, you were so named at the particular request of Mr. Jefferson. Lætitia Preston, now Mrs. General Floyd of Virginia, was your Godmother, and no doubt remembers your baptism. James Marshall, your Godfather, (no relation of the Doctor's,) studied law with your father: he is now dead.

March 22d, 1841.

MARY H. BRECKINRIDGE.

I have in my possession and now before me, the old family Bible, containing, among others, this record in our Father's handwriting, to wit.

"Robert Jefferson Breckinridge, their seventh child, was born on Saturday, the 8th of March, 1800—was christened by Rev. James Moore, his sponsors Mr. James Marshall and Miss Lætitia Preston."

Louisville, March 22, 1841.

W. L. BRECKINRIDGE.

What there may be in the particular facts now spread before you, to justify the general charges predicated on them, I leave the public to decide; and at the same time presume there can be no difficulty in perceiving, how admirably the whole case proves, that I was in 1830, an adventurer in the pay of the British Government—and in 1833, the author of Judge Owsley's law, voted for by you. How far the general tenor of my life goes to confirm your construction of the difficulty with Dr. Flournoy in 1821, it does not become me to decide. Nor need I be solicitous about your opinions or representations in such a case. For it does appear to me, that one like you, whose insults are carefully heaped on those who he is sure will not chastise him; whose evil passions are so directed as to bring his friends and not himself into danger; and whose responsibilities are met by others and his duels fought by proxy; is not likely to be accounted a good witness, or a competent judge of what a true gentleman ought to do, or how he ought to feel. Simple brute courage which enables a man to face personal danger, is amongst the ordinary gifts of God to the human family. But there is another and far higher quality, rare in its bestowment, and never found but in union with firmness of will, integrity of purpose, and elevation of character; a lofty moral courage, prompting its possessor, at all risks to do what is right, and amid every danger to avouch what he does.

I knew a man once, who being thrown by divine providence on a foreign shore, found every element of society arrayed against his country, and all the fury of hereditary, national and political hate

lavished upon her sacred name.—Many of his countrymen had witnessed this before; but not one had breasted the storm. This man, bowed down under the pressure of disease; unsupported by human sympathy, except by the tender and courageous love of *one* heart; strong in reliance upon God, and in fervent loyalty to his country; met the boldest of these proud scorers and hurled upon the slanderers of his brethren and his home the indignant rebukes they had too long deserved. Sir, was this the act of one noted for constitutional timidity?

I knew a man once, who had been called away from the land he loved too fondly, and from the distinguished pursuits of his earlier manhood, to dwell far away, and to give himself to humble but precious employments. One who hated him without a cause, took advantage of his absence, the death of his friends, and the violence of parties, to traduce him falsely as an enemy of the State, and the disturber of her peace; and with these discussions were mixed up, some of the most vital questions of human right, and public prosperity. I was present when this man met his inveterate persecutor, face to face, before a vast assembly of those against whom he was accused of stirring up their slaves at home, and their enemies abroad. Armed ruffians had come to tear him down. And yet, calmly, boldly, did he encounter all the odds, and throw himself freely upon the truth of his cause, and the justice of his countrymen. You sir, were there. Think you that man, was in very deed a base poltroon?

I knew a man once, who had offered to him a career of honourable ambition, which is seldom placed in reach of one so young. He had filled many, and they not mean stations; and the trust of his fellow men was only the more manifested, as they the more tried him. All at once new questions arose;—questions touching the sanctity of divine institutions,—the nature of the boundaries of human authority,—the grounds and defences of liberty itself. His views on these questions were thought not to be popular—their expression not to be timely. The same enemy of whom I have already spoken, availed himself of these difficulties, to increase the storm in order to overwhelm his victim. The threats of vindictive enemies, the entreaties of timid friends—the probability of personal loss, nothing moved him from his strong pleadings with his country, and earnest avowal of a faith, for love of which, he was ready to surrender without a murmur, all the prospects of his public life. He has lived to see many of his principles firmly settled as the policy of his native state; and to hear himself denounced with unforgetting bitterness, as one constitutionally irresolute.

I knew a man once, who was closing a most furious party contest. His own election was certain—votes enough already polled to make it sure; but one of his political friends was almost beaten; the third day of the voting was hastening to a close; the agitations of the people increasing every instant; the most violent excitement raging over the community. Suddenly the storm burst; a thousand men rushed furiously on each other, and seizing such weapons as their frenzy supplied, dealt murderous blows upon all who stood before them. Fire-arms were loudly called for and eagerly demand-

ed; and the air was darkened by deadly missiles of every kind.—Some of the most distinguished citizens—some of the ministers of God's sanctuary, had tried in vain, at the hazard of their lives, to appease the tumult. At this dreadful moment, I saw the doors of the hall of Justice suddenly thrown open, and from them emerge two young men. They bore upon a staff a white flag, and rushing between the combatants, and into the thickest of the danger, they cried with loud voices—“*Shame, shame upon ye—ye are all brethren!*” The generous hearts of their countrymen melted under the intrepid appeal; and they who a moment before sought each other's lives, literally rushed into each other's arms. Sir, I will name *one* of those young men; it was the present *General John M. McCalla*, of Lexington. The other is willing to be forgotten. Was this the act of men who valued life too highly?—men cursed by nature, with her rarest and basest infirmitates?

But, sir, to drop all parable—the incidents of that election recall another circumstance, too peculiar to have escaped your recollection. It was the election of 1826, perhaps the most violent that ever occurred in the county, and the closest. Our hindmost candidate the present high Sheriff of the county, Mathus Flournoy, Esq., succeeded by only eleven votes, if I remember correctly, out of twenty-six or seven hundred polled.—You have taken great pains to assert that I was destitute of character and principle—that I had no weight or influence, and deserved none—and that it was chiefly under your wing and by virtue of your patronage, that I made some figure in early life—you yourself countenancing me, however, only on account of your veneration for my father's memory,—seeing I was personally altogether worthless; and all that. (*See speech of Nov. 9, 1840, all over.*) Supposing that all this was true, what would you say, if I should produce proof, *that the most distinguished, and by far the greatest and most influential man, that ever lived in Fayette county*—after taking part in that terrible canvass of 1826—after doing his uttermost to stem the torrent—fairly gave up the contest as hopeless, and his cause as gone;—and seeking me out in my obscurity and worthlessness, threw himself upon me as one of the men that could save the county, and besought me by every motive of patriotism and personal advantage, to give up every thing and rouse myself to an effort worthy of the occasion, and the danger? Read the following letter, sir, if your nerves will bear it; see its date, less than sixty days before the election of 1826; remember the struggle and the result; then read what you have since published of me, and of those very times and incidents—and if you can, respect yourself afterwards.

INDORSEMENT, JUNE 11th, 1826.

My Dear Breckinridge:

I have returned home from Chilesburg, and from a circuit among the people, and can assure (you) that unless a change take place, the election is gone in this county. If the election were to-morrow, McCalla is ahead one hundred votes of any candidate that offers. You may rely on it that this is no fiction. He is attending two or three points every day, and wherever he goes addressing the people. I know your situation, and lament it; but as certainly as death the election is lost by an overwhelming majority, unless Flournoy and yourself exert yourselves to the utmost. Payne and Rogers and McCalla are acting in concert and are every

where, that a dozen of persons are to be found and no human being on your side. I can in the town of Lexington and in the two districts already give the names of at least one hundred antireligionists that have and will join (the) enemy, unless the current is checked while I have heard of not one solitary gain on our side. I shall address the people at Cross-Plains on Saturday next, when one or both, Flournoy and you should be present. For your own and your country's sake lose not a moment. If you cannot leave home a distance see all your neighbours and stir every friend you can and where you cannot attend send your friend. Consider this for your own eye.

Yours Truly,

R. WICKLIFFE.

The great extent to which this defence of my *personal* character against your vile slanders, has necessarily run, renders it impossible to unite with it, the defence of my *public* conduct. It is, therefore, not with a view of entering on the latter subject, that I invite your attention to several points in your attack upon my proceedings in Great Britain, 1836. It is only necessary to remind you at present, that in your speech of August 10, 1840, you endeavored to prove that the government and people of Great Britain, were attempting, on a settled plan, to compass the ruin of this country by means of an operation upon the slaves; that one part of the plan was to corrupt the churches of this country, on the subject of abolition, and that in particular the Presbyterians of Scotland were operating by missionaries, on the Presbyterians of this country; that Mr. Thompson and Miss Martineau, were two of these missionaries; that the late Judge Green and myself were amongst their earliest converts, and most efficient co-labourers; and that the act of the Kentucky Legislature of 1833, was one of the fruits of this mighty combination. In reply to all this, you will find in my speech of Oct. 12, 1840, p. 24-29, of first edition, this whole matter showed up in a light so simple, and your ridiculous ignorance and stupid malice exhibited so conclusively, as to render any notice of the nonsense and falsehoods you have advanced in reply to it, and in support of your original charges against myself, Judge Green, and our venerable church—unnecessary at the present moment. There is, however, some new matter, of a kind entirely personal, introduced into your discussion of the subject, in your speech of Nov. 9, 1840; which I have referred to above, as seeming to require a brief notice. This general subject is diluted over eight pages (p. 30-38) of your last speech: and mixed up with it are three charges against me, viz: 1. That after all, I myself and the Presbyterians of both countries, were really guilty, in the matter of my mission to Great Britain in 1836, which was substantially an abolition mission from our General Assembly to the Presbyterians of Britain; and in denying this I had lied. 2. That my controversy with Thompson, at Glasgow, was a vain, collusive, and miserable affair; utterly despicable as a defence of America. 3. That I was in fact more than willing, to take Thompson's side openly, if I had been well paid for it; and that I plainly hinted as much in the discussion itself. A word as to each of these, in their order.

As to the first charge, viz: Of deliberate falsehood in the matter of the relations of the Presbyterians of both countries, and of my mission, to the subject of Abolitionism. Besides referring again, to the incontestible and notorious facts, stated in the passage of

my speech of October 12, 1840, already cited; I will now simply add, that we have about one thousand five hundred preachers, and about one thousand nine hundred churches, in our connexion; these are the people who sent me, whom I represented abroad. And now, if you will find one of these ministers, or one of these churches, now in good standing in our connexion, who will deny my statements, or endorse yours, or who will not say that in this matter, it is you and not I, who have lied; why then, I will consider it proper to confute you further. But, while a hundred and fifty or two hundred thousand people—who ought to know—unanimously, repeatedly, and steadfastly hold to certain facts as true; it is an infinitely small thing, for a man who does not know, and who is a very bad witness even if he did, to say that he who contradicts him and agrees with all the rest, is a deliberate liar.

As to the second charge. My first answer is that you are no judge of the quality of my defence of my brethren and my country at Glasgow; and that your condemnation of my conduct there, is evident proof, to my own mind, that I did about right. My second answer is, that all I said and did, on that occasion, has been extensively published both in Britain and America; and I have heard of no man in either country, whose opinion I value, condemning me; but I know that many thousands of good and wise men in both countries, approve of what I did; and I hope thousands more will read and judge for themselves, a volume on the whole subject of the coloured race, which I will publish as soon as I can get a little leisure. My third answer is contained in the following testimony from the pen of a distinguished American scholar and gentleman, who speaks from personal knowledge, and without prejudice.—“He (Prof. Tucker, of the University, of Va.) managed, however, “I afterwards understood, to dispose of the questions propounded “in a very summary manner, by presenting facts of so irrefragable “a character and by sticking to them so tenaciously, as to confound and silence even Mr. Thompson himself, who is considered “in England and Scotland, on such subjects ‘a hard nag to beat;’ “for although he had been some months before, reduced literally to “shreds and tatters and scattered in fragments to the winds of heaven

Like a limb from his country all bleeding and torn,

“by the Rev. Mr. Breckinridge, of Baltimore, &c. &c.” (*Rambles in Europe*, by WM. GIBSON, M. D. Prof. Surgery, University of Penn., &c. p. 276.)

Now as to the third charge. The Congregational Union of England and Wales, had sent Drs. Read and Matheson, and the Baptist churches of England had sent Drs. Cox and Hobie to visit the churches of America; and besides a commission sent from the Congregationalists of New England, the General Assembly of the Presbyterian church in America, had sent Dr. Spring and myself to represent our communion, in the Congregational Union already mentioned. All these representatives from the churches of each nation to those of the other—had found it necessary to give their testimony in regard to the question of negro slavery in America; and they had unanimously delivered a testimony wholly inconsist-

ent with that of Geo. Thompson. Upon this state of fact I argued at Glasgow, that Thompson was discredited, and not to be believed; the more especially, as all the other persons were wholly disinterested, and their testimony official, while his was the prejudiced report, of a hired and paid agent, he being the only man of the whole, who had handled money in the transaction. Now upon this, you say, that what I meant, was that I myself desired to be hired and paid by the abolitionists of Glasgow, (*see p. 37 of your speech of November 9, 1840,*) and that I was really complaining, that they gave Thompson all the money. I should consider it, sir, an insult even to your understanding, to suppose that you either yourself believed, or that you expected any one else to believe, the base charge you have here made, under circumstances so plain against you, that the mere statement of them puts shame upon you. The truth is, that my connexion both with that mission to Europe, and with the subject of negro slavery, has been free from the sin of covetousness, at least. I was justly entitled to have my personal expenses to and from Europe and during so much of that mission as was devoted to public objects, paid by the General Assembly of my church; but I never received a farthing from that or any other quarter, towards defraying any portion of them. I was also entitled to have my salary in my particular congregation, continued during the year of my absence; as I was sent abroad by our ecclesiastical superiors; but I voluntarily relinquished to the congregation, the entire income. So also, on the other subject, which you have foolishly connected with this, the facts are of the same general character. Few men in America have laboured more than I have, with the pen, and from the rostrum and the pulpit, in opposition to the spirit and principles of modern abolitionism; in support of the claims and objects of the cause of African colonization; and in regard to the whole subject of the amelioration of the condition of the black race; but until this hour, I have never received one farthing in the way of compensation for any portion of these labours, covering a period of twenty years. And, sir, when impelled by a sense of public and personal duty, and encouraged and protected by the wise and noble constitution and laws of my native state, I determined many years ago to begin the work of gradual and voluntary emancipation, upon a settled and determinate plan; I beg you to remember, that in this, as in most other acts of my life, my conduct was wholly different from yours; *first*, in this, that the slaves, for whose freedom I provided, *were my own*; *secondly*, in this, that I did not attempt to secure to myself by a deed from my wife, twenty times, perhaps fifty times the value of the slaves emancipated, as the condition of their freedom; *thirdly*, in this, that I did not fill the public ear with vain and exaggerated boastings, sometimes of what I had done, and at others of my sorrow that I had done so much; when in reality, very little had been done to make any fuss about.

There are a number of pages of your speech (*viz*: from the bottom of the 17th to the top of the 23d,) devoted chiefly to several matters in which you, rather than myself, are concerned; and to

which, therefore, while I cannot properly pass them in silence, it is not necessary for me to devote much space. The first of these relates to the conviction and execution of *Moses*, (the slave of Joseph Rogers,) who was hung for rape, on the 13th of August, 1831. In your first speech of 1840, that of August 10th, p. 18, you attacked Mr. C. M. Clay, as you had long before attacked me, for exciting discussions in the county, of which you were yourself, in both cases, the real originator; and charge him by insinuation, and me openly, with publishing doctrines which lead to the commission of "murders, rapes, house breakings and other felonies." On the 36th page of the same speech you returned again to the same calumnies, and re-uttered them, with renewed insults and falsehoods. This, you will remember, was in the speech, in which you have solemnly and repeatedly averred and endeavored to prove, there was nothing at which I could properly take offence. In my speech of October 12th, 1840, p. 15, in noticing these horrible accusations, I selected the crime of rape, and reminded you: 1. That you had yourself been the lawyer in 1831 of the slave *Moses*, (the only one I remembered as being arraigned for this crime). 2. That you had not only declared your conviction of his innocence, but had been so outrageous in your proceedings, that you narrowly escaped being *lynched*. 3. That, on your own showing, in 1831, you were a slanderer in 1840, and your accusations against me, as unfounded as they were insulting. In your second speech of 1840, that of Nov. 9, *as printed*, you devote two pages on this subject [p. 17-19]; and although you publish in an appendix a certificate of the jailor of the county of Fayette, to establish the infamous charges of the first speech; yet in this speech, you not only plainly admit, that *Moses* was *innocent*, but write an argument, and pretend to repeat the main facts of the case, to prove that innocence. Now, so far as your charges against me are concerned—and so far as this case goes, which being the worst I could remember, was selected by me as a specimen case, to test those charges; I stand acquitted and you convicted, by your own statements. For if the man was innocent, I could not have been the author of his *guilt*; and you believing him innocent, are clearly a slanderer in abusing me for a matter which presupposes his guilt. Whether he was innocent or guilty, is not for me to say; nor do I know. If he was judicially murdered—being an innocent man—as you argue; that crime lies at the door of Judge Hickey, who tried him—and as I remember, was so perfectly convinced of his guilt, that he had *Bill*, the principal witness for the prisoner, openly whipped, for perjury under the statute; and at the door of Gen. Combs, who was so outraged by the crime that had been perpetrated, that he agreed to assist the prosecuting attorney—and subsequently as was understood, gave to the poor girl, whom you attempted to ruin by the testimony of the fellow *Bill*—the fee, which her neighbors had contributed, to engage his services; and at the door of the sworn jurymen, who as you say, wrongfully took away the life of an innocent man. This I know, and after a detailed conversation with Judge Hickey and Gen. Combs, reassert it, and refer the public to them; viz: that your conduct on the trial of *Moses*, was of such a character, to

the poor, virtuous, and unprotected white girl, who had been violated—that it required all the personal influence of her counsel, and the official intervention of the judge both publicly and privately, to save you from popular violence.

The next matter concerns your proceedings in regard to the Turnpike road leading from Lexington towards Richmond, by Mrs. Russel's estate, I believe; and the difficulties growing out of it. I shall not press this business. It was introduced at first by me, in my speech of October, 1840, in the heat of public discourse, without any previous intention of doing so; and the general allusion to it, and to the two subjects which follow, was retained in the printed report of the speech, simply that I might deal with you and the public, with perfect uprightness. The whole that is said in regard to the three subjects, occupies about five lines, on p. 27, of a speech of thirty-two pages. I say this, however, without the remotest idea that I have done you injustice; but rather under the impression, that you have done so many things so much worse than these, that it is hardly worth while to have any trouble about such as these. In regard to your transactions with this road company and with some individuals connected with it, however, I have been furnished with detailed information, part of it in writing, representing your conduct as a tissue of meanness, selfishness, and unfair dealing. And my understanding is, that besides embarrassing this public improvement in all possible ways, and that after being one of its projectors, you have prosecuted old personal and political friends with incensate bitterness, and are striving absolutely to dissolve the company; all to gratify your spite and penuriousness, in consequence of the refusal of the company, to allow you and your two or three hundred negroes, your famous buffaloes, and what not, to pass *toll free*, thro' the first gate on the road. You begin to plead privilege rather too soon sir; the family of "*Town-fork*" is not yet in the Herald's book. If I err in this general statement, you can easily correct me, by applying to your former co-labourers in this work; and especially to your old friend *General James Shelby*, who has shared the fate of nearly all who ever trusted you. The special reason you set up for claiming this privilege, is curious; and I notice it—the rather, as it leads us to one of the two remaining items. Mrs. Russel's estate is situated several miles from Lexington, eastward I think of the town; her residence, which you now occupy, on the opposite side of it; but as both these establishments constitute a part of *your farm*, you claim a free passage through the toll gate, under the usual clause in charters, where a gate divides a plantation; and you say, "*the Judge*," (what Judge?) has upon a bill and demurrer in chancery, sustained your claims. This may be good law; I know not. I only know that the whole town of Lexington, containing some six thousand and odd hundred people, and some odd dozens of farms besides, *were once* located directly between these portions of *your farm*. This leads me to say that when I reminded you (p. 27, speech of October 12, 1840,) of your passionate love of other people's land, and ventured to insinuate a slight surprise at the result of such proceedings as gave some lawyers one half the land of the plaintiff,

and all that of the defendant, a result I think not uncommon, however curious it may be; I had no such idea as you attribute to me, of attacking the general principle of the laws of *Champerty*, for a long time prevalent in Ky.; but rather the general and notorious proceedings, which your enemies say, have marked your career in regard to the land litigation of Kentucky. And the people about Lexington are sadly in error, and have been very needlessly alarmed, if you have not been plotting a very considerable and important addition to this already remarkable *farm* of yours; an addition, which by reason of some flaw in a chain of title from your wife's father, (Col. John Todd,) and by reason of certain deeds of settlement, from her to you, will go far towards uniting these remote portions of *that farm*, now covered, it would seem, in part by the town of Lexington. So that a dispute about a toll gate, may eventuate contingently, in your eating up a city: as a dispute between two sets of your clients, about the nature of a real security, resulted in your swallowing an Iron Works; and as a dispute between other two sets of your clients (the Bank of the United States and Samuel Smith) about a plain case of debt, resulted in your licking up a stupendous estate in some of the easterly counties of the State.

I said in the short passage of my speech several times referred to, that you had plead the statute of limitations, as a bar, to the recovery of an account for materials furnished for the clothing of your slaves. I might have added, which I did not, that this detestable meanness was attempted to be practised against the near kinsman of your wife, one who had been before your marriage her confidential friend, a man who had lived for above forty years in the county, without a blot upon his name. Your notice of this matter is contained on the 20th and 21st pages of your speech, and the substance of your reply follows:

"The gentleman next charged me with screening myself from paying a manufacturer or merchant, for clothes bought by me to clothe my negroes with. This I pronounce a falsehood. To my knowledge, I never was sued by a merchant or manufacturer in my life; and although the merchants may sometimes think me slow pay, yet, before the reverend slanderer made the charge, I think I never was charged with defrauding a fellow creature," &c.

Sir, I am well content to leave the question of your general character to the readers of these pages, and to the public around you. My present business is with the particular case; and, as you could not fail to know when you penned these lines, they contain at the bar of conscience, a most deliberate and positive untruth. I the more particularly invite attention to it, as it reveals what you mean by truth, and shows how you are to be understood in your most positive assertions. The case has been particularly examined by counsel, and the facts stand thus: "In the year 1838 one of Robert Wickliffe's overseers, by name Hersman, at Mr. Wickliffe's request, went to Oldham, Todd & Co., and got a quantity of materials for negro clothing, amounting in all to about \$300. The firm presented the account to Mr. Wickliffe who admitted its truth and promised to pay the same, at a more convenient time. He delayed, however, until a law suit was commenced against

“Hersman, the overseer. Upon the trial, which was a common count in *assumpsit*, for goods, wares, &c. Mr. Wickliffe filed two pleas, one that the defendant did not owe the debt, the other, that he had not assumed to pay the debt within twelve months next preceding the institution of the suit, which was, in other words, the statute of limitation! Oldham, Todd & Co.’s counsel was preparing to handle Mr. Wickliffe without gloves, when he beckoned Oldham to him and told him, to withdraw the suit and he would pay him the money. These are the facts in the case.”

So writes to me a gentleman above all suspicion. I have personally conversed with one of the most respectable and intelligent men in your county—who was one of the jury in this case; who says he has no doubt a verdict would have been rendered for the plaintiffs, if the jury had been allowed to decide. I have also conversed with Robert S. Todd, Esq., in regard to it; and refer the public to him for the substantial accuracy of all I have said, and for a full account of your conduct in the premises. The case then stands thus: Your manager by your order purchases goods for your slaves; you promise payment, but there is a lack of proof of this; your manager is sued, and if the debt is recovered from him, he of course recovers it back from you, upon the testimony of Todd and Oldham. You as his lawyer nominally, but really as your own—plead the statute—get alarmed—and pay the debt; and then, coolly deny, not only the infamous plea, but even the suing itself! So it is; and so are the facts. There is a tradition, sir, in the Preston family, of which perhaps you may not have heard, that Col. William Preston the elder, the uncle of your first wife—held at the time of his death, in 1782, a bond of his brother-in-law, the late John Howard, your first wife’s father, for £250, cash, which had been advanced by Col. Preston to Mr. Howard, at great inconvenience, and under the pressing necessities of the latter gentleman. The universal opinion in the whole connexion always was, that John Howard was a man of remarkable integrity; and so the collection of the debt was not pressed. But after many years had elapsed, the executors of Col. Preston, requested that the money might be paid; whereupon, somebody took upon him to say, the claim was *stale*, and the presumption of law, that it was paid; and so defeated the recovery of the money; thus at once wronging and insulting a family which you sir, take some pains to say, you have always greatly revered. Do you, sir, know who this individual was? If so, pray tell us; and then, if your mood is communicative, you may inform us also, what is the amount of the debt now, *in conscience*, due from Mr. Howard’s to Col. Preston’s estate; supposing it to amount to £250, on the 1st day of Jan., 1781, to have borne interest at 6 per cent. per annum ever since, and to have been compounded once every 16½ years? 2. What part of this money would fall upon your estate if these well beloved kindred of ours should come to a fair settlement with each other?

I think, sir, I have now gone over all that is worthy of special notice, or that needs any, in your outrageous publication; all, I mean, that relates to transactions and charges, that can be consid-

ered, more especially *personal*. It would have been beyond expression, more to my taste to have confined myself entirely to that portion of your attack, which relates to my public character; that portion which I have not even touched, in this paper. Whether I shall be spared to publish that, I knew not; whether I shall think it necessary, after proving *what you are*, to trouble myself any further, to disprove *what you say*, I shall not now determine. I must admit, however, that my *personal* character is far more precious to me, than my *public*; and upon this ground, I have felt free to meet your appeal to society in regard to things so entirely private. I have considered too, that in defending myself, I have necessarily revealed to mankind, the character and principles of a man, who has the heart and the position, to do incalculable mischief; and have thus conferred a lasting benefit on my generation. In relation to my public conduct, moreover, I have not allowed myself to forget, that if my career is already drawing near its close—as it seems to be the doom of my family, from father to son, to be cut off in the midst of life—I have really done so little that is worth remembering, so little in comparison with what I have meditated, that it is useless to be over anxious about any defence. And, if on the other hand, God shall spare me to serve my generation, in a manner and to an extent, bearing some tolerable proportion to my love for truth, for knowledge, and for liberty; then indeed, I may safely trust my works to defend me—and leave the task of my vindication, to those who shall enjoy blessings, in labouring for which, I was consumed. And after all, sir, it is a sweet and an abiding consolation to me, that the principles to which my life has been devoted, are in the truest sense imperishable. Even if it is my lot to form one of that great and forgotten multitude, whose hearts have been sanctuaries in their generations, of glorious but unpractised truth; I live and labour, and will die with the sustaining conviction, that my dust will be so many grains in the increasing, and finally all pervading habitation, which God is erecting to the glory of his name, and the happiness of human kind. And as I pass on, I perceive with clearness, and take new courage as the thought is settled in my heart, that all the enemies of this high and majestic progress, are doomed to labour without hope, to fall with the assurance of defeat, and to be remembered only as those whom God permitted to illustrate the folly, the perversity, and corruption of our kind. True liberty—just, real, and general; true protestantism, thorough, enlightened, and tolerant; true evangelical doctrine and practice, pure, ardent, zealous, elevated; these are the sacred objects, for lack of which, the great human family has pined so long, and suffered so deeply, and which God—though for our sins he defer it long—will at last bestow on our universal race. Glorious consummation! Blessed generation, that shall be permitted to rejoice in it!

Sir, you and I will soon be in our graves. It therefore behoves us to have an eye to that world to which we hasten, and that account we have to render in. My difficulties with you began after I made a profession of the Christian faith—and your hatred and violence towards me, have apparently increased in proportion as I have tried, by God's grace, to set my face more and more resolutely

towards heaven. I can say, with a good conscience before God and man—that in this whole matter, from beginning to end, I have earnestly endeavored so to act, as that I could approve my conduct in the hour of death, and that God would approve it in the day of judgment. In this temper, I have sincerely aimed to keep my heart and mind, during six months, that I was engaged in collecting and arranging the facts and proofs herein contained, and more particularly during the period I have occupied in writing out the defence itself. God has not allowed me to escape this duty. It has been one, I would have avoided, if he had permitted me. I have performed it with a clear and deliberate conviction that he required it at my hands, and that he will accomplish his designs by it. You say of me, in mockery, (*Speech of Nov. 9, 1840, p. 24.*) “He is a *praying parson*. I should like to have heard his prayer, &c. * * What prayer did he put up to the throne of grace and mercy for me?” Willingly shall you hear it. Reverently, and repeatedly have I bowed my spirit in the dread presence of the eternal majesty, and cried unto him—

Oh! thou Infinite Source of being and of blessedness, who amidst the inaccessible light and glory in which thou dwellest, dost condescend to regard the low estate of thy sinful and erring children in their tene-ment of clay; I humble myself before thine awful majesty, and adore thee as my deliverer from all thine enemies and mine. Infinite rectitude is the essence of thy moral perfections—and in the image thereof didst thou create, at first, our fallen race. Oh! let not thy poor servant be overborne by unrighteousness and swallowed up in the snares, which the most false, the most pitiless, of those who hate him without a cause, has contrived against him. Thou hast said, oh infinite King, “vengeance is mine”—and because thou hast thus spoken, I have not dared to assume thy high prerogative. But thou hast added in words of terror to the oppressor and the persecutor—“I will reply.” Do thou, oh! glorious Lord, give if it please thee unto these words a sense of mercy, and repay the wrongs and injuries cruelly heaped upon thy servant, by bringing to godly repentance and the acknowledgement of his sins, this enemy of all righteousness. But if thou hast allowed him to be judicially blinded—and hast given him over to strong delusion to believe lies—do thou, oh! merciful Redeemer, who hast in thy hands the hearts of all men, so turn them, that he shall no longer be able to poison them by his wickedness, to the damage of thy cause, to the hurt of his country, and to the evil of thy children. And so shall all men know, that thou, God, reignest, and that thou art a God who keepest covenant and showest mercy—a God under the shadow of whose almighty presence, the humblest of thy servants are safe! Amen.

With one suggestion more, I close. I know you well enough to be aware, that you are capable of any denial and any statement, that will serve your turn. I have therefore to say that I have provided against such a contingency by placing in the hands of my friend ROBERT S. TODD, Esq., of Lexington, the original letters, and exhibits, to which I have referred in this communication, so far as they could by possibility be called in question. You, sir, I will not recognise in any manner; nor will I trust these papers in your hands. But, any respectable person on your behalf can have access

to them; and any gentleman, whose curiosity prompts him to examine them, is invited to do so.

ROBERT J. BRECKINRIDGE,
Cabell's Dale, near Lexington, Aug. 20, 1841.

NOTE.—I have ascertained, as this defence has been passing through the press, that several of the most important points in it, might have been presented with additional force, clearness and evidence, if I had thought it worth while, to have pushed my examinations further while preparing it. In regard to one, and that a very important matter, the additional information I have received is so remarkable—its exhibition of the character and conduct of Mr. Wickliffe so decisive—and its confirmation of the truth of my statements and the fairness of my estimate of him so conclusive; that I have thought it my duty to refer to it, briefly, here.

The reader cannot fail to remember what a figure the "*last suit*" of Mr. Wickliffe cuts, both in this defence, and in the speech to which it is a reply.—That famous service before which he charged us nothing; by performing which he filled my pockets with money, and rescued my father's memory from obloquy; in agreeing to attempt which, he yielded to my tears and entreaties; in order to enable him to perfect which he "arranged with Senators" and with the Court of Appeals; in discharging which he risked his life; and after his super human efforts in which "*last professional service for the family*" he says, "*God knows when at night I retired exhausted and prostrate from the court room, I felt as if it was doubtful whether I should ever enter the court house again.*"—(*Speech of Nov. 9, 1840, p. 11-12.*) Is it within the bounds of human belief, that this service was never performed at all—that in truth, he did not argue the cause at all! Yet such is the naked fact!! Not only did he fabricate every incident, connected with the trial of the case—but his account of his argument in it, is a sheer romance; and all his risk of life, and terrible exhaustion and prostration, in his last and greatest professional effort for us—never had an existence, except in his deranged imagination, and the fathomless abyss of his printed falsehoods!!

I will not trust myself to speak of this horrible and enormous baseness, farther than to say, that Mr. Wickliffe has proved himself to be even more profligate and abandoned than I had supposed he was.

The proof on which I assert that he did not argue the case at all, is the distinct recollection of every person connected with the case, with whom I have conversed in regard to this fact; and especially of the Hon. GEO. ROBERTSON, Chief Justice of Ky., who presided on the trial of the cause; and RICHARD H. CHINN, Esq. who closed the argument for us—it having been opened on our side, by Judge WOOLLEY, whose personal relations to Mr. Wickliffe have prevented me from mentioning the subject to him.

I demand of a just and enlightened people, whether they are not bound by the clearest and highest obligations, to consider and treat a man like this, as being either a stark madman, or a public and common slanderer?

R. J. B.







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