

Hon. John MacPherson Berrien

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I. HON. JOHN MACPHERSON BERRIEN

IT IS WELL known that New Jersey has supplied to other States some notable men - Congressmen, judges, physicians, lawyers and others. Many such have had their memories enshrined in ample biographies, which are accessible in every large library. But there are others about whom little can be found, either in the various American encyclopedias or in any New Jersey historical works, and it will be our aim to hunt out some of these men and state in these pages such facts concerning them as may properly be published in this magazine.

We begin with a man of fine ancestry, who made for himself a great name in the sunny South, as lawyer, jurist and statesman.

The Berrien family were of Huguenot stock. The tradition is - as in so many families - that two brothers came over to this country from Holland, to which land their ancestors had fled from France on the Revocation of the Edict of Nantes. Cornelis Jansen Berrien is the only one, however, of whom there seems to be a trace in the early New Amsterdam or New York City records. He resided at Flatbush from before 1670 until 1685, when he removed to Newtown, L.I., where he died in 1689. His first wife, Jannetje, was a daughter of Jan Strycker, the ancestor of the Stryker, Striker, etc., families of New Jersey.

Pieter, an early son of Cornelis and Jannetje, and a surveyor, was born in 1672, and married, in 1706, Elizabeth, daughter of Samuel Edsall, a member of the Council of East Jersey. One of Pieter's children was judge John Berrien, of Rocky Hill, N.J., born in 1711, whose history has been given in various publications; a merchant, a lawyer, a graduate and trustee of Princeton College, a Colonel, Justice of the Supreme Court (1764 until his death), a member of the Assembly (1768-72) etc. He died April 22, 1772, in his 61st year, by accidental drowning in the Millstone river. His wife was Margaret, daughter of Thomas Eaton, of Eatontown. The house in which the judge lived is that in which Washington prepared his Farewell Address to the army (Nov. 2, 1783), and is now preserved as a Headquarters by "The Washington Headquarters Association" of Rocky Hill.¹

Judge Berrien's son, John (oldest of six children), known as "Major John," was the father of the John Macpherson Berrien of our sketch. This Major John, of whom we have too few particulars, was born about 1760. After his father's death, when but fifteen, he went to Georgia, but soon after joined the army, and served as Captain, and then Major, and he was in the Battle of Monmouth. He died at Savannah Nov. 6,

¹ For further facts, cf. Riker's "Annals of Newtown," p. 338; Coll. N.J. Hist. Soc., Vol. 9, p. 28; Bergen's "Early Settlers of Kings Co.," p. 34; Hageman's "Princeton and Its Instit.," p. 69; "Somerset Co. Hist. Quar.," Vol. I, p. 85, etc.

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1815, in the 56th year of his age, a tablet to his memory stating that "in early youth he drew his sword in defense of his country and served with reputation in the War of the Revolution. He was an upright citizen and exemplary in all the relations of social life." Washington decorated him with the "eagle" of the Cincinnati, a die copied from which is now used by the Georgia Society of that Order as its "eagle." At one time he was treasurer of Georgia. This is practically all the writer has learned of Major John Berrien, except that during the Revolution he met in Philadelphia a lady, Margaret, sister of John Macpherson (an aid-de-camp of Gen. Montgomery, who fell at Quebec) and also of General William Macpherson, and she became his wife. At the termination of his military service he went back to Georgia to prepare a home for his bride, but in the meantime she was left at his widowed mother's house at Rocky Hill. And so it came about that the son, John Macpherson Berrien, was born in his grandfather's house, the now noted Washington Headquarters, at Rocky Hill, August 23, 1781.

Major Berrien sent his son to the North in due time to be educated. After the young man had attended several preparatory schools in New Jersey and New York City, he entered Princeton as a mere lad in age and graduated in 1796, when he was not yet fifteen. The same institution in 1829 gave him the degree of LL.D., on which occasion he delivered an address before the literary societies of the College.

After graduation young John M. returned to Georgia and took up the study of the law with Hon. Joseph Clay, of Savannah. Such was his assiduity, and such the permissive law of Georgia, that before reaching eighteen years of age he was admitted to the Bar. He first opened an office at Louisville, Jefferson county, then the State capitol, but later he went to Savannah, where he resided for the rest of his life, except when on official duties at Washington.

In November, 1809, he was elected Solicitor of the Eastern District of the State of Georgia, and the following year judge of the same district. At this period the judicial term was limited to three years, and Mr. Berrien was elected four times to that office.

During a part of the time in which he occupied a seat upon the Bench, war existed between England and the United States. With a regiment of volunteer cavalry under his command, he performed a short tour of service at Darien, while the British forces were upon the Island of St. Simons, and in the adjacent waters, but did not come in contact with the enemy.

Mr. Berrien resigned his office as judge in the second year of his fourth term (in 1822), and returned to the practice of law, which soon became very extensive. In this same year, 1822, and in 1823 he represented the county of Chatham in the State Senate, and, as the journals of that body show, with great assiduity and ability. A wider field, however, for the exercise of his talents was reserved for him, viz: the Senate of the United States, to which he was transferred by the Legislature of Georgia in 1824; he took his seat in that body on the 4th of March, 1825. During the period of his Senatorial term, there was not a subject of general interest upon which he did not

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display a wide knowledge. His speeches before the Senate were always listened to with attention, and acquired for him the reputation of being one of the most gifted orators and able statesmen in our country. His address on the Oregon Territorial bill at a later period was considered one of the ablest expositions given in Congress of the constitutional questions relating to the subject of Slavery.

In 1829 Mr. Berrien received the appointment of Attorney-General of the United States, in Jackson's Cabinet, in consequence of which he resigned his seat in the Senate. For this office his legal attainments eminently qualified him, but, owing to a want of concert in President Jackson's Cabinet, he resigned his office in 1831 and resumed the practice of his profession in Savannah, and continued in it until 1841. During the administration of Gen. Jackson, the appointment of Minister to Great Britain was tendered to him. He was induced, however, by the advice of friends, to decline it, on account of the meagre salary attached to the office, and the appointment was subsequently offered to Mr. Van Buren, who accepted it.

In 1840 Mr. Berrien was again elected to the Senate of the United States, and took his seat on the 4th of March, 1841. At the session of the Georgia Legislature in 1841, a series of resolutions were passed disapproving of Judge Berrien's political course on the subject of a national bank, distribution of the proceeds of the public lands, the bankrupt law, and a protective tariff, and instructing him to vote against these measures. On receiving the resolutions he issued an address to the people of Georgia, in which, after discussing various political issues, he entered into a full consideration of the doctrine of legislative instructions, which he deemed a usurpation of power equally inconsistent with the constitution of his State and of the United States. Of this address, Judge Story, in a letter to its author, dated 14th of February, 1843, spoke as follows:

"I have read your address with unfeigned satisfaction. It was in every respect worthy of yourself and your principles; and I heartily concur in your powerful, and in my judgment, conclusive reasoning upon all the topics which you have discussed. Your argument upon what is called the 'right of instruction,' is exceedingly cogent, and as I think unanswerable. If ever my work on the Constitution shall reach another edition, I mean to extract the passage, and use it in that work."

The session of the Legislature of 1843 reversed the action of its predecessor, by the passage of resolutions in the highest degree complimentary to him as a man, and to his course as a statesman. Thus sustained by the Legislature and people of Georgia, Judge Berrien continued in the discharge of his duties in the Senate of the United States; and in 1847 was elected for another term of four years, which would have terminated on the 4th of March, 1853; but he resigned his seat in May, 1852, and retired to private life.

After his resignation, Judge Berrien remained in retirement to the time of his decease, occasionally appearing in the Courts as assistant counsel and at public meetings of his fellow citizens of Savannah - unreserved at all times in the expression

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of his political sentiments, yet taking no active part in the strife of parties.

He had long been a worthy member of the Protestant Episcopal Church, and in its State and general conventions always acted a prominent part, up to the time of his death.

In his political associations, judge Berrien belonged to the Republican party; with Clay and others he united in the organization of the Whig party, to which he remained faithful till the day it expired. In the great Union struggle of later years, he identified himself fully with no political division; not with the Southern Rights party, because he disapproved their remedy for the then existing grievances; nor with his Union friends, for he was opposed to silent acquiescence in one of the measures of that day. Later, approving the principles and policy of the American party, he fully identified himself with it, and the last act of his political life was to give them his sanction by presiding over the deliberations of a convention of that party.

His attendance at this "American" party convention is especially interesting, as he was then a very sick man, and it proved how indefatigable and determined he was to keep in touch with national affairs to the end of his life. He had a depressing and really fatal kidney trouble, but, being a delegate from his county he determined to go to Milledgeville, full 150 miles away from Savannah, and sit in the convention. On reaching there he was compelled to take his bed. At the morning session he was unanimously chosen President. In the afternoon, when told of this, though under great pain he went to the meeting, presided over its deliberations and made an eloquent address. Returning to Savannah he again took immediately to bed, and in a brief time passed to his rest.

One who knew the judge well wrote of him immediately after his death:

"In his private relations Judge Berrien was an example worthy of all imitation. Polished, and even courtly, in his manners, amiable and sincere in his friendships, upright and rigidly just in all his dealings, he presented a character that all could respect and admire. Around the domestic hearth he was the 'centre of a charmed circle.' He was a kind and doting father of a numerous offspring, and a model of a husband. Whether at home or abroad, at leisure or absorbed in the duties of the public service, they were never absent from his mind. We may mention as an instance of his kind attentions, that while in Washington and his wife in Savannah, he had a stated period of every day to indite her some token of remembrance, and this habit was never interfered with unless engaged himself in addressing the Senate."