



*Yours truly
John L. Asher*

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BIOGRAPHICAL SKETCH

OF THE

HON. JOHN L. HELM,

LATE

GOVERNOR OF KENTUCKY.

PUBLISHED BY DIRECTION OF THE GENERAL ASSEMBLY OF KENTUCKY.

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IN THE SENATE OF KENTUCKY,

MARCH 6, 1868.

MR. ALEXANDER moved the following resolution, viz :

Resolved, That a Committee of two of the Senate be appointed by the Chair, to act in conjunction with a similar Committee of the House, to prepare Biographical Sketches of the HON. L. W. POWELL and the HON. JOHN L. HELM, and that the Public Printer be directed to print three thousand eight hundred copies of each Biography for the use of the Senate, together with the speeches delivered on the passage of the resolutions in regard to their death in the Senate and the House, the same to be published in pamphlet form, accompanied with lithographic portraits of the deceased, and that they be mailed to the members of both Houses, postage paid.

Which was twice read and adopted. Senators JOSEPH M. ALEXANDER, of the county of Fleming, and BEN. J. WEBB, of the City of Louisville, were appointed, in pursuance of the resolution, to perform the duty assigned thereunder.

On the same day Mr. McKENZIE presented the above resolution in the House of Representatives, where it was unanimously adopted, and the following named gentlemen were appointed to perform the duty indicated by the resolution, viz: Messrs. J. A. McKENZIE, of Christian county; S. I. M. MAJOR, of Franklin county; and R. M. SPALDING, of Marion county.

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INTRODUCTION.

It is a well-established fact, that success has rarely resulted from the efforts of even able and experienced writers, when they have attempted to bring before their readers personations of individual character and habit. Few have been the really readable biographies that have appeared in our language, and of these, immeasurably the best was written and compiled by one whose literary reputation has no other foundation for its support. Writers of biography are apt to have too little regard for details. They write in the style of the historian, and appear to condemn every circumstance in the lives of those whose characters they would depict which has not a direct connection with certain grand purposes in the pursuit of which their years were passed.

The great Lexicographer and Essayist, Dr. SAMUEL JOHNSON, though he possessed a mind immeasurably superior to that of his biographer, could not have written a book of the kind that would have held its place in the world of letters as has his own Life by JAMES BOSWELL. As the inferior mental organism of BOSWELL had no capacity for learned display, so the superior one of Dr. JOHNSON had none for that which was merely *postprandial*. The latter's ponderous intellect would have held in contempt the club-conversations and table-talk which, in the former's work, are found so charming to the great mass of readers.

Just as the aggregate of human miseries is made up, for the most part, of little cares and annoyances, so true human happiness has much affinity with little things.

There is a certain charm about the conversations—the trivial incidents of every-day life—of men who have filled high places in the State, or in the world of science, which

is appreciable by everybody. But these, as connected with great numbers of eminent men, have all been lost for want of a chronicler. Hence it is, that biographers are so often obliged to assume in style the dead level of compact history, which is altogether unsuited to such writings; and hence, too, their works are little read and less appreciated.

In justice to one of the most useful—as he was certainly one of the most esteemed—men of our day, we have sought diligently to remedy, in the present instance, this usual defect of all modern biography, but with results, we cannot but acknowledge, by no means commensurate with our wishes.

Governor HELM's was a mind of no common order; and dying, as he did, in the zenith of his fame, it is not to be wondered at that his fellow-citizens should desire to preserve the record of his life. We, who have been commissioned to perform this duty, may well fear that the result of our labors will be found very imperfect by those who had the honor of the late Governor's intimate acquaintance. They will believe us, however, when we state that we have given to our work such attention as was in our power and such ability as we could command.

It is due to the members of Governor HELM's family to state that they have furnished us with almost the entire details of his private life contained in the following pages. We are indebted, likewise, to the Hon. CHARLES WINTERSMITH, of Elizabethtown, for much valuable information that has either been embodied in the text of our work or in the copious notes which will be found appended.

JOS. M. ALEXANDER,

BEN. J. WEBB,

Senate Committee.

J. A. MCKENZIE,

S. I. M. MAJOR,

R. M. SPALDING,

House Committee.

JOHN L. HELM.

"VITA ENIM MORTUORUM IN MEMORIAM VIVORUM EST POSITA."—*Cicero*.

The above sentiment of the great exponent of ancient Roman law is peculiarly applicable among a people whose liberties and liberal institutions are the fruits of the blood and labors of a truly virtuous ancestry: "The life of the dead is placed in the memory of the living." In other words, a virtuous people will always seek to perpetuate the memory of its virtuous dead. It is only by doing this that progress is at all possible, whether in social elevation or government, in science or morals. Example is the best of teachers. For the ninety years of our existence as a nation, we are indebted for the liberties we have enjoyed, more than to any other cause, to the fact that we have kept constantly before our eyes the examples of virtue, of patriotism, of courage and endurance, left to us by WASHINGTON and the Fathers of the Republic.

The biographies of the eminent men who have illustrated the periods in which they lived, make up a large portion of the history of the world. They are the landmarks of past centuries. The positions in which the individuals they commemorate were placed, whether in the confidences reposed in them, the persecutions to which they were subjected, the uprisings against their misrule, or the patient submissions to their prowess, are facts from which we may infer much of the character of the people among whom their lives were cast. But their memories stand as living and grouped monuments, whose shafts point to their cotemporaries and after generations the way to fame and eminence, and incite to emulation when good, or to avoidance when bad.

It is meet and appropriate that each State and Government should, in some form, preserve the records of such

as have "done the State some service," or have advanced the general interests of their race. The neglect, in this particular, which has heretofore characterized the State of Kentucky, certainly does her no credit, but is a stain on her otherwise bright escutcheon. Her record is one of which her people need not be ashamed, but of which, in many things, they may entertain a just sense of pride. This record may be greatly attributable to what was formerly called *Kentucky stump speaking*, which was nothing else than a free interchange of opinions among the people. In its widest acceptation, the distinction between large employers and dependent employes has never obtained in Kentucky; but every man has considered himself a free-man, and the equal of any other, legally, socially, and politically, whether he lived in a cabin or a stately mansion—whether he cultivated a few acres or was the lord over a vast domain—whether he labored in the workshop, was engaged in commerce, or was eminent in professional life. Amongst us, however, public opinion has ever been led by men of mark, and the actions and characteristics of such, their modes of thought and life, claim such illustrations of them as will convey a proper idea of what they were and are, and the means by which they attained their eminent positions over others who had before ranked as their equals. The only nobility they claimed, or could claim, was private worth or merit, and the only distinction that has been paid them was a just homage to their virtues.

In seeking to keep alive in the hearts of the people the benefits conferred upon their State and the country by two of their eminent departed citizens, the General Assembly has acted wisely and well. Thousands of our youth, the future hope of the Republic, who are to become in due time the custodians of the priceless liberties which we trust to bequeath them, as we ourselves inherited them from our fathers, will read the records of their lives, and

be thereby stimulated to walk in their footsteps and become, as they were, men worthy to be intrusted with powers over the rights and the interests of a free people. Some may be disposed to doubt if it would not have been better to await the development of a more assured public sentiment in regard to the value of their services to the State and the country before publishing their lives. We do not think so. Ours is a progressive people—progressive especially in material ideas and their solution—and, like all such, we are too much given to thoughts of self to bear in mind and transmit to our children, in the form of oral traditions, the life-records of those among our contemporaries who have deserved well of their country. A good and a great man dies, and after the first outburst of our genuine lamentation and somewhat showy grief, our thoughts are diverted into other channels, and, after a few short years, unless it be prevented by the very means that have been adopted with reference to the lamented dead whose biographies we have been commissioned to write, he is no more remembered by even those amongst whom he lived and labored, than the man that fills the smallest point in the history of the nation. If our children should happen to hear his name mentioned, it will only be in connection with the office he once filled, and the whole example of his life is lost. The services that an individual may have rendered to his country, or to society, are proportionally valuable as they are remembered or lost sight of after his career is closed; and as it is only by the aid of the press that it is possible for us, under the circumstances in which we are placed, to extend beyond our own brief spans of existence the memory of such services, so do we confer a real benefit upon our children when we seek to preserve for them the examples of virtue, patriotism, courage, and the like, which have been set before us by the good and the great of our own day and generation.

The family from which the late Governor HELM descended was one among the most respected and influen-

tial of those that originally settled the Old Dominion Colony. His grandfather, THOMAS HELM, was born in Prince William county, Virginia, where he continued to reside up to the year 1780. In February of the year named, he joined a colony of emigrants, consisting of his own family and those of WILLIAM POPE, HENRY FLOYD, and BENJAMIN POPE, who had determined to seek their fortunes in the yet unexplored wilderness of Kentucky. The emigrants reached the Falls of the Ohio, now Louisville, in March, 1780, in the vicinity of which the POPE families finally settled, and where their numerous descendants are still to be found, highly respected citizens of the community of which they form a part. Mr. FLOYD, with his family, first settled near Bardstown, in Nelson county; but a few years later he removed to the lower part of the State, into the district now known as Union county. Mr. HELM remained at the Falls for about one year, his family suffering greatly, during the summer and fall after his arrival, from the bilious diseases so common to the first settlers of the place. Having lost four of his children by death, he determined to seek for a home in a more healthy locality. Mounting his horse, he set his face inland, with the determination not to return until he had selected a permanent abiding place for his family. On the third day of his search, he reached the foot of the hill in the vicinity of the present village of Elizabethtown, which commands the site upon which he afterwards lived and died, as well as that of the cemetery where he now rests, surrounded by his descendants to the fifth generation.*

* A singular circumstance is related in connection with the selection made by Mr. HELM of his future place of residence. Before leaving Virginia, but while deliberating on the subject of a removal, he had dreamed of just such a spot as that upon which his eye rested when he ascended the hill spoken of in the text. The very spring at which he had slaked his thirst, rushing out of its rocky bed, strong, clear, and sparkling, was as the visionary foun-

THOMAS HELM was just the kind of man to make his way in a new country. Daring, active, and possessing habits and tastes that were well suited to the life of a pioneer, he was soon the occupant of a strongly-built *Fort*, which he had erected for the protection of his family against the then frequent predatory excursions of roving bands of Indians. This Fort was situated in the small valley which intersects the hills traversing the farm now known as the "Helm Place." Mrs. HELM, *nee* Miss JENNY POPE, a near relative of the gentlemen of that name that had accompanied her husband to Kentucky, was a remarkable contrast to the head of the family. While her husband's ordinary weight was considerably over two hundred pounds, her own was little over eighty. Small as she was in stature, her courage was equal to the situation in which she found herself placed, as was abundantly proved on several occasions when hostile rifles, in the hands of Indian marauders, were directed against the stronghold which contained her household gods.*

JENNY POPE HELM is still remembered by several of her surviving grand-children and others of the older members of the settlement, as she appeared during the last years of her life, an infant in size beside the almost gigantic proportions of her husband—quick of movement, erect as in her youth, always busy and always good-tempered.

tain that had appeared to him in his dream. The coincidence startled him greatly; and, though anything but a superstitious man, he accepted the omen as a happy one, and concluded to search no further.

*On a certain occasion, one of her sons, in company with a party from an adjoining settlement, had been dispatched to the Bullitt Licks, near Shepherdsville, for a supply of salt. The party was attacked by Indians, and her son killed. The body was recovered by one of his companions, who bound it on his horse and brought it to the Fort. The mother was on the watch for her returning boy; and seeing the horseman approaching with his strange-looking burden slung across the shoulders of his beast, she hastened to the gate in order to open it for his entrance. Who can paint the horror of the moment, when just as the heavy gate swung back upon its hinges, the mangled remains of her son, the bands breaking which had held them in their place, fell from the horse prone at her feet.

Almost to the end of her days she was able to undergo fatigue that would now send to her sofa or to her bed many a woman of our own times of half her years. When she was eighty years old she thought nothing of springing from the ground to her horse's back without assistance.* Though both had come of comparatively wealthy families, neither did THOMAS HELM nor his wife ever regret the hardships they encountered in the backwoods. Gradually the Indians were driven from the State, and a comfortable log house was built beside the old Fort, which served them for a residence for the remainder of their days, and where, surrounded by dutiful sons and daughters, they lived contented and happy, and died mourned by the entire community.

Gov. HELM's maternal grand-parents were JOHN LARUE and MARY BROOKS, who had emigrated from the Valley of the Shenandoah, Virginia, in the year 1784.† Mrs. LARUE

* When a boy of ten years, the late Governor HELM was a great favorite with his grand-parents. He often spoke of his grandmother's brisk ways, as she pattered about the house in her high-heeled shoes and short skirts. His grandfather HELM was the oracle of the whole neighborhood on all matters connected with the revolutionary era and the Indian troubles in Kentucky. It was at the knees of his venerable progenitor that Governor HELM drank in the history of his country, and learned to appreciate the sacrifices made by the patriot-band that achieved our liberties.

† JOHN LARUE settled on a knoll in the vicinity of a creek then unnamed, near the present town of Hodgenville. We mention this circumstance in order to notice a tradition that has come down to the present inhabitants of the vicinage, in relation to the name by which the creek is now known. A company of pioneers had agreed to meet on the knoll near LARUE's house on a certain day, for the purpose of giving a name and designation to the stream. One of the pioneers, named LYNN, failed to make his appearance. The last one that arrived, looking around, exclaimed, "Here we are on the knoll, but no LYNN." Knowing LYNN's character for punctuality, the remark seemed to rivet the attention of all present and to create disquiet in their minds, lest their absent friend had been waylaid and killed, and they, too, and their families, might be the unwarned victims of a lurking and merciless foe. They instantly agreed to call the stream *Nolynn*; and it still rolls its beautiful and limped waters, by that cognomen, on by the Dismal Rock to Green River, into which stream it empties at the foot of the Indian Hill, one of the grandest curiosities in Kentucky.

In connection with the name of JOHN LARUE we append an extract from

was not only a highly cultivated woman, but she was considered the beauty of the settlements. It were impossible to doubt this, since she was thrice married, and survived all her husbands. They settled in what is now Larue county, adjoining that of Hardin. Mrs. LARUE, finding that the entire settlement contained not a single physician, obtained the consent of her husband to apply herself to the study of medicine. With such text-books as were within her reach, she set to work, and soon became so noted for skill in the curative art that her services were in requisition far beyond the line within which she had designed to practice. Often, at the risk of danger from the prowling savages, she was known to ride for miles through the forests to reach the bedside of the sick, who had learned to depend upon her skill with as great faith as if she had carried a regular diploma pinned to her bonnet. Her first husband rather encouraged her charitable work; but her second husband, a Mr. ENLOW, fearing the danger to which she was constantly exposed in her too

a letter addressed to one of the Committee, from an old and highly influential citizen of Hardin county:

"HELM's maternal grandfather came from the Shenandoah Valley, near Battletown—now called Berryville—at the foot of the Blue Ridge mountains. I have visited the spot, and it was then as lovely a portion of God's earth as eyes ever beheld. Since that day, alas! it has been swept of its beauties by fire and the desolating tread of a brutalized soldiery. There is a fact connected with the wanton destruction of property in this part of Virginia which I cannot forbear mentioning. The Valley of the Shenandoah had been the home of the LARUES ever since the settlement of the country, and many members of the family continue to reside there to this day. The late Mr. LINCOLN's father lived close by those of them that had emigrated to Kentucky and settled on Nolynn. He was poor, and, at the time of Mr. LINCOLN's birth, his family was almost subsisted by the charity of the LARUE family. When the order was given to render desolate the Shenandoah Valley, it was an ukase against the near relatives of those who had given Mr. LINCOLN bread in his impoverished infancy. The LARUE family, though none of its members ever attained any marked eminence, was made up of industrious, quiet, unobtrusive people, who were not only excellent citizens, but also pious Christians."

lengthened journeys, and dreading the effects of the often inclement weather upon her health, absolutely forbade her any longer to practice her art.* Her daughter, REBECCA LARUE, the eldest of thirteen children, was a babe in arms when her parents came to Kentucky, having been born in Frederick county, Virginia. She afterwards became the wife of GEORGE HELM and the mother of the late Governor JOHN L. HELM. It was in compliment to her, too, that the present county of Larue owes the name by which it is known.†

* A short time after she had ceased, in obedience to her husband's commands, to respond to the calls of her numerous patients, a woman living several miles away, and who was thought to be in great danger of death, sent her an urgent request to come to her assistance. The woman was very poor and helpless; and for this reason, she begged of her husband to be permitted to go. He told her no; he had made up his mind that she must give up all thought of resuming an avocation so unsuited to her sex. It was but a short time before the messenger returned, bringing with him still more urgent appeals from the suffering woman not to permit her to die unaided. With tears in her eyes, Mrs. ENLOW fell on her knees before her husband, and prayed that she might be permitted, for that one time, to go to the assistance of her stricken friend. This happened in the fore part of the night. Her husband, melted by her entreaties, agreed that, should the woman survive till morning, she might then go to her. Through the long hours of the night Mrs. ENLOW closed not her eyes, but patiently awaited for the dawn. With the earliest gleam of returning day, her watchful ear distinguished the distant galloping of a horse. It was the returning messenger, and her heart bounded with joy when she thought of the possibility that she might yet reach her patient in time to save the poor woman's life, and to prevent her little ones from becoming orphans. She sprang from her bed, and in answer to her husband's deprecatory words and looks, exclaimed: "You promised that I might go, and you must stand by your word." Bounding on her horse, she soon reached the bed-side of the suffering woman, to whom she administered in such wise as to give her immediate relief, and contribute to her ultimate recovery.

† This happened in this wise: When the new county was formed, the late Governor was a member of the Legislature, and out of compliment to him, it was proposed to call it HELM county. There were a few negative votes given against the resolution that was offered to this effect. These dissenting voices touched the pride of the Representative from Hardin, and rising to his feet, he declared he would not accept a compliment that was not unanimously rendered. He suggested, at the same time, that the new county should be called after the maiden name of his mother. He thought this

GEORGE HELM, the father of the late Governor JOHN L. HELM, was born in Prince William county, Virginia, in the year 1774, and was, consequently, six years of age when his father removed to Kentucky. Having taken an active part in redeeming from the wilderness the fruitful farm upon which his father lived and died, he remained an agriculturist all his life, superintending and directing, up to the year 1820, all the farming operations on the place. In 1801 he was united in marriage with REBECCA LARUE, who bore to him nine children—four boys and five girls, only four of whom still survive.* No man was more respected than he in Hardin county, and none had warmer personal friends. At one time or other he filled almost every office, civil and legislative, in the gift of his fellow-citizens.

In 1821 GEORGE HELM, becoming embarrassed in his business operations, undertook a journey to Texas, with the expectation of entering into business in that then

particularly appropriate, as the family of the LARUES, whose progenitors had been its first settlers, were numerous in the county. A resolution to this effect was afterwards unanimously carried.

* ELIZA HELM, the late Governor's eldest sister, at the age of seventeen, married her cousin, WARREN LARUE, Esq., and has ever since lived in Elizabethtown, where she is beloved and honored by every one. Wherever sickness and poverty have their abode, there oftenest may be seen "Mamma Eliza," as she is called by high and low, brisk, helpful, and overflowing with pity toward all that are sick and suffering. WM. D. HELM is a highly respected physician residing in Bowling Green, Kentucky. THOS. P. HELM died young. LUCRETIA HELM married STEPHEN YEAMAN, Esq., and her second son, GEORGE H. YEAMAN, is now Minister from the United States to Denmark. She has also a son who is a highly respected Baptist Minister in New York City. LOUISA HELM married Mr. ISAIAH MILLER, a well-to-do farmer of Hardin county. She died many years ago. MARY JANE HELM married the Hon. PATRICK TOMPKINS, of Vicksburg, Miss., who was at one time a member of Congress. Both herself and her husband are long since dead. SQUIRE L. HELM and MALVINA HELM, who were quite young when their father died, were reared up and educated by the late Governor with his own children. The latter died in her girlhood, and the former is now a much esteemed Christian Minister, connected with the Baptist Church in Kentucky, and now acting in the capacity of "State Evangelist."

wild dependency of the Mexican Government. There he died in 1822.

JOHN LARUE HELM, late Governor of Kentucky, was born on the 4th day of July, 1802, at the old HELM homestead, near the summit of Muldrough's Mountain, one and a quarter miles north of the village of Elizabethtown. Amid the bold, wild scenery of the mountain's northern face, and in the beautiful prairie which courses its southern slope, rich with its waving grasses, wild strawberries, and hazel shrubs, he spent his childhood and youth. The country at the time was sparsely peopled. The valley in which his paternal ancestry resided was distant eleven miles from the residence of his maternal grand-parents, and between the two localities was one vast prairie, with but a single house, situated on a small stream, to relieve the monotony of the panorama. The country, only a few years before, extended from the Rolling Fork of Salt River on the north to Green River on the south, and then embraced a territory which is now divided into three counties and parts of others, and which then contained scarcely as many hundred inhabitants as it now does thousands. The war-whoop of the red man had then scarcely ceased its echoes through the forests, and herds of wild animals and flocks of wild birds wandered and flew over woodland and prairie fearlessly and almost undisturbed.

Such were the scenes and times in which the subject of our memoir was born and reared, only changed as time progressed by the continued flow of immigration and the labor of the strong arms which were opening the country to cultivation. He lived with his father and grandfather up to the age of sixteen, and, for about eight years of the time, attended various schools in the neighborhood. He had for his master during the latter years of his school life the afterwards celebrated Democratic politi-

cian and editor, DUFF GREEN,* under whose instructions he made rapid advances in his studies. Another one of his masters was a certain DOMINE RATHBONE, whose memory is still preserved in the annals of Nolynn Valley. He was a ripe scholar, but singularly odd in appearance and manner. Like Goldsmith's Village Schoolmaster, he impressed every one with the idea that what *he* did not know was not worth learning.

"Amazed, the gazing rustics ranged around,
And still they gazed, and still the wonder grew,
That one small head could carry all he knew.
But past is all his fame; the very spot
Where many a time he triumphed, is forgot."

With a mind that was naturally bright, and with habits of industry that were remarkable in one of his years, the boy's advancement in knowledge was swift and easy.

* An anecdote illustrative of the Governor's character thus early in life is related in connection with his school days under Mr. GREEN. On a certain occasion, when about thirteen years of age, he refused obedience to a command of the master which he deemed tyrannical and unjust. For this his teacher determined to punish him. At the time referred to, discipline in the school-room was preserved only by one method—the use of the rod. The boy was decidedly averse to this method in his case, because he thought the punishment was both degrading and undeserved. After having received a single blow, he bounded to the door with the hope of escaping from the room. As is usual on such occasions, however, the teacher had his toadies among the larger boys, and these prevented his exit. Finding he had no power of resistance, he submitted to what he esteemed a degradation. With lips firmly set and eyes boldly bent on the face of his tormentor, he received, without flinching or murmuring, many strokes of the rod, until the marks of blood appeared in blotches through his garments. His sisters and others of the school-girls beginning to cry, the teacher was forced to desist without having conquered his obstinate pupil. Years after he had reached manhood, HELM remembered and resented in his heart the insult, as he called it, which he had been forced to submit to. But he was himself gray-haired when he next met DUFF GREEN, who was then an old man. When the latter recognized his former pupil, who had then become a man of distinction in his native State, the tears rushed to his eyes, and grasping his hands with a warmth of affection that was indicative of the pride he took in his former pupil's advancement in life, all resentment vanished from HELM's mind, and the two remained fast friends up to the late Governor's death. DUFF GREEN long since retired from the turmoil of partisan politics, and now resides in Baltimore, Maryland, beloved and respected by all who know him.

The fact that he had been born on the anniversary day of his country's independence appears to have influenced his entire life. Imperceptibly to himself, he was led thereby to study the history of his country, and make himself familiar with the lives of all those eminent men who had taken part in the events which preceded and immediately followed the formation of the Government. Certain it is, before he had attained the age of sixteen, he had accumulated a sum of knowledge in regard to the past history of the country, and the character of its institutions, which is rarely acquired by men of mature years. Unwittingly, he was fitting himself for the patriotic duties that devolved upon him in after life. His school life ended when he had barely attained the age of fourteen years. About this time his father suffered a series of severe pecuniary losses, which made it necessary for him to withdraw his son from school, in order that he might avail himself of his services on the farm. He remained in this position till the year 1818, when a situation of more pecuniary value was offered him in the office of the Circuit Court Clerk of Hardin county.* His duties as Deputy Clerk of the Court were of a character to incline him to the law as a profession, and doubtless his preliminary legal studies were prosecuted while he was still an inmate of Mr. HAYCRAFT's office. It was not

* SAMUEL HAYCRAFT, Clerk of the Hardin Circuit Court, was, and still is, a remarkable character. He was, at the time referred to in the text, not only an excellent clerk, exact and industrious, but he was looked upon as the most interesting conversationalist in the county. His peculiar fondness for anecdote, of which his head was a perfect store-house, rendered the sessions of the Hardin courts singularly attractive to the members of the bar throughout the district. They would come from the neighboring counties, not merely for the transaction of business, but in order to refresh themselves, as it were, at the ceaseless fountain of HAYCRAFT's wit. All admitted that much of the pleasure of the hour was attributable to the great good humor of the Circuit Court Clerk, and the constantly varying little histories of men and things with which he was wont to beguile their leisure moments. He yet lives, in a good old age, with all his fondness for jest and humor unabated, and none is held in truer veneration throughout the community.

till the year 1821, however, that he was regularly entered as a student of law in the office of the late BEN. TOBIN, Esq.,* a lawyer of high standing and ability, then practicing in the courts of Hardin and the neighboring counties. Never did student more earnestly devote himself to the pursuit of knowledge, from the moment he made up his mind upon the question of a future profession to that in which a license was issued to him to practice law in the courts of the Commonwealth, than did the subject of this brief memoir. He was at his books before others had arisen from their beds, and long after these had retired he was to be found "burning the midnight oil," and storing his mind with the wisdom of the past.

Young HELM had scarcely reached the age of twenty, when death deprived him of his father, and he was not only thrown by that event upon his own resources for the means of subsistence and further necessary tuition, but he suddenly found himself burdened with the care of a helpless mother and her large family of small children, who had been left without any provision whatever for their support. No word of complaint or of repining was heard from his lips; but he resolutely set himself to work to repair, for himself and the loved ones dependent on him, the family's broken fortunes. The close observer of men and manners will recognize, in the position so early forced upon young HELM, a truly fortuitous circumstance. There is nothing so incentive to exertion as the feeling that there are those dependent upon one's care who have none

*BEN. TOBIN was an excellent lawyer and a shrewd practitioner. He possessed a power of satire that was almost unequalled. No one that deserved it, whether acting in the capacity of litigant or attorney, in opposition to his clients, was ever permitted to go out of the court-house without having received at his hands such a torrent of uncomplimentary invectives as almost to drive him mad. Withal, he was clever, honest, and faithful, and his cynicism was, perhaps, in a great degree attributable to the fact that he lived and died a bachelor. He has been dead for over thirty years, and his remains are interred in the village cemetery, no one knows exactly where.

other to look to for the necessities and consolations of life. It is always pleasant to contemplate a scene of unselfish family devotion. The members of this bereaved family found their hearts more closely drawn together in their affliction; and mutually striving to lessen each other's burthens, they lived on in the hope of a happier future, which came at length, principally through the unflagging devotion, energy, and judicious management of the elder son. Young HELM's thorough manliness of character was further exemplified by his assumption, a few years later, of the entire indebtedness of his father's estate, which he paid off out of the first fruits of his legal practice.

Mr. HELM was admitted to the bar in July, 1823, and he soon acquired a lucrative practice. The bar of the neighborhood was then one of the first in Kentucky, being composed of such men as BEN. HARDIN, BEN. CHAPEZE, CHARLES A. WICKLIFFE, JOHN ROWAN, RICHARD A. BUCKNER, SAMUEL BRENTS, JOS. ALLEN, JOHN CAHOUN, A. H. CHURCHILL, BEN. TOBIN, and numerous others, who were all eminent men in their profession, and some of whom held then, or have since held, high positions under the State and Federal Governments.

His steady habits, together with a certain energy of character which prompted him to give immediate attention to whatever matters of business were intrusted to his direction, soon enabled him to add materially to the comforts of his mother and her helpless family of children. His business office was slimly furnished, to be sure, the entire catalogue of its contents being a couple of chairs for the use of his clients, and another, to one arm of which he had ingeniously fitted a sort of writing-desk, for his own accommodation. A more uncomfortable article than the latter never was contrived; but so enamoured did HELM become of it—most likely from the associations connected with it in his mind—that for years he would use no other. The net results of his first year's practice summed up just twelve hundred dollars.

Few of our eminent men have exerted a greater influence in the political party contests of the State than did JOHN L. HELM. He was eminently a man of decision and energy. Impulsive, straightforward, and always bold in giving utterance to his opinions, for nearly forty years of his life he was regarded by his political associates as an element of unmistakable party strength. He was never an advocate of the policy of mere defense. He had learned in the school of experience that he that would not fight at a disadvantage, must not be content to parry the blows that are struck at him. He left to others all "womanish uplifting of the palms" in deprecatory and futile resistance, and boldly dashed to the attack of his adversaries with a momentum of fiery energy that was at times resistless.

Governor HELM's first essay in the field of political controversy owed its origin to the excited contest in Kentucky in the year 1825, between what were termed the "Old Court" and the "New Court" parties of that day. He was then only twenty-three years old. The annexed explanation of the question at issue between the two political organizations of the time we take from the published writings of that eminent jurist, the Hon. GEORGE ROBERTSON :

"Shortly after the close of the last war with England, the Legislature of Kentucky initiated what has since been called 'the Relief System,' by extending the right to replevy judgments from three to twelve months. To minister still more relief to debtors, '*The Bank of the Commonwealth*' was chartered by a statute passed on the 29th of November, 1820, and without any other capital than the net proceeds of the sales, as they might accrue, of some vacant lands, and for the debts or notes of which bank the State was not to be responsible beyond the said capital, which was scarcely more than nominal. It was foreseen, and by the debtor class desired, that the notes

issued by that bank would soon become depreciated; and, in a short time, the depreciation fell to two dollars in paper of said bank for one dollar in gold or silver. To effectuate the relief intended by the charter, the Legislature, on the 25th of December, passed an act providing that, if a judgment creditor would indorse on his execution that he would take the paper of said bank at par in satisfaction of his judgment, the debtor should be entitled to a replevin of only three months; but that, if such indorsement should not be made, the debtor might replevy for *two years*; and, by an act of 1821, the *ca. sa.* for debt was abolished, and the right to subject choses in action and equities to the satisfaction of judgments was substituted. These extensions of replevin and this abrogation of the *ca. sa.* were, in terms, made applicable to all debts whenever or wherever contracted, and were, consequently, expressly retroactive in their operation, embracing contracts made in Kentucky before the date of the enactment as well as such as should be made afterwards. To the retrospective aspect many conservative men objected as inconsistent with that provision in the National Constitution which prohibits any State enactment '*impairing the obligation of contracts*,' and also with that of the Constitution of Kentucky which forbids any legislative act '*impairing contracts*.' A majority of the people of Kentucky desiring legislative relief, either because they were in debt or sympathized with those who were, endeavored to uphold the whole relief system, while a firm and scrupulous minority denounced it as unconstitutional and void. That collision produced universal excitement, which controlled the local elections. The question was brought before the Court of Appeals of Kentucky, and, at its fall term in 1823, that tribunal unanimously decided, in an opinion delivered on the 8th of October, 1823, by Chief Justice BOYLE, in the case of Blair vs. Williams, and in opinions *seriatim* by the whole

Court on the 11th of the same month, in the case of Lapsley vs. Brashear, &c., that, so far as the Legislature had attempted to make the extension of replevin retro-active, its acts were interdicted by both the Constitution of the State and of the Union. As was foreseen, those decisions produced very great exasperation and consequent denunciation of the Court. The Judges were charged with arrogating supremacy over the popular will; their authority to declare void any act of the Legislature was denied, and they were denounced by the organs and stump orators of the dominant Relief party as usurpers and self-made kings. No popular controversy, waged without bloodshed, was ever more absorbing or acrimonious than that which raged like a hurricane over Kentucky for about three years succeeding the promulgation of those judicial decisions."

Mr. HELM, who was then full of life and energy, and hopeful of a future that would compensate him for the labors and struggles he had hitherto undergone in preparing himself for the active duties of his profession, entered the lists with the opponents of the proposed change in the Supreme Judiciary Department of the Commonwealth, and did eminent service in the interests of his party and the cause of right and justice. He not only addressed his fellow-citizens of his own county in their primary meetings, but he canvassed the adjoining counties, everywhere stirring up the people to a sense of the dangerous doctrine that had been broached by the party that had been in power, and effectually silencing, wherever his voice could reach, the formidable opposition that had lately arrayed itself against the promulgations of the organic law. Not content with his oral efforts, he had recourse to his pen, and in a forcible and well-digested address, in pamphlet form, scattered his thoughts from one end of the State to the other. The "Old Court" party succeeded in returning a sufficient number of mem-

bers to the Legislature to defeat its antagonists, and at the session of 1825-6 the vexed question was settled in its favor.

In the latter part of the year 1824, the organization of the new county of Meade took place, and as there happened to be no attorney residing within its limits, Mr. HELM was commissioned by the Governor to discharge the duties of County Attorney. The duties of this office he fulfilled with a degree of efficiency and fidelity that made his name known throughout that county and his own, and caused him to take immediate rank with his elders at the bar.

In 1826 he was the candidate of the "Old Court Party" for the office of Representative from his county in the State Legislature. From the time that the question at issue between the Old Court and the New Court Parties had been an absorbing one in the State, a large majority of the voters of Hardin county had been attached to the latter. The study which he had bestowed upon the subject during the previous year gave him a great advantage over his competitor in this canvass, and he secured his election without difficulty. In the session of the Legislature which followed, he made his influence felt in putting to rest a question which had excited most bitter antagonisms all over the State.

In 1830, at Bardstown, Kentucky, JOHN L. HELM was united in marriage with LUCINDA B. HARDIN, the eldest daughter of the Hon. BEN. HARDIN, of that place. The courtship between the two was a long one. He had met her accidentally seven years before, and from the first had perseveringly laid siege to her heart. It is not for us to inquire why she remained so long obdurate. It suffices to know that she relented at last, and that a better and a truer wife than she afterwards proved never gave cheer and comfort to a fond husband's heart.

Absorbed during the greater part of his life by professional and official duties, Governor HELM intrusted to

his wife the entire control of their children and all domestic affairs. He soon learned to depend upon her judgment; and whatever she said or did in connection with the education and training of their children was considered by him the best that could be said or done under the circumstances. The winter after his marriage, Mr. HELM removed from the country, in the Nolynn neighborhood, where he had been residing with his mother, into Elizabethtown. On the second day of June, 1831, his first child was born at Bardstown, Kentucky, whither Mrs. HELM had gone in order to be with her own mother during her confinement. This child was a son, to whom was given the name of his maternal grandfather, BEN. HARDIN.*

Mr. HELM was, for a second time, returned to the Lower House of the Legislature in 1828; and only a few days before the date of his marriage, he was elected to the same office for the session of 1830-31. At that day there

* Mrs. HELM bore to her husband twelve children, viz: BEN. HARDIN HELM, educated at West Point, afterwards a lawyer of high standing, practicing at the Louisville bar, and finally a Brigadier General in the Confederate service, who fell at the battle of Chickamauga; GEORGE HELM studied law, and commenced the practice at Memphis, Tennessee, where he died in 1858; LIZZIE BARBOUR HELM, the oldest daughter, married to the Hon. H. W. BRUCE, formerly a member from Kentucky to the Confederate States Congress, and now Circuit Judge of the Ninth Judicial District; REBECCA JANE HELM died in 1859; SARAH HARDIN HELM, now dead, was the wife of Major THOMAS HAYS, an officer of high standing in the Confederate States service; LUCINDA BARBOUR HELM, EMILY PALMER HELM, MARY HELM, JOHN L. HELM (born, as was his father, on the fourth of July), JAMES PENDLETON HELM, and THOMAS PRESTON POPE HELM, are all unmarried, and reside with their mother at the old Helm Place. One child died in its infancy.

Never was mother more devotedly loved—more thoroughly confided in by her children—than was and is Mrs. Governor HELM. Inheriting, in a high degree, the intellectual gifts of her distinguished father, and possessing with these a true woman's affection for her children, she has ruled her household with a sway that was neither too harsh nor too indulgent, but in which was judiciously blended the forces of a mind that was prompt to distinguish every peculiarity of disposition in her children, and of a heart whose strong affection for them, made perceptible to their understandings, proved their greatest incentive to walk uprightly in her sight.

were few aspirants after official position, in any portion of the State, that were more intelligent canvassers among the people than was JOHN L. HELM. From early boyhood, he had been noted for his physical strength and his great powers of endurance. In the severe exercises of jumping, wrestling, and racing, there was not his match to be found in the whole county. He was a good hunter, too, and seldom found himself surpassed as a marksman. These were all appreciable accomplishments in a community for the most part composed of unpretending farmers, few amongst whom were more than superficially educated, and none at all inclined to exclusiveness on account of any thing they possessed beyond their fellows.

Shortly after his marriage, Mr. HELM removed from the country, in the Nolynn neighborhood, where he had been residing with his mother, into Elizabethtown, the county town of Hardin. He remained in the town, however, but a single year, when, having succeeded in redeeming from his uncle, BENJAMIN HELM, his father's inheritance, he took up his abode upon his ancestral acres at Helm Place, then called Helm Station, where he continued to reside for the remainder of his life.*

Mr. HELM continued to represent the people of Hardin county in the State Legislature, during each consecutive session of that body, up to the year 1838. He was elected Speaker of the House in 1835, and again in 1836. In the spring of 1838, at the earnest solicitations of his fellow-citizens of the county, he announced himself, in the interests of the Whig party, a candidate for the office of Representative from the District to the Federal Congress. He had two competitors in the race, one of whom, Mr.

* For more than eight years the late Governor occupied the house, opposite to the old Fort, in which his grandfather and father had resided. Immediately after removing to the place in 1832, he laid the foundations of a commodious residence; but it was only after an interval of eight years that it was ready for occupancy. Here he afterwards lived, and here his death took place in 1867.

HUFF, was from his own county, and the other, the late Hon. WILLIS GREEN,* was a noted politician from the county of Breckinridge. The district was largely Whig in political sentiment, as was shown by the slim vote given to Mr. HUFF, the Democratic candidate, at the August election. The interest in the race was confined to the friends of the Whig competitors, Messrs. HELM and GREEN, and a more warmly prosecuted canvass never engaged the attention of the voters of the district. Of all the public men of Kentucky at the time, there was not one that was more practiced in the ways and means of securing a political triumph than WILLIS GREEN. In natural mental gifts he was not the equal of HELM, but he was his superior in that knowledge which can be made effective in a canvass among the people. HELM was beaten in the race by a trifling majority, and he never afterwards aspired to any office that was national in its character.

In 1839 Mr. HELM was returned, for the ninth time, to the House of Representatives of Kentucky, where he was again elected Speaker. A better presiding officer never sat in the Speaker's chair. Together with a thorough knowledge of the rules governing the daily proceedings of the House, he possessed a clear understanding of what was due to the dignity of a deliberative assembly met together for grave objects, as well as a suavity of manner which went far toward rendering the sessions both pleasant and orderly. It must not be supposed that, because of his position of Chairman, he took no part in the many interesting questions which were, from time to time, brought up for consideration. On all matters of peculiar

*The Hon. WILLIS GREEN was a Kentuckian by birth and a lawyer of distinction. He resided for many years in Shelby county, where he married a Miss ALLAN. When first elected to Congress, in which body he served for six years (from 1839 to 1845), he lived in Breckinridge county. He went to Texas for the benefit of his health in 1858, where he died about the commencement of the late civil war.

interest, whether they referred to the State at large or only to his own constituency, he was in the habit of vacating the chair in order to present, from the floor of the House, the results of his own experience, observation, and study, before the people's representatives.

Governor HELM cannot be said to have been a finished orator; but few men had greater power than he to arrest and fix the attention of his hearers. His voice was full, rounded, and sonorous. He had a sufficient command of language to express his thoughts with clearness and perspicuity; and though his address was not precisely courtly, it was both easy and natural. He was more of a logician than a declaimer; and yet, at times, when he became impassioned in debate, he could be truly eloquent.

When speaking before a deliberative body, such as the Kentucky State Senate or the House of Representatives, he was always careful to preserve the proprieties of the occasion most scrupulously. He appeared to feel that there was due to the body whom he addressed that full measure of courtesy in demeanor and language which not even great provocation should be permitted to lessen or destroy. It was not so when he mounted the "stump" to address his fellow-citizens in the many canvasses in which he took part. He never waited for the attack, but, with all the energies of a mind fully convinced that his political antagonists deserved no quarter at his hands, he seized every opportunity to crush and destroy their prospects before the people. At one time he would submit their political faith to the test of his extraordinary reasoning powers; at another, he would ridicule their pretensions and satirize their principles; and, at still another, he would let fall on their luckless heads, pitilessly and remorselessly, the vials of his wrathful invective.

Governor HELM truly loved his country, and he as truly hated her enemies. He had firm faith in the wisdom that had conceived the organic law, and he seemed to feel to-

ward all tamperers with the Constitution a measure of repugnance that was illimitable. Ardent and impulsive by nature, it may well be conceived that his language, when speaking of those whose policy he condemned as subversive of the best interests of the country, was often more characterized by severity than prudence. He was of a class of men that prefer to suffer on account of their open advocacy of preconceived ideas, rather than to earn a position of mere sufferance from their fellows, together with self-condemnation, through a system of discreet silence.

With an interval of two years, Mr. HELM continued to represent the people of Hardin county in the Lower House of the Legislature up to the year 1844, when he was returned to the State Senate from the district. He held this position until he was elected Lieutenant Governor on the ticket headed by the Hon. JOHN J. CRITTENDEN, in 1848.

As early as the year 1830, and at almost every meeting of the Legislature from that time up to the year 1848, the question of calling a Convention to form a new Constitution for the State had been brought before the people's representatives and fully discussed. The old State Constitution, though it had long been regarded as defective in some minor particulars, was acknowledged on all hands to be, in other and more important respects, a monument of the wisdom of its framers. A large number of the most respected and highly influential of the public men of Kentucky were opposed to the idea of tampering with an instrument under which the people of the State had reaped so full a measure of prosperity and happiness. Others were urgent in their endeavors to have a Convention held in order that the minor defects to which we have referred might be eliminated from the organic law. The contest between the two parties thus formed in the Commonwealth culminated in the passage

of a bill in the session of the Legislature of 1847-8, by which the whole matter was directly referred to the people. Governor HELM was a member at the time from Hardin county in the House of Representatives, and his vote was recorded in favor of the passage of the bill.

Immediately preceding the election of August, 1848, when the question of holding a Convention was to be tested by the popular vote, Mr. HELM published an address to his constituents explanatory of the vote he had given, in which he laid before them an entirely candid synopsis of the arguments adduced during the debate in the Legislature, both by the advocates of the bill and those who opposed its passage. He thought the people were entirely capable of deciding for themselves whether any necessity existed for holding a Convention. He knew that there were defects in the Constitution; but as to how far a Convention would succeed in weeding the instrument of these acknowledged defects, and whether their agents might not introduce into the organic law provisions that were absolutely evil or of doubtful propriety, would depend entirely upon the wisdom and integrity of those selected to carry out the contemplated reform. For himself, he thought the old Constitution defective in these particulars:

First. It was defective in securing uniform and equal representation in the Legislative Department of the Government.

Second. It was defective in its definitions in regard to succession in cases where the administrative officers of the government died in office, resigned their offices, or were removed from them for cause.

Third. It was defective in its provisions in regard to the appointment of county justices and sheriffs.

Fourth. In requiring yearly elections of members of the Legislature and yearly sessions of the General Assembly of the State, it imposed a public expense for which the people received no adequate compensation.

Fifth. That provision of the Constitution which regulated the tenure of office of the Circuit Court and the Appellate Court Judges was calculated to gradually foist upon the State an incompetent Judiciary.

The late Governor's notions on the subject of the judiciary will be found of practical value, even at the present time. He tells us that there were in 1848 three distinct parties in the State, each holding views adverse to the others on the subject of the Judiciary, viz: One for a Judiciary holding office during good behavior; one during good behavior for a limited term of years, and one for an elective Judiciary.* He thought at the time the Government was founded, the "tenure of good behavior" provision had been adopted on account of its having worked well in the administration of law in Great Britain; but that no necessity exists here, where the sovereignty is with the people, for any such provision. He continued as follows:

"It seems to be feared that those who favored the passage of the Convention bill were for an elective Judiciary. I can say, for one, I am in the most unqualified and uncompromising terms opposed to it. Nor did

*The Judiciary Department of a Government ought to be its chief bulwark against disorder and dissolution. Its entire independence is a necessary ingredient of its efficiency. Place over it a higher authority in the Government, and you at once shackle its freedom, and place it under the heel of despots. Make it subservient to the popular will in the field of party strife, and you cannot avert the danger of its becoming prostituted to purposes foreign to the design of its creation. To the writer, it has always appeared one of the saddest evidences of our failure to appreciate the high destiny foretold for the nation, when he beholds a would-be Justice perched upon the stump, descanting on political issues, and soliciting the votes of his hearers on the grounds of his political orthodoxy, and not for reasons that have any affinity with the high office which is the object of his aspirations. The grand idea of the sacred character of the Judge's office, which has been so familiar to us all since the formation of the Government, is fast losing its hold on our minds, through the belittling effects of the law as it stands, by which the Judiciary is leveled to a standard not one whit above that of a partisan scramble after position.

I hear one single gentleman who voted for the bill express such as his sentiments. There are many reasons why the Judiciary should not be elective, and why there should exist a difference between their mode of appointment and the other Departments of the Government. It is the province of the Legislative and the Executive Departments to act upon such subjects as bear alike upon the whole community. But it is the province of the Judiciary to decide upon individual right; and to expound the laws which determine the life, liberty, and property of the citizen. To place a Judge in the political arena, where he may contract prejudices and partialities, you make him more or less subservient to the wealthy and influential citizens, to the prejudice of the poor, the unknown, and the indigent. The scales should be poised with a steady and even hand, and Justice administered blind to its objects. An elective Judiciary would certainly be at war with what time and experience have proved to be political wisdom.

“I am for an independent Judiciary; but not so independent as to be placed beyond just responsibility. I think experience has clearly demonstrated that the tenure of good behavior is equal to a term for life. I am for good behavior for a limited term of years—say seven or ten—when the Judge should come back to the appointing power, that he might have an opportunity of inquiring whether all is well, antecedent to a reappointment. I am inclined to believe it would have a happy effect upon the officers of the Judicial Department, if you would fix a day to which they would look forward as a day of trial and examination: that they might say to themselves on that day, the manner in which I have discharged my public duty is to be brought in view; I must rely upon the qualifications of my head and heart for my reappointment.”

The popular vote was largely in favor of holding a Convention, and in August, 1849, an election was held, in pursuance of an act of the General Assembly, approved January 13th, 1849, for delegates to the same. The Convention met in October of the same year, and continued its sittings, from day to day, until it had finished its work. By a provision of the new Constitution itself, that instrument was to be submitted to the people for their approval at the general election to be held in May, 1850, before being declared the organic law of the State. Many eminent men throughout the Commonwealth were greatly dissatisfied with the action of the Convention. Among the most prominent of these was Governor HELM, who was then Lieutenant Governor of the State, and the presiding officer of the Senate. At an early day of the session of the General Assembly of the Commonwealth in 1850, a bill was offered in the Senate, by Mr. GEORGE W. TRIPLETT, to postpone the vote on the new Constitution until the August election of 1850. One of the most masterly speeches ever delivered by Governor HELM was made on this occasion in favor of the bill, and in condemnation of the new Constitution. The great importance of the questions debated, which we consider fully as important now as they were then, induces us to quote freely from this speech. Addressing the Senate, Mr. HELM is reported to have said :

“MR. CHAIRMAN: I address the Senate to discharge a duty which I owe to myself and feel that I owe to my country. I am aware that I place myself in an attitude to become the subject of assault, if not bitter vituperation. We live in a community too prone to censure the acts of public men.

“I propose to review the instrument submitted to become the Constitution of the State upon the ratification of the people. I wish to put the machinery to work, and invite attention to its practical operations.

"No man in Kentucky has written more and spoken more than I have, with a view to press upon the country the importance of organic reform. I presided at every assemblage held in Frankfort, having for its object the organization of a party for reform. I drafted the greater part of the manifesto of the party. In the advocacy of those principles we entered the field and won the two important battles, without which, victory would not have crowned our efforts. Under its auspices there seems to have been embodied a force of public opinion threatening to sweep down all that stands in its way. Were I to look to myself alone, and consult the probable results of a single day, selfish policy would dictate a quiet submission to the things that are. Every personal motive would prompt such a course. In addition to my own position, I stand connected by a tie of relationship to one whom public opinion regarded as the master-spirit of the Convention—one whom I have loved as a father, and to gratify whose wishes has ever been my anxious desire.* But I have a public duty to perform, and I have determined to perform it, and abide the consequences. It is said I have planned my own destruction. Sir, if that storm of public opinion with which gentlemen threaten me was now placed before me in its most frightful form, with a full consciousness of its desolating blast, I would look it in its very face, and speak what I thought. He who shall shiver as a reed in the wind, at a crisis full of importance to the State, is a faithless public sentinel. I was for reform, and not for revolution. I was for amending the Constitution, and not for obliterating every vital principle which it contained. I was not without my fears that, by a combination of political results, the people might be driven to

* Reference is here made to the Hon. BEN. HARDIN, Governor HELM's father-in-law. The course taken by Mr. HELM on this occasion caused an estrangement between the two, which was only healed when Mr. HARDIN lay on his death-bed

extremes. I had hoped public opinion had determined upon two modes of escape: one, to leave the way open and easy, should experience teach us that we were wrong; the other, that the work of the Convention would be submitted to the people for their ratification. In the latter, I thought it was implied that time would be allowed to read, to hear discussed, and calmly consider the change, and act with a deliberation commensurate with the importance of the occasion; that, as we had begun by proclaiming the question as above party, so we would consider the instrument independent of and above party, and by its intrinsic merits as an organic law pronounce judgment for or against it. I had supposed submission had for its purpose something more than an idle ceremony.

“I approve much that is in this instrument, and I heartily condemn much. I am fully aware of the difficulty of forming any human instrument perfect. Nor do I feel disposed to be carried away by captious objections. Investigation is the handmaid of truth. I struck boldly at the old Constitution, and for my boldness received the Herculean blows of some of the most distinguished actors in the formation of the present Constitution. Standing, as I do, identified with the present state of things, I will be bold to call the attention of the people to such portions of the new as I think wrong, relying that the evil and the good will be weighed by them, and to their decision I will bow. If I had signed that instrument, I would do what I now propose to do. If my work could not bear the test of investigation by comparison with that which I sought to amend, no dogged stubbornness or pride of authorship could induce me to fasten upon the people a form of government which would not promote their welfare. If we meet in the field of fair argument and free discussion, by which the defects of the instrument are made known to the people, and knowing them they adopt, there will be none to censure.

"The crude and undigested form of this Constitution must be perceived by all. It is freely admitted by its authors and friends. I state a fact with no view to reflection, but as a substantive fact well worth the consideration of the people in deciding this great question, and in justification of myself in calling attention to its errors.

* * * * *

"SECTION 36. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth, except for the purposes mentioned in the thirty-fifth section of this article, unless provision be made therein to lay and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, That the General Assembly may contract debts without submission to the people, by borrowing money to pay any part of the public debt of the State, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.'

"If it was intended to grant a power to be exercised, it should have been done without such restrictions as would render it wholly inoperative. The section purports to be a grant of power to borrow money, doubtless with reference to internal improvement; but the power cannot be exercised without the bill which authorizes the loan couples with it a provision for the yearly payment of the interest and principal of the sum borrowed in thirty years. The two things are to be inseparably connected—they must start together and run their course together—one power cannot be exercised without the other. It would be a perversion of the spirit of the Constitution to repeal or supersede the taxing part of the law, even by the application of other funds, or even

to appropriate the proceeds of the investment to relieve the people. Because the sum to be collected would be determined by the bill, and must of necessity be equal to the interest and the payment of such portion of the principal as would, by a yearly application, extinguish the principal in thirty years. If the loan could not be made with such terms of payment, then you would be engaged in raising, by yearly installments, an amount sufficient to pay the principal at the end of thirty years. A proposition so ridiculous would hardly be carried into execution.

“I was for limiting the power of any one Legislature to create a debt. Thus, if any one Legislature went to its limit, the people through their representatives could control the action of the next. If it was thought proper to consult the public will at the ballot-box, would it not have been sufficient to express in the bill the amount and objects of the appropriation? Submit it to the people and leave them to determine their own mode of payment. Is it right for an organic law to attempt to regulate the policy of the State for forty or fifty years to come?

“I am aware that public improvements by the force of public opinion had received a quietus for the present. That is right. Much of the public money had not a wise direction, and it was right to suspend until time would allow a wise revision. I am free to confess I have been a participant in the good and the evil which flow from it. To improve a country with a view to the development of its wealth and resources has challenged the consideration and approval of the wise men of every age, and is now the settled policy of all civilized communities. Kentucky has wealth in the bowels of her mountains—her coal, her minerals, and her salines. Her vast forests stand ready to bow subservient to the mechanic and laborer. I have stood here upon the floor of this Capitol,

and seen, with a self-sacrificing love of country, the Representatives of the mountains voting to improve the centre of the State by such works as pointed to their country, giving promise that there was a bright future for them. But now that the centre have most that they want, the doors are closed against the prospect of the mountains. Rivers half improved—the natural navigation locked up—burthens imposed by an incomplete mode of transportation—in other sections roads half finished—one hour in the mud, the next on a patched turnpike, paying full toll for half a load. So stands the face of the country. Not one dollar of the proceeds arising from the money paid by those engaged in the transportation of the productions of the soil is allowed by this Constitution to be appropriated to ease their burthens, or facilitate the means of transportation by completing the road. All this is done to relieve those who may live after us in the next five and twenty years. We bear these burthens the better to relieve and provide for our children and grandchildren. Will the community stand it? Can the arm of industry be thus paralyzed? The community will be driven to seek relief in some form. That form will be by grants to private incorporations to construct railroads, and probably followed by ceding to companies the navigation of your rivers upon the bonus of completion. Thus will the people, driven to this extreme, be compelled to cede away the sovereign power until the combined influence of corporations will be enabled to control the policy of the State, and the people made to pay the tribute. Trade and commerce must and will go on—it cannot be arrested. One of two results is inevitable—the State will be compelled to cede to individuals the interest she has to secure the completion of her works, or she will be compelled to grant incorporations to aid in the carrying trade, which will supersede her own works costing five millions, and leave

them in a dilapidated state, unworthy of use. By such means, too, the resources of the Sinking Fund may be wasted away.

“But what do we behold around us? Our sister States vieing with each other in a race of improvement leading their citizens on to wealth and greatness. By bars of iron, laid by the strong arm of sovereign power, they seek to bind our happy Union together. To facilitate social intercourse, and by a commerce promising reciprocal advantages, they seek to supply the wants of each other by an exchange of commodities peculiar to our variegated soil and climate. In this great march to glory, and the consummation of freedom, where stands Kentucky? She who, by her geographical position, and no less by the soul-stirring chivalry of her citizens, stands as the heart of the Confederacy, and, by her noble pulsations, should throw the vital fluid to the extremities, is suddenly converted into an iceberg, coldly defying penetration.”

His remarks touching the Judiciary System of the State will be found most pertinent:

“It is due to candor to say, that the organization of the Judiciary System under this Constitution constitutes, with me, an insurmountable objection. To destroy the independence of the Judiciary is to sap the foundation of civil liberty. To maintain the independence of that Department of Government has been the subject of inquiry and the anxious desire of civilized nations. For the want of such a department in Governments, history is filled with scenes of individual oppression. Read the history of those Governments where such a department was unknown, and the heart sickens in the very contemplation of the scenes of oppression falling upon the weak and the powerless. Man's war upon man constitutes one of the most prominent features in the history of the world. We are taught by divine authority that man is as prone to

evil as the sparks are to fly upward. By the wisdom of the Lord's prayer we are taught that man should not be led into temptation. Man is a compound of good and evil; he has frailties, he has passions, and he has prejudices; he loves, admires, and hates; he has affections, and, by individual associations, he acquires partialities. It is the instinct of our nature to love those who manifest love for us. He who refuses to return favor for favor is regarded as a bad neighbor. If there is any one general principle which more closely connects itself with the operations of our Government than another, it is that of returning favors for the bestowal of the right of suffrage. The passions of men sleep in their bosoms, until aroused into action by some exciting cause, and then waste their fury upon some living object. I appeal to the experience and judgments of men, if there is any one thing in life better calculated to make men hate and love each other than the exciting scenes of a popular canvass. An independent judge is one who presides with a perfect consciousness that he whose cause he is about to try has no power to punish or to reward—that he can neither give or take away his power. Free to think and free to act, he poises the scale of justice, blind to those whose rights throw the balancing beam. To effect this great purpose, our fathers wisely conceived the plan of a division of powers into separate departments, that they should operate as mutual checks and balances. Founded in confidence and jealousy, our Government is wisely arranged to learn and to execute the public will, and to guard against its errors, and shield the persons of individuals from oppression. Is not this structure of Government founded upon the very belief of the absolute necessity to guard man against man? This very Constitution proclaims that absolute arbitrary power over the lives, liberty, and property of freemen, exists nowhere in a republic—not even in the largest majority. Where is the sovereign

power here? Is it not in the people? How is it exercised? By the declared voice of a majority. Are we blind to the fact that that majority is the result of the action of certain prominent men or produced by some exciting cause which, for the time, dethrones reason, and lets angry passion control the storm? Has man in this day stripped himself of selfish motives? It is then the majority who gives to the judge his power. It is the majority, under the principle of re-electing judges, that can again give or take away, and may regulate the salary of a coming term. Do we not attempt to deceive ourselves, when we are betrayed into an argument that men, when canvassing for popular favor for judgeships, will be better and purer men than when canvassing for other offices? Man is man, and his nature the same. Do we not break the force of a representative government when we bestow upon an officer an office by popular suffrage, and at the same time tell him he is independent of the public will? Can it be possible that men are so blinded by momentary infatuation as to reject the lessons of experience of ages? Are we prepared to wipe away the landmarks of our revolutionary fathers, and at once precipitate ourselves upon a field of untried experiment? It seems to be understood as a fact, which should startle the community, that a majority of this Convention of wise men, combining those opposed to the election and re-election of judges, entertained the opinion that the principle was wrong, but yielded their own opinions and executed those of their constituents. The wise men thought it wrong, but thought it right to execute a wrong to satisfy the public opinion.

“The Constitution bears upon its face intrinsic evidence of a distrust of the correctness of the principle. The Appellate Judges, whose duty it is to decide causes from every part of the State, are elected by four districts, so that there may be a majority on the bench that three

fourths of the people had not voted for. The restriction as to age and practice, the separation of the judicial from the other elections, and the desire by some to have them elected by ballot, are all evidence that there rested in the minds of the framers of the Constitution a well-founded apprehension. They have sought to guard against the mal-influences of their own system through the means of those contrivances. If they should fail, then all the evil consequences follow.

“My very humble political history commenced at the close of that storm of party which aimed to strike down the Judiciary in Kentucky. Impressions were then made upon my mind which I cannot clear myself of. My imagination, in spite of me, will be haunted by the belief that by some great revulsion in trade, when the people shall be made to feel a pressure, a storm can be raised by the popular declaimer which will sweep all before it; and he who holds his office by virtue of the popular will, must and will yield to its influence. All powers will be amalgamated and directed by the popular will. There will be no power left with the firmness to resist the storm until a calm will restore reason and preserve private right.

“Pecuniary storms may not be the only ones disturbing the popular elements. Other rights may sooner or later be involved, and those who now seek to compromise conflicting interests or prejudices may be made to feel the importance of an independent Judiciary.

“I cannot elaborate this subject. I must be permitted to avail myself of the opinions of gentlemen who, by their positions as members of the Convention, have some hold upon the public confidence.

“Wedded, as I have been, to reform—painful as it is to me to turn away from my old friends—I am bound by every consideration which ought to regulate the conduct of a statesman and a gentleman to withhold my assent.

I entered the field a firm opponent of an elective Judiciary. I feel that I was pledged before the country and my honor involved in that pledge. I thought then it was wrong—I think so now, and am still more firmly convinced, that by the shortness of the term and the re-eligibility of the Judges, every vestige of the independence of the Judiciary will sooner or later be swept away—that the Judiciary is doomed to become a part and parcel of the political machinery of the day—made to serve the purposes of party men—a reward to the faithful—a machine in the hands of the wealth and power of the country to grind to dust the feeble, the powerless, and the poor man. I can see nothing in this Constitution which promises good to counterbalance the evil to flow from such a Judiciary. What price can be put upon, or what exchange can be made in the nature of compromise, for the surrender of the great principle of an impartial administration of justice? With such opinions—and that I have them, I call Heaven to witness—where would be my honor.—where my own self-respect—if to serve myself I surrender them? Let honors and profit pass away, I must preserve my honor.”

Governor HELM appears to have had a clear perception of the evils that have since grown out of that provision of the new Constitution by which so many minor officers in the Commonwealth were declared *elective*. The following is a graphic picture of what takes place at every election for State, city, and county officers :

“Every officer in the State is to be elected, State and county, except the Secretary of State. Let each man look over the list, and he will find it will amount to quite, if not over, four thousand in the State. If there should be an average of three competitors for each office, it will bring into the field an array of twelve thousand seekers for office. Let each man tax his mind for a moment, to sum up all the consequences growing out of this immense

body of men moving for office. May not the people be brought to the point of exclaiming, in the language of the Declaration of Independence, 'there has been sent hither a swarm of officers, to harass us and eat out our substance!'* In the great multiplicity of officers, counting deaths, resignations, and removals, will not some portion of the people be at all times engaged in elections? What a tax upon the labor of the country! I take it for granted that county and district vacancies will be filled by a re-election, since the convention provided no mode for filling vacancies, even for a day, beyond *pro tem.* appointments, except in the last year of a Circuit Judge. Four elected Judges of the Court of Appeals are not permitted to fill the remnant of a term of even six months of a Clerk of the Court of Appeals. A writ of election must go forth, and one hundred and fifty thousand men called into the

* The statements of these paragraphs will be viewed as almost prophetic. The swarms of office-seekers with which the whole land is cursed is one of the saddest evidences of the decline of our people from the high patriotic standard of the fathers. Politics—especially local politics—has got to be a trade, in which sharpness and cunning are much more regarded than probity and competency. Men who are too lazy to work, and whose incompetency in the management of their own private affairs is proverbial among their acquaintance, strangely enough imagine themselves fitted, in all particulars, to discharge the duties of any office that is within the gift of the people.

"Look after your Till, was the rule 'till of late,
But now, 'tis—look after the Till of the State."

It has long been conceded that the two great prerequisites to success in an election before the people, now a-days, so far, at least, as the remunerative offices are concerned, are money and assurance. The office no longer seeks the man, but crowds of men are seeking after the offices. The very system which Governor HELM feared for the integrity of the franchise has long controlled all our elections. Political sharpers and wire-pullers make calls for primary conventions, and these conventions are most generally so *hocussed* in their hands as to be made mere machines to work out their wills. Or, two sets of such schemers, the one not one whit more to be trusted than the other, make a fight, in these primary conventions, over the nominations, and whether the one clique succeeds or the other, the candidates are foisted on the people as the veritable choice of *the party*, though not one in ten that belong to it know anything about their fitness for the places to which they aspire, and though nine out of ten of them would prefer other men and men that are better known.

field to elect a clerk for six months. Carrying out the same principle, the Legislature must establish the same rule in regard to Treasurer, Auditor, Register, Attorney General, President of the Board of Internal Improvement, and Superintendent of Public Instruction. Is there not danger to be apprehended that the frequency with which the people may be called to the polls, and the scenes attending elections—too familiar to all—may at last disgust the people themselves, and render them indifferent to the exercise of the elective franchise? Will not the business and substantial men of the country retreat from it, and give up the elections entirely to those who seek for office for sake of employment? Imagine an unlettered man pressing to the polls to make choice among some fifty or sixty candidates for the various offices, with some friend of an aspirant at his elbow to tell over a long list of names.

“Will not this result in fixing as the permanent order of things a system of caucusing? By that system, the Government will be thrown into the hands of, and controlled by, the active and vigilant office-seekers. The mass of the people will have little else to do than go to the polls and register the edicts of a caucus. The great question as to who shall be President is to absorb all others. The parties will be driven, by concentrated action, to present their candidates, and we will come to the polls and vote the partisan ticket by its name. The motto will be, ‘*to the victors belong the spoils.*’ Thus is there to be a perpetual struggle for power and the emoluments of office. The policy of the State will be lost sight of, and each man’s qualification will be tested by his opinions upon some national question. Can there be imagined a more irresponsible and corrupting mode of managing a government than that of a system of caucusing? It has a tendency to destroy freedom of thought, freedom of action, and freedom of speech. To

my mind, the very freedom of our institutions depend upon breaking the force of any state of things which has a tendency to stifle that open and manly mode of talking, thinking, and acting, without the dread of punishment or hope of reward, which has hitherto marked the course of our people. I was for extending the power to elect officers to that point at which the mass of the people, by personal intercourse, had an opportunity of knowing the fitness and qualifications for the office sought by the candidate. But is it not surprising, when we recur to the provisions of this Constitution, that its most distinctive features are its crimination and the reduction of the powers of those officers who have been elected? The Governor is stripped of his power, and against that officer the heaviest battery of this Convention has been played. The Legislature is stripped of almost every power worth reserving. The interval between its sessions is doubled, and it is not permitted to judge for itself as to the time necessary to the completion of its business. Is it not a strange state of public opinion to cry out, in one voice, extend the right of suffrage, for in that our liberty consists, and in the next moment demand that elective officers be stripped of their powers because they have been faithless to their trust? But what man has complained that the laws have not been faithfully expounded? Yet the Judges, against whom the least of all complaints have been made, are to be made elective, whilst we are stripping those heretofore elective of all their powers.

Section eight of the new Constitution requires that every voter shall have been a resident of his precinct for sixty days next preceding an election. Though he may have been born and raised in the county, he is not permitted to vote at all, should he have removed into another precinct (in cities, frequently, only across the street), and there resided for a term less than sixty days. On this provision Gov. HELM thus spoke :

"I hold it to be the duty of the law-maker to afford to the citizen who has a clear and indisputable right to vote, every facility consistent with the purity of elections to cast his vote. No honest and well-known citizen should have his rights restricted or denied him, because his business or condition shall require a change of residence, in order that a dishonest man may be caught in an attempt to transcend his right. The true principle is, catch the offender if you can, but do not make the punishment of the innocent the means of detecting the wrong-doer. By geographical boundaries and ideal lines subject to changes, you embarrass the citizen in the free exercise of his most invaluable right by imposing penalties for voting on the wrong side of a precinct line. There should be at least one place in a county which a freeman could approach as the altar of his liberty, and feel a consciousness that he does not make himself a criminal by the exercise of a right purchased by the blood of his fathers. That place should be the court-house. Under the provisions of this Constitution, a man may have been born in, and never lived out of the county until he shall have children, and grand and great-grand-children; yet he cannot vote at the court-house, if his residence be within the boundary of a country precinct. He has been taxed to make it; he does not engage in broils with his neighbors, and therefore does not use it in that way; and yet he is denied its use for the sacred purpose of casting his vote. You can't restrain men in their business pursuits; they must and will go where their business calls them. If a man be born and raised within a county, change his residence from one precinct to another, in the months of June or July, he forfeits his right of suffrage. Will not this operate peculiarly hard upon those whose condition in life force them to become tenants, or laborers by the day or by the month? The tenant may be made to shelter at the will of his landlord; the laborer finishes his labor in

a crop in the months of June or July, yet he cannot seek for employment in another precinct, unless at the sacrifice of his right to vote. Does not this result in an advantage to those who have fixed homes? The young man who labors for his living, the country's surest support in a call to arms, restrained from seeking profitable employment when he shall have finished one contract. He who shall be called from home upon indispensable business, and interrupted by unavoidable delay, approaches one place of voting where he is known to all, yet as he lives within the boundaries of another precinct, he is turned away and loses his right. I can imagine an old revolutionary soldier, a pioneer of the West, who had bared his bosom to the stealthy savage, approach the polls in a county where he had resided from his earliest settlement, and he is turned away because he lives at home, or with some child in another precinct. I venture to predict that in the various elections, regular and irregular, to fill vacancies, there will be thousands disfranchised who have an indispensable right to vote. Is it right to punish the innocent as a means of detecting the rogue? Heretofore a known citizen had the right to cast his vote wherever he had a known residence, if for a day only. Have our popular elections been hitherto conducted with so many marked evidences of fraud as to make this change necessary? The restriction is an admission of the fact on the part of the members of the Convention, and yet the popular essence of the instrument is its willingness to submit everything to the ballot-box, where, in their estimation, so much fraud has been perpetrated. A most remarkable contradiction. Flattery of virtue and intelligence on the one hand, and an imputation of fraud and corruption on the other. Has not enough been done by the Constitution in limiting the elections to a single day, that the balance might have been left to statutory provisions?"

The Gubernatorial canvass of 1848 was characterized by a greater display of individual exertion on the part of both the Whig and the Democratic candidates than had been witnessed in any previous election for many years. The late Governor POWELL headed the Democratic ticket, and his great personal popularity rendered him an opponent that was by no means to be despised, even when confronted by such a man as JOHN J. CRITTENDEN. Mr. HELM, who had been placed on the ticket with Mr. CRITTENDEN for the second office in the gift of the people, made a thorough canvass of the State. It was the first time that he had had occasion to address his fellow-citizens outside of his own Congressional district, and, immediately after receiving his nomination, he addressed himself to the business before him with the determination of a man who knew what he had to encounter in order to succeed in the canvass. In every quarter of the State his voice was heard in defense of the principles and policy of his party and in reprobation of those of his Democratic competitors. The race was a close one, but the Whig candidates were elected and took their seats.

Mr. HELM continued to fulfill the duties of Lieutenant Governor and President of the Senate till July 31, 1850. When Mr. CRITTENDEN, having accepted from President FILLMORE the position of Attorney General of the United States, resigned his office, the former was installed as Governor of the Commonwealth in the place of that eminent statesman. It is needless for us to speak of Gov. HELM's administration of State affairs. Here, as in every position filled by him in his long public career, he proved himself the faithful agent of the people and the watchful guardian over their interests. From his only message to the General Assembly, delivered November 7th, 1850, which he had occasion to present, we give below such extracts as we think are illustrative of his character, as well as certain passages on topics that have not

yet lost their interest with the general public. The message begins :

"Gentlemen of the Senate and House of Representatives :

"Since the adjournment of the last General Assembly, the duties of the Chief Magistracy of this Commonwealth have devolved upon me, in consequence of the resignation of GOVERNOR CRITTENDEN. GOVERNOR CRITTENDEN could not well be spared by Kentucky at this period, and the people are only reconciled to his departure by the fact that he has accepted a post at Washington which, though its duties required a resignation of the office confided to him by the people of Kentucky, extended the sphere of his action and his usefulness. Kentucky gave him up that he might, on another theatre than that which she had assigned him, devote himself to his country and the promotion of his country's welfare.

"The present is an important period in the history of our beloved State. In the month of June last, the new Constitution was proclaimed as the paramount law of the land. On that day, the organic law—the Constitution under which for fifty years Kentucky had kept her onward march—the Constitution which for half a century had secured to her people all the rights of freemen, was done away, and a new instrument proclaimed in its stead. May we not have reason to congratulate ourselves as a people, if fifty years hence we shall find ourselves as prosperous, as happy, and as contented as we now are? The changes in Government made by the new Constitution are many—some of these changes are radical—yet they were made without bloodshed, without strife, and without disturbing the peaceful current of public and private business. How different the scenes from those which, in days past and even now, mark changes in government in the Old World. A handful of men assembled in the Representative Chamber, by a single dash of the pen, change the whole structure of the

Government. No scenes of disorder or of violence attend the proclaiming of the new system. All is calm and quiet. The proclamation is made—the handful of men adjourn and depart for their homes. Their authority is gone—they have finished their labors, and their power has ceased. The new order of things begins, and the people move on peacefully and quietly as before. Such a spectacle challenges the admiration of the world. It teaches a lesson invaluable to the cause of freedom.

“Differ as we may as to the propriety of many of the changes in the form of Government, it is our duty, and should be our pleasure, to acquiesce in them, and so direct legislation as fairly and fully to test their wisdom. Any factious opposition to the Constitution now would, it seems to me, be unwise if not unpatriotic. The people, through their chosen representatives, have ordained it as the law of the land. The people, by a direct vote at the polls, by a majority almost unparalleled in our history, declared in its favor, and is it not now the duty of every good citizen to give to it a steady support, that the changes it proclaims may be fairly tried? This, in my judgment, we owe to the people, to the country, and to ourselves.

“I tender you my cordial congratulations upon the general good health and prosperity of our people.

“I may also congratulate you on the financial affairs of the State. The revenue is abundant to meet the ordinary demands upon the Treasury, and will furnish a handsome surplus to be applied in payment of the public debt.”

* * * * *

“The surplus in the Treasury is under the control of the General Assembly, and may, from time to time, be profitably and wisely used in aid of the Sinking Fund, by judicious appropriations to unfinished public improvements. Whether there will be an increase in the valua-

tion of the property of the State, and an increase from that cause of the surplus in the Sinking Fund, will depend mainly upon the selection of faithful and competent Assessors. I am inclined, however, to think the surplus will not probably exceed \$100,000, nor will it fall short of \$50,000. If, however, nothing shall be derived from the revenue—and the probabilities are there will be no surplus from the revenue for a few years—then we may safely set down the annual surplus in the Sinking Fund at from \$65,000 to \$75,000.

“I cannot in candor restrain the expression of my fears that the election of the Assessors of taxable property will not prove to be a successful and valuable change, and that it may result in consequences tending to embarrass and confuse our system of finance. Allow me, therefore, respectfully to suggest that their duties be plainly prescribed and enforced by the infliction of adequate penalties. I have long entertained the opinion that the employment of a number of persons in the same county to assess the value of property could not fail to multiply the chances of unequal taxation. With a view to guard against such a result, I suggest for your consideration the propriety of providing by law for the appointment in each county of a board of equalization, consisting of two or more persons; the duty of such board to be to meet after the return of the commissioners' books at the county town, and to carefully examine the valuation of property, and to equalize the same by increasing or decreasing the value as assessed by the Assessors. Such a system has been adopted by other States, and has been attended with success, not only in guarding the public interest, but in giving satisfaction to the people. Such a supervisory power could not fail to render the Assessors more vigilant and uniform in the discharge of their duties, and guard the citizen against the partiality or

prejudice which may be engendered by a heated election or other improper cause."

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"Fifteen years have passed away since the laying of the statutory foundation of common schools. During the greater part of that time nothing was accomplished, either from the jealousy of parties or unbecoming timidity on the part of the representatives of the people. The genius of orators was employed in amusing the children and their parents by narratives of what had been and what had not been done for them; yet, while they amused and entertained, they left the children uninstructed. At length a resolution was taken to submit the great question to the people, and most nobly did they rebuke the timidity of their former representatives, and fully vindicate the truth that bills drawn upon them for the noble purpose of educating the youth of the country will not be dishonored.

"Since that time, I am happy to say, the Common School System is rapidly and steadily extending itself throughout the Commonwealth. The people in every part of the State are becoming more and more interested in this great scheme, and there remains no doubt of our ability to accomplish everything that the most sanguine friends of the cause have every proposed. In this, however, as in every great and beneficent undertaking, we must not forget that the results to be attained bear a constant proportion to the wisdom, the energy, and the steadfastness with which the object is pursued. The general education of the people is an object of the very highest importance in all possible conditions of human society, and is absolutely vital in free States. It has been from the foundation of this Commonwealth the subject of many and highly favorable legislative enactments, and of many and most honorable exertions, both general and local. Now, more than ever, we must con-

sider it as one of the settled and most important questions of the public policy of Kentucky, to bring the blessings of education within the reach of all her youth. I have to assure the General Assembly that no part of my public duty will be more grateful to me than a hearty concurrence in all that may be judged needful in carrying to the highest perfection a system of public education which will be worthy of the State, and answerable to the high career which she proposes to herself. This is a platform upon which, for a glorious and common object, all men, all parties, and all interests, may cordially unite."

* * * * *

"The change in the mode of selecting the public officers, and in the tenure of office, under the new form of government, will make it your duty, in my judgment, to readjust the tariff of salaries and fees paid to the several officers. This task, I am very well aware, is a delicate one, and will be attended with no little difficulty. But, delicate and difficult as the task is, I do not entertain a doubt that you will agree with me in opinion that the success of the experiment of popular elections depends greatly upon its manly and fearless performance. You must inspire confidence in the new system by inviting men of good judgment, sound principles, and practical business habits, to fill the various offices of the Government. Yours is a highly responsible, and, to the mere politician, by no means an enviable position. The framers of the Constitution have given the people a Government eminently popular. To you is confided the difficult, and certainly not less responsible, duty of putting the Government into successful operation. The services of men who are honest, competent, and faithful, can be secured only by offering good salaries. If the fees and salaries be fixed at a low rate, the standard of merit and worth in an officer will be correspondingly low. A man who is found willing to work for the State at a merely

nominal salary will most frequently be found to be worth less than his pay, little as that pay may be. For good work we must be willing to pay a good price. I wish it understood, however, that I do not advise an extravagant or wasteful expenditure of the public treasure. There should be economy in all the departments of the Government. The burthens of the people should not be unnecessarily increased. Men differ, however, very widely in their views of public as well as private economy. Some measure the standard of economy by the sums actually paid out. I do not so view it. In the employment of public agents, true economy consists in procuring for the least price the services of men who are qualified to perform the duties of their respective stations with promptitude, with skill, and with fidelity. The services of such men are well worth the largest sum the most liberal would be willing to pay.

“In the consideration of this subject, allow me, with earnestness and deep solicitude, to call your especial attention to the compensation of judicial officers. There is no principle, in the change from the old to the new form of government, in which the triumph of the new is so deeply implicated as in the success of the judicial system.

“It would be an idle task, if not indeed an insult to your judgment, for me to consume your time in an elaborate essay upon the importance of an independent Judiciary. Freemen—intelligent freemen—understand the importance of having a Judiciary free and independent. They know it is essential to the preservation of the rights of a free people. It is essential to the preservation of the Constitution—the people’s charter. It is necessary to the protection of the weak against the oppressions of the strong. It is necessary to hold in check the bad passions of the mob. No nation can be free if it have a dependent Judiciary. There is but one way to secure an independent Judiciary. You must offer such inducements as

will invite to the bench the best men of the State—men of known legal ability and of unquestioned integrity—men who will not fear to look danger in the face—men who will not hesitate to shield the innocent and punish the guilty—who will interpose between the mob and its victim. You must secure men who will represent truly the majesty of the law; then, and not till then, will you have secured a firm, faithful, and independent Judiciary.

“I am aware that there prevails in the minds of many of the people a prejudice against the payment of what are called ‘high salaries.’ What are high salaries? Certainly the people of Kentucky have no reason to complain that their public treasure has been squandered in the payment of exorbitant salaries to their public servants, at least not to their Judiciary. It is a fact, known to us all, that the salaries heretofore paid, even with the limited amount of labor to be performed, have failed, to some extent, to command the services of the ablest and best lawyers. The reason is too obvious for comment.

“In consequence of the reduction of the number of districts, the physical and mental labor to be performed by the judge will be increased probably one third, and his personal expenses will be in like manner increased. If when, heretofore, the labor was less, the place obtained without a struggle, and the tenure was for good behavior, the salary offered failed to command, generally, the best men, is it probable it will do it now? I am sure you will answer it will not. Will a lawyer in good business, with many and valuable fees half earned, with a practice confined to a small circuit, allowing him time for repose and improvement to enjoy some of the comforts of domestic life, and to aid by personal superintendence an economical administration of his private affairs; will such a man consent to receive a judgeship? to receive less pay, perform more labor, and to submit to the very many deprivations which he must necessarily undergo; to in-

volve himself first in a doubtful contest in which he will be subjected to all the unpleasant incidents which we know attend a popular election, and at the end of six years run the risk of being superseded and brought back to the bar to renew his practice? Your own good sense will furnish a prompt answer to the question. The increased labor, mental and physical, will render it necessary that men who attain judicial stations should be sound lawyers when they enter upon the discharge of their duties, for they will have but little time afterwards to read and acquire a scientific knowledge of the law. They must be good lawyers when they go upon the bench or they never will be good judges afterwards.

“I deny that it is either just or proper to make the allowance to a public officer barely sufficient to meet his necessary yearly expenditures. Men should employ the vigor of manhood in acquiring the means of support in advanced age. They must guard against penury and want when they shall be no longer able to labor. Wise men plant the tree in the days of their youth, that shall shelter and protect them on their road to the grave. If you do not provide a salary sufficient to justify the employment of the whole time of a judge, he will, if a man possessing the proper amount of energy to make him a useful public officer, prompted not less by interest than by the instinct of his nature, look to other means to supply the wants of his family. Thus he may be part judge and part farmer, trader, merchant, or something else, until at length he will become an incomplete part of anything. But it is said much is due to the honor of the station. True, it is agreeable to a large majority of men to be placed by the confidence of their fellow-citizens in positions from which they derive distinction and honor. But the lives of our public men too well attest that men cannot *live* on honor. I submit, whether by making your offices places of honor alone, you will not

confer them upon that class of men who have wealth to live independent of office, and thus rather create distinctions than produce equality in society. To my mind the true policy is to give a full, fair, liberal, and just equivalent for the services of a capable man, whether rich or poor, that the offices may be objects of fair competition among the meritorious, and let honor follow a faithful and enlightened discharge of the duties of the station.

"You cannot be blind to the fact, that, in this glorious country of ours, there are vast fields everywhere opening to the enterprising and energetic men of thought, which promise most bountiful returns for labor. If we would appropriate to our State the services of men who are invited to those fields of promise, we must pay them, and that liberally. The State should not ask the labor of her citizens for a less sum than that labor will command from others. A parsimonious allowance to the public officers will cause the offices to be looked to with indifference by the really meritorious and worthy, and ultimately the Government must fall into the hands of those who will rely more on the chances of speculation than the compensation allowed by law."

* * * * *

"The question of internal improvement I regard as settled for the present, so far as the participation of the State in any new scheme is concerned. The constitutional provision on the subject makes it altogether unnecessary to enter into an argument upon the policy of expenditures by the Legislature in new schemes of public improvement; but I cannot, consistently with what I conceive to be my duty, fail to recommend and urge you to employ all the means at your command and under your proper control towards the completion of the great lines of improvement that are now in an unfinished condition, and in which the State has an interest. It is certainly an unwise policy to permit these improvements,

upon which very large sums have been expended, to remain unfinished and go to decay and ruin for the want of the inconsiderable sums necessary to complete them; and I feel satisfied that many of the lines yet unfinished, and which now pay no return into the Treasury, would, if finished, very soon yield a handsome dividend, not only on the sum necessary to complete them, but on the whole amount of the State's interest in them. If the General Assembly has not the power to appropriate money in aid of these unfinished lines, that body, in my judgment, should not hesitate to offer the most liberal inducements to individuals and companies to take hold of and finish them. I beg to refer you to the report of the able and enlightened President of the Board of Internal Improvement for a statement of the condition of the public works."

* * * * *

"I submit for your consideration the propriety of ordering a minute geological reconnoissance of the State, especially of those regions which are supposed to abound in minerals. The importance and usefulness of such a measure cannot be estimated by conjecture. The discoveries that may follow a careful and extended survey by competent geologists may lead to results of much greater importance than would be supposed upon a superficial view of the subject. It is a well-established principle in domestic economy that nothing should be purchased abroad that can be produced or manufactured at home. This principle applies even more forcibly to the management of the affairs of a nation. Immense sums, we know, are annually withdrawn from circulation in Kentucky to be expended in other States in the purchase of coal, iron, salt, and of many manufactured articles necessary to the household, the field, and the work-shop. It is confidently believed that we have hidden beneath the surface of the earth within the limits

of our State the means adequate not only to the production of all those articles needed for our own use, but that we may become large exporters. Develop the mineral wealth of the State, and you will open to the people new branches of industry; you will diversify labor; you will invite large investments of capital, and you will make the regions, which are now considered poor, by far the most wealthy and prosperous in the State. Manufacturing establishments will spring up all around you. They will afford a good home market for your agricultural products, and the aggregate wealth of the State will be greatly increased.

“Kentucky must not close her eyes to the future. Her sister States, with fewer natural advantages than she possesses, are far ahead of her in the struggle for wealth and greatness. They work while we are idle. Difficulties that seem to appall our people are apparently unnoticed by them in their onward march. Nature has not slighted us. She has given us a soil unequaled—a position, geographically, that will enable us, if we will but avail ourselves of it, to rival the most favored and prosperous of our sisters.”

* * * * *

“Since the adjournment of the last General Assembly, the nation has been called to mourn the loss of a great and good man—ZACHARY TAYLOR, Chief Magistrate of the United States. Though we deeply and sincerely lament his death, we have great reason to congratulate ourselves that his mantle has fallen upon a man worthy to wear it. MILLARD FILLMORE, the President of the United States, has exhibited, in his administration of the affairs of the General Government, a liberality, a fairness, and a fidelity to the Constitution that have won for him a widely-extended and an honorable fame. His manly and patriotic devotion to the Union entitle him to the gratitude of every true lover of his country. With such a man at the head

of affairs, we may feel well satisfied that all the powers of the Executive will be honestly, faithfully, and firmly directed to the execution of the laws and the preservation of the Constitution.

“The clouds which for some months past blackened the political horizon and threatened the safety of the Union have been dispelled, and the skies are again bright and full of promise and of hope. In the passage of the compromise measures by the last Congress, the friends of the Union achieved a triumph that carried joy and gladness to the fireside of every habitation in Kentucky, and caused a thrill of pleasure in every patriotic heart in the Union. The plotters of the nation's ruin have been defeated and put to shame, and the friends of liberty everywhere rejoice.

“The people of Kentucky learned with honest pride that their Representatives played a conspicuous and noble part in the settlement of the questions which menaced the Union. Fired by an honest zeal and patriotic devotion to the nation, they forgot or disregarded all mere party differences and party divisions, and united as one man in the support and vindication of the Constitution. As, in times past, when danger threatened the Union, when disunionists and factionists and fanatics united in an attempt to sever the bands that bind this glorious confederacy together, our own great statesman was found foremost in the ranks of the defenders of the Constitution. In the council and in the cabinet—wherever there was found a Representative of Kentucky—*there* was also found a true, loyal, steadfast, and unyielding friend of the Constitution and the Union. The promise given by my immediate predecessor, in his annual communication to the last General Assembly, that ‘Kentucky will stand by and abide by the Union to the last,’ has been thus far nobly kept. It will never be broken.

“Kentucky owes a debt of gratitude—a debt she will ever be ready to pay—to those distinguished statesmen of the North and the South, of both the great political parties, who, disregarding all sectional and party divisions, boldly and patriotically stepped forth in the defense of the Constitution, and rescued it from the hands of its enemies and despoilers. They have preserved the Union—and they have won for themselves a place in the hearts of their countrymen.

“May we not hope that their labors will be crowned with complete success, and that the spirit of disorder and misrule, now broken, will be banished forever. The judgment of the sound and reflecting portion of the people of all sections condemns, I am sure, the dangerous radical doctrines of both extremes of the Union. The people are not agitators; the people are not factionists. Will they not fix the seal of their disapprobation upon those, who, for selfish purposes, would fan the flame of discord in the nation, and renew again the fearful fire that threatened to consume us? Kentucky, I am sure, will stand by the Constitution and the laws. May she not ask—nay, has she not a right to demand of her sisters in the confederacy—partners in the great national compact—that they, too, will be true to the Constitution and its compromises? It is gratifying to observe with what unanimity the people of the South are declaring in support of the great measures of peace passed by the last Congress. Every breeze brings us the glad tidings that the friends of the compromise representing that quarter in Congress are hailed with pride by their constituents. It was feared that the angry feeling there engendered would not soon subside. But we have reason to hope it is gone—the conviction that the Constitution has been vindicated and that the Union is safe, has filled the hearts of the people with joy. We turn with unfeigned sorrow and regret to the accounts that reach us from

some of our sister States in the northern portion of the confederacy. There we hear loud murmurings at the passage of one of the compromise measures—the fugitive slave bill. There the friends of that measure are openly denounced and contemned; even more, armed resistance to its execution is gravely threatened. I cannot believe that any respectable portion of the people of the North participate in this feeling. It cannot be that they are willing again to stir up the spirit of discord. Who is there to guarantee that our noble old ship will be able again to weather so dire and dreadful a storm as that from which she has just escaped? No man who loves his country or values properly her institutions will aid in bringing about again the fearful crisis we have just passed. An armed or forcible resistance to the execution of the fugitive slave law is treason, and those who counsel, aid, or assist in that unholy work, are traitors to the Constitution and enemies to the best interests of the nation.

“It should ever be borne in mind that the General Government is one of limited powers, and was never designed to interfere with the domestic institutions of any of the local sovereignties, directly or indirectly. The power to declare what should or what should not be property was never intended to be delegated to it; but its protecting shield was extended over whatever had been recognized as such by any of the States. I cannot but be deeply and profoundly impressed with the importance of maintaining with inviolable sanctity the great doctrine that a Government which is the Federal representative of all the States should, in its legislation, abstain from hostile action against the property of any State or section. It has no right to throw its moral influence against the tenure of property, recognized as such by any of the States. It prostitutes its powers and the purposes of its organization by assuming an attitude of hostility to the

existence of any particular property in any State or section. It wisely conformed itself, in its original organization, to the domestic institutions then existing. The Government was made with a reference to the institution of domestic slavery. Any, the slightest interference with it, was cautiously avoided. The surest and most certain mode of perpetuating that Government peaceably and in harmony must be by administering it in the spirit in which it was made. As the common Government of each and all the States, it is bound not to discriminate between the domestic institutions of one State or section and another. Strict non-intervention by the General Government, with the protection guaranteed by the Constitution, is the only true and safe doctrine. It is the doctrine upon which the great compromise questions were settled. Those questions could not have been settled upon any other principle. It is the only doctrine compatible with the great fundamental principle of our political system, that a people have a right to establish whatever government they think proper for themselves."

With the inauguration of Governor POWELL, which took place on the 5th day of September, 1851, ended Governor HELM's term of office. Returning to his home in Hardin county, he applied himself to the duties of his profession, almost wholly, up to the year 1854. It was during the latter year that he appeared as counsel for the prisoner, the late MATTHEW F. WARD, in one of the most noted murder trials that ever took place in the State. It would be altogether out of place in this sketch to give even a synopsis of the masterly argument made by Governor HELM on the occasion referred to. A few paragraphs from the speech, however, are so characteristic of the man that we cannot forbear inserting them. Addressing the jury, Governor HELM is reported to have said :

"I have often addressed you in the jury-box and from the rostrum; on the stump and in the muster-field. You are all aware that in the discussion of any subject in which I feel a deep interest, my manner is usually excited and earnest; but on this occasion I speak under great disadvantage, having been confined to my bed by illness almost constantly for the last two months; and only hoping that I may be sustained, and that you may bear with me until I can discharge the solemn duty I owe to my client.

"I feel perhaps more deeply interested in this case than I ever have felt in any other in which I have been engaged. I feel thus from the nature of the ties that bind me to the family of this defendant. Many years ago, when I first entered the political field, I met his father in the councils of the State; and again and again have I associated with other members of the family there. And, as in the beginning of my humble political career, these men took me by the hand and gave me their aid and support, I have ever felt grateful to them; and now that an event has unfortunately occurred by which I hope to be enabled to do something, so far as my poor ability goes, to cancel the debt, you cannot wonder that my deepest sympathies are enlisted.

"The gentleman who preceded me has alluded to outside influences—to the fact that this prisoner was driven from his own home to seek justice here. It is true that, from the moment the event occurred for which he is now on trial, distorted and prejudiced accounts of it were given to the public; and, accompanied by articles of the most inflammatory character, were spread upon the wings of the wind by the newspaper press. Therefore this excited feeling was caused, and therefore the prisoner asked only what the law gives—that he might be tried in an unbiased and unprejudiced community.

“Complaints have been made that this defendant has been living in luxury and splendor in jail here, while others have suffered from having their absolute wants neglected. That others have suffered, there is no doubt. But after the accused was removed to this place, I visited him in jail, and found him suffering from a severe attack of neuralgia and inflammatory rheumatism—the same disease that had recently confined me to my bed, and, notwithstanding all precautions, had racked my limbs with a thrill of pain at every blast that swept over the hills. I went, hoping at least to keep this man alive until he could throw back the foul charges that have been heaped upon him, show their falsity, and vindicate his conduct, as he humbly hopes he can, in the eyes of this jury and the people of this country. I visited him, and I had a partition and a stove put up in his cell, that his disease might not be aggravated by the inclemency of the weather; and for these precautions his own money paid, so that no wrong has been done the State.

“Is it a part of your wish that men should be punished to the death before they are tried? Even if this accused was provided with the simple necessities of life, if that mother wished to go and lay her tender hand on his aching head, if that wife would seek his lonely cell, and soothe and cheer him by the light of her presence and her love, was it wrong? Who, with a heart not glutted with blood, could object to it?

“I know that the prisoner has much to contend with outside of this prosecution; but, gentlemen, yours is a proud position. You are placed by the law a firm shield before him, to protect him from all unjust and improper attacks. With no aim but to learn the truth and to do justice, I feel confident that you will stand like a rock in the midst of the ocean, unmoved by the fury of the wild waves that dash madly against it only to be broken in

pieces. We only ask that you will perform your duty, and that justice may be done, though the heavens fall.

"But the gentleman tells you you have no right to retain a single particle of mercy. This is the first time in my life I have heard such a sentiment gravely announced by a man acquainted with the books.

"'To err is human—to forgive, divine.'

"He has alluded to the first murderer. But did not God in mercy hear even *his* prayer, and place a mark upon *his* forehead that none might slay him? And when a woman was arraigned on a high charge before the SAVIOUR of the world, when none was so guiltless that he might cast the first stone at her, then there was mercy from on high, and He sent her away with the kind injunction to go and sin no more." *

The excellent condition of the State Treasury at the present time is, in a great measure, the result of Governor HELM's admirable financial abilities and forethought. On the 12th day of January, 1834, he moved the following resolution in the House of Representatives, which was twice read and adopted:

"*Resolved*, That a committee of thirteen be appointed, whose duty it shall be to take into consideration the resources and means of this Commonwealth, and to devise, if practicable, some plan by which a specific fund can be raised for the purpose of carrying on a comprehensive system of internal improvements and establishing a sys-

* The writer was well acquainted with the late MATTHEW F. WARD. In a moment of passion, he shot to death one of the most amiable and popular citizens of Louisville. The killing was wholly unjustifiable, and that he so considered it to the last day of his life, none that knew him can doubt. He lived afterwards a quiet and unassuming life, and bore on his features the impress of a mind that was constantly burdened with the sense of his sin. His whole existence, after his legal acquittal, appeared to those, who had the best opportunities to witness and to judge, one continuous act of repentance. He removed to Arkansas shortly after his trial, and was killed during the war, while standing in his own door, by some roving guerrillas.

tem of common schools, and that they report to this House."

The committee appointed under this resolution, of which Mr. HELM was named chairman, not only originated the present Common School System of Kentucky, but laid the foundations of the Sinking Fund laws, by which certain resources of the State were set apart for the extinction of both principal and interest of the State debt. Under the new Constitution these specific resources were further added to, and any expenditure of money due to the Sinking Fund was absolutely forbidden, except for the purposes named.

During his entire public life, Governor HELM was the consistent advocate of a liberal system of public improvements. To effect this object, not even Mr. CLAY, the father of the system, was disposed to go further, or labored more perseveringly. It was not his idea that the State should place in jeopardy her resources or her credit by taking on herself the prosecution of complicated and costly works of internal improvement. But he thought that the credit of the State might well be extended to all private enterprises that had for their object the opening up of the resources of the country. He considered that full reimbursement would follow these outlays of the public money from the increased taxable value of all lands contiguous to such improvements.

But not only was the late Governor an advocate of public improvements at the expense of the State; he labored with great efficiency, also, in his own county, to induce his fellow-citizens to form connections with their neighbors through the construction of turnpike roads and substantial bridges over the various streams intersecting the county. The turnpike highway between Louisville and Nashville, which passes through Hardin county, was a favorite scheme of his long before its construction was decided on, and to no one man is greater credit due for

its ultimate completion. As early as 1836, from his place on the floor of the House of Representatives, he sketched out the course of the railroad, which was afterwards built, connecting the commercial metropolis of Kentucky with Nashville, Tennessee. He was a liberal subscriber to the original stock of this road, and through his influence with the capitalists of the county and State, contributed largely to the subsequent success of the gigantic undertaking.

In 1854 he was elected President of the Louisville and Nashville Railroad Company. The affairs of this organization were at the time in a wretched condition, its funds exhausted, and its credit impaired. Many citizens of Hardin and Hart counties had refused to pay their assessments towards the building of the road, and a large portion of the work, as a consequence, had to be suspended. Those who had originally subscribed stock were beginning to fear that their investments were about to be swallowed up in the insolvency of the company. It was under these discouraging circumstances that Governor HELM took charge of the road. Such an impulse did he give to the undertaking, by his energetic yet careful management of the affairs of the company, that confidence was soon restored, the suspended portions of the work again put under contract, and the bonds of the company, which had before ruled in the market at a mere trifle of their cost, were bought up by prudent capitalists as a safe and remunerative investment.

The first locomotive that crossed the Rolling Fork into his native county, bore, with its other burdens, the president of the road. He was a proud man that day. He realized the importance of the work which had so long engaged his thoughts and his labors. He had lived to serve the material interests of his own people—to see his own beloved county wedded to the beautiful Ohio, fifty miles away, and his heart dilated with a sense of pleasure that it had never before experienced, as his life-long

friends and neighbors, from the positions they had taken up beside the track all along its course, waved to him their congratulations as he was swiftly borne on his way to the station at Elizabethtown.

Governor HELM retained the position of President of the Louisville and Nashville Railroad Company until 1860. At the date named, in consequence of a divergence of views between himself and the majority of the Board of Directors, in regard to the proper policy to be pursued in the affairs of the company, he thought proper to resign his office.*

Previously to his acceptance of the Presidency of the Louisville and Nashville Railroad Company, President FILLMORE had appointed Governor HELM Commissioner of Claims in California. The Senate, however, declined to ratify his nomination.

In the great struggle that took place in Kentucky, and throughout the United States, in 1855, between the Democratic party and the short-lived organization known as the American, or *Know-Nothing* party, Mr. HELM acted with the latter, though he expressed his opposition to certain of its proscriptive features.†

*The arduous labors which Governor HELM imposed on himself while President of the Louisville and Nashville Railroad Company came near costing him his life on one occasion. In 1857, after months of incessant toil, he found himself prostrated on a bed of sickness at Nashville, whither he had gone to attend the interests of the road. It was long before he was again able to perform the duties of his office. He had scarcely recovered from his illness when he received the news of the death, in Memphis, Tennessee, of a favorite son, GEORGE HELM, who was at the time a young man of great promise. He continued, to be sure, to fulfill every duty of his office with the decision and promptitude which characterized all his acts; but the spirit and buoyancy of life seemed to have left him. It is the opinion of his immediate family that the disease, of which he afterwards died, was contracted and aggravated by his unceasing labors in the service of the railroad company.

† Large numbers of the leaders of the old Whig party of the country, after the death of HENRY CLAY, DANIEL WEBSTER, and others, who had been its apostles when the organization was able to compete with the Democratic

During the brief period that intervened between his retiracy from the office of President of the Louisville and Nashville Railroad Company and the commencement of active hostilities in the late civil war, Gov. HELM applied himself with earnestness to the practice of his profession and to the cultivation and improvement of his farm. But the conflict was close at hand which was to involve irretrievably his own material interests and prospects, and those of thousands of others all over the land, and which was to bring upon him and them a weight of personal affliction of which they could have had at the time but little conception. He and they were yet to learn the heart-pangs of the bereaved—to experience a woe similar to that which was proclaimed in Rama: “Rachel bewailing her children, and would not be comforted, because they are not.”

Governor HELM never favored secession. While he fully recognized and condemned, with a patriot's indignation, the shamefully unjust policy, as it affected the interests of the South, of the majority that was supposed to represent Northern sentiment in the Congress of the United States, he appeared to entertain, at the same time, an abiding faith in the people's regard for the Constitution to correct every evil under which his own section was suffering,

party in an equal contest before the people, found themselves, in 1854, so reduced in numbers and influence as to feel justified in resorting to a species of party trickery in order to prevent the Democrats from obtaining control of the Government and absorbing all its patronage. They attempted, in direct conflict with the letter and spirit of the organic law, and in opposition to the genius of Republican Government, to organize a party based on the proscription of individual citizens on account of their peculiar views of religious faith. Stultified men never committed a greater blunder than this. But they went further, and fixed on the country a system of political engineering, by means of secret organizations, which has ever since obtained in the land, and which, in the opinion of many, more than anything else, led to the late deplorable civil war. Governor HELM voted with this party, as did thousands of others—not because of any respect he had for its proscriptive features, but because of his then innate aversion toward the Democratic opposition.

without any resort, on the part of its citizens, to a measure so sweeping in its character and so problematical in its consequences. Alas! neither did Governor HELM, nor the prudent statesmen that thought as he did, have any power to arrest the storm that had long been brooding over the country. In an evil hour ten States severed their connection with the rest of the Union, and the red flame of war was lighted from the Potomac and the Ohio to the Gulf—from the borders of Kansas, in the North, to the Rio Grande, in the South.

Every one will remember the general indignation that was felt throughout the State on the announcement of the fact that President LINCOLN had issued his proclamation calling for seventy-five thousand volunteers to operate against the South. On the question of the policy of this measure the people of the State were then almost a unit. They regarded the act as an assumption of power on the part of the President that was not warranted by the Constitution. They looked upon it as indicative of a coalition between the President and the anti-slavery party of the North, having for its object the enforced extinction of the institution of slavery. When this latter presumption was denied by the President and solemnly declared false by Congress, a large party was formed in Kentucky pledged to the prosecution of the war till such time as the Southern States, through the voice of their populations, should agree to lay down their arms and submit to the requirements of the Constitution. Fully as great, if not a still greater, number of the people of the State, who could not be brought to assume an attitude of hostility to those who were naturally their friends and neighbors, and whose institutions and interests were identical with their own, though few among them had any sympathy with the movement in its inception, determined either to remain neutral in the conflict or to unite their fortunes with the weaker party.

Governor HELM acted as chairman of the famous meeting held in Louisville on the 8th of January, 1861, in which the neutral policy of Kentucky was declared the sentiment of men of all parties in the State. Appended to the resolutions passed at that meeting will be found the names of men who afterwards were loudest in their denunciation of the act in which they themselves took part. Governor HELM, at the meeting referred to, and on all proper occasions afterwards, was open in his condemnation of the war; but he was equally open in declaring the act of secession one of great danger and of doubtful propriety. He stood aloof from the conflict from first to last, though often sorely tried by the interference in his private affairs of the Government officials by whom he was surrounded. His son and son-in-law had made choice to cast their lot with the people of the South in resistance of the purposes of the Government; and he did not feel that he would be justified in opposing their election. This fact was sufficient to affix to his name, with the so-called Union party of Kentucky and with the military authorities that were then preparing to invade the State, the title of *rebel*. At length the news reached him that ex-Governor MOREHEAD had been arrested, and that warrants were out commanding his own arrest. Knowing that he had been guilty of no act to warrant interference with his liberty, he was at first disposed to await further developments; but having again been cautioned to avoid the emissaries of the Government, with a sorrowful heart he bade his family farewell and repaired to Bowling Green. By the intervention of the Hon. WARNER UNDERWOOD, who stood in high favor with the invaders of his State, Governor HELM, after a brief absence, was permitted to return to his home. By agreement, he was to report on his arrival to General SHERMAN, then commanding in Kentucky. On doing so, he was required to take an oath to support the Constitu-

tion of the United States. This he had done many times before, and he had no difficulty in doing it again. For a while after having performed this ceremony, he remained unmolested. When Gen. MITCHELL's troops, by express order to that effect, were encamped on his farm, Governor HELM was treated with becoming courtesy by the officer in command, because, as he said, of his former acquaintance with his father-in-law, the Hon. BEN. HARDIN.

From this time till the close of the war he enjoyed little peace. Rude soldiers were permitted to enter his house and to frighten his children; the growing and matured crops on his farm were consumed, destroyed, and wasted without compensation of any kind; his house was ransacked from cellar to garret, and what was seen and coveted, abstracted; he was himself repeatedly insulted and threatened, without the shadow of justification; his negro servants were tampered with and induced to abandon their places; in a word, nothing was left undone, by both officers and men, that they thought calculated to injure him in his means, and to degrade him as a man.

Finding it impossible to preserve the fruits of his toil from the rapacity of the soldiery by whom he was surrounded, he made the attempt to raise a crop of tobacco, on the supposition that this could not be eaten before it was cured, and trusting to be able to secure at least a portion of the crop for his own needs; but just at the time when the labor of his negro servants was most required to prevent the ruin of the plants, in what is called by tobacco-raisers *the worming season*, every able-bodied servant on the place was taken into the service of the Government for the purpose of building fortifications; and thus all his expectations of a crop were brought to nought. The courts were all closed, and he had nothing to hope for in the way of legal practice. He had no

recourse but to borrow money for the support of his family, and thus, in a few short years, he found himself reduced from affluence to poverty, with the prospect before him, since too sadly realized, of leaving his family destitute when he should himself be called away from life.

Under all these heavy trials Governor HELM retained his patience. He endeavored to encourage the desponding hearts of his wife and daughters, on whose account alone he seemed to care for the reverses he had sustained. Sometimes, however, he appeared to give way to utter despair. On one occasion, when he was visited by a squad of soldiers that had been ordered to search his house, he met the officer in command at the door, and solemnly protested against the indignity to which he was being subjected. He exhibited before his eyes that clause of the Constitution of their common country which denounced as illegal the very act in which he was engaged. All useless this, as he might have known from the first. What was the Constitution when brought into contact with *military necessity*? This latter was then *the* potent power in the State, and overrid not only constitutions and laws, but a proper regard for the proprieties and decencies of civilized social life also. Governor HELM should have known that the Constitution that had proved unequal to the protection of his rights of property in the corn raised on his own farm, the mules and horses paid for by his own money, and any other property to which he had a legal title in accordance with the laws of the country, would be equally powerless to prevent the ingress of the agents of the Government to his own house. The officer "had to obey orders," and the Governor had to submit to military necessity, and there was the end of the matter.

A few days prior to Gen. BRAGG's entry into Kentucky, in September, 1862, Governor HELM was arrested by Col.

KNOX, who was then in command of the forces stationed at Elizabethtown. He was met by that officer on the high road when returning to his home from his farm, where he had been laboring all day, and this doughty official, leveling his pistol at his breast, declared him his prisoner. In company with several other citizens of the county, who had been arrested at the same time, he was placed under guard and kept for several days in camp, without proper protection against the heat of the day or the chill of the night, and the entire band was afterwards dispatched to Louisville. While the prisoners were being taken from the cars to the military prison, Governor J. F. ROBINSON, then the Chief Magistrate of the State, a man that stood high in the confidence of the military authorities, and a personal friend of Governor HELM, accidentally saw the cavalcade as it marched through the streets, and was much surprised and distressed to behold in it the dignified form of one he had so long known and so greatly respected. Hastening to the office of Gen. BOYLE, who was then commanding the District, Governor ROBINSON protested against the indignity to which his old friend was being subjected, and earnestly besought his immediate release. Gen. BOYLE assured him that he had issued no order for Governor HELM's arrest, and expressing great surprise at the circumstance, he at once handed to Governor ROBINSON an order addressed to the officer in charge of the prison for the enlargement of the Governor, with the permission that he might return to his home.

In the meantime, BRAGG's army had reached Elizabethtown, and a strict surveillance being kept up by its own outposts and those of General NELSON, the commander of the forces left for the protection of Louisville, it was with difficulty that Governor HELM was enabled to reach his own home. On the evening of his return, the members of his family were gathered together, painfully brooding over their miseries, and fearing for the husband and

father a long imprisonment, when they were aroused by the glad shouts of certain of their servants that had up to the time remained faithful, "Massa John's come! Here's Massa John!" We shall not attempt to describe the meeting with his family that followed. There was little about it that was demonstrative, but there were gladsome faces and thankful hearts that night under the roof-tree of the Helm mansion.

In September, 1862, took place the bloody battle of Chickamauga, in which the life of the Governor's oldest son, Gen. BEN. HARDIN HELM, was sacrificed in defense of Southern independence.* This was the crowning sorrow of Governor HELM's life. In vain he summoned to his aid the fortitude, often mistaken for the stoicism, of his character. Not even the mother of his boy, that had nursed him at her bosom, felt a greater pang in the sorrowful intelligence of his fall. So deeply at times did he appear to feel the blow that had been struck him in the death of this favorite son, that his family were fearful for the stability of his reason. The so-called *results of the war*—which, in his case, meant the seizure of his

* BEN. HARDIN HELM, oldest son of Gov. HELM, was born June 2d, 1831. He graduated at West Point when about twenty years old, and entered the United States military service as 2d Lieutenant of Cavalry. He was first stationed at Carlisle Barracks, Pennsylvania. Thence he was sent out on frontier service in Western Texas, where he was seized with a very severe illness in 1852, which caused him to come home. While at home, his father persuaded him to resign his position in the army and study law. After finishing his course of studies at the Law Schools of Louisville and Cambridge, he commenced the practice with his father at Elizabethtown. He was a fine lawyer, and won rapidly popular approbation. In 1855 he was elected to the Legislature, and the next year Commonwealth's Attorney. In 1858 he moved to Louisville, where he practiced law until the commencement of the war, when he entered the Confederate service as Colonel of the 1st Kentucky Cavalry. He was soon promoted to the rank of Brigadier General. He was a popular, skillful, brave officer; won a high reputation as a soldier; had his horse shot under him, and was badly wounded at Baton Rouge, and was finally killed at the head of his command—the 1st Kentucky Brigade of Infantry—on the 20th day of September, 1862, on the bloody field of Chickamauga. He left a widow and three children.

property without compensation and the manumission of his slaves, valued five years before at forty thousand dollars—had reduced him to absolute poverty, and he could not get rid of the conviction—alas! since too sadly realized—that the labors of his entire life had turned out **fruitless**, and that his family would be **left** unprovided for at his death.

In 1865 Governor HELM was again returned to the State Senate from the Tenth Senatorial District, and served in that body on the Committee on Federal Relations. On the 20th of January, 1866, he moved the following resolution, viz :

“Resolved, That the joint committee appointed to take into consideration the altered condition of the colored people of this Commonwealth inquire into the expediency of repealing laws requiring that slaves shall be listed for taxation; and into the propriety of levying a poll tax on all able-bodied negroes over eighteen years of age and under sixty-five, to create a fund to erect houses of correction, and to purchase farms and erect houses to be used in taking care of old and infirm negroes, and looking ultimately to the creation of a fund for the education of children of color.”

From the day the war ended to the present time, it has been a marked feature of legislation in what were lately slave States, wherever their white populations have been permitted to exercise uncontrolled authority, to so alter and amend their statutes as to secure to the blacks every available means, consistent with the peace of society, of bettering their condition. Governor HELM's motive in offering the above resolution was clearly of this character. As much as he desired that the body of newly-created freedmen should not become an impediment to the prosperity of the State, much more even was he solicitous that the means should be afforded them to raise themselves in the scale of humanity and human

progress, and to thus become useful and contented members of the social fabric of which they were likely to remain for ages so large an element.

On the 24th of January, 1866, Mr. HELM presented to the Senate an able protest against the action of the United States Congress in declaring the complete abrogation of the institution of slavery in all the States. The protest, which originated in the Committee on Federal Relations, goes on to say :

“The people of Kentucky, through the General Assembly, protest against the constitutional amendments referred to, both because of the manner in which they were proposed by Congress to the States and the manner of their ratification. They protest against the legal effect as claimed for them in Kentucky.

“The people of Kentucky insist that the people of the States originally possessed all the sovereign power; that in the adoption of the Constitution of the United States, for the purposes of a General Government, they surrendered certain powers which were specified in the Constitution, and such other powers as were necessary to carry into effect the granted powers—the States then having all sovereign power reserved to themselves respectively—that is, each individual State, to itself or the people, all powers not delegated to Congress.

“It is insisted that the States hold these powers which they reserved as individual States, in their original capacity and character as peoples of separate and distinct communities. They are held as all power was originally held by them, subject alone to their individual will; they are not within the scope of the amending power in the Constitution. They are in no manner made subject to the will of the General Government. The powers of the General Government cannot be increased by a transfer of the reserved powers of the States, except by the consent of each individual State.

“The State of Kentucky, in the exercise of the highest attribute of sovereignty under the reserved powers to the States, formed for the local government of the people a Constitution, by the provisions of which the right of masters in slaves is secured.

“Slavery existed before the formation of the General Government, and was never subject to its control. The proposed amendments are objected to because of the time and the circumstances under which they were proposed by Congress to the States. It was in the midst of a civil war, when eleven of the fifteen States on whom it was especially designed to operate were not represented on the floor of Congress; its passage did not express the will of the people of the whole nation.

“They are objected to because of the manner of their ratification. The Southern States lately in rebellion are counted in the number necessary to make the ratification complete.

“Without inquiring into the fact whether the plan of the President for the restoration of those States to their political relations with the General Government is right or wrong, it is sufficient that it is known that the ratification, claimed to be the acts of those States, was when the Governments of those States were provisional only; they had no other authority than the military authority of the President. The ratification was under the dictation of the President, when he held the lives and fortunes of a vast number of the best citizens of those States in his hands. They had been conquered, and many of the conquering army was in their presence. Martial law was declared to be in force. Their Conventions and Legislatures were elected under a proscribed right of suffrage. They were powerless, and laid prostrate at the feet of power. In that condition the act was insisted on as indispensable to a restoration of the civil and political rights of the citizens of those States under the Constitution.

"It is insisted that the fact of a restoration must have been completed at the time of their respective ratifications. It is not pretended that such was the fact. The restoration should have been so far complete that the citizens of those States should have been recognized as citizens of the United States, and, as such, admitted to representation on the floor of Congress.

"If these things were not necessary, and the relations of those States were restored on ceasing their resistance to federal authority, then they were not possessed of, and did not act under, regular State governments, such as are contemplated by the Constitution of the United States. The Constitution, in its reference to States, must be understood to be, States acting under such regularly formed and organized governments as existed at the time of its formation. The people of Kentucky insist that the assemblies which assumed to ratify the amendments on the part of the States of Tennessee, Arkansas, and Louisiana, were not the regular State Legislatures of those States. The so-called State of Western Virginia was not a member of the Union according to the forms of the Constitution. That the acts of States in rebellion, having no recognized rights under the government, shall be made to destroy the rights to property of citizens in a loyal and adhering State, is anomalous in the history of governments. Such position cannot be sustained on principle, or justified by reason or common justice. The people of Kentucky regard these acts revolutionary and dangerous encroachments upon the reserved powers of the States, and protest against them.

"They protest against the second clause, because its language confers upon Congress a broad and unlimited, and what is claimed to be an intended, power to legislate for the protection of a particular class of persons within the States. Besides being an innovation on the time-

honored principle, that each State has the exclusive right to legislate over their own domestic affairs, they feel assured, under it, a system of legislation may and probably will be indulged which will *make the negro a more disturbing element in our political system than ever before*, and will ultimately terminate in the destruction of his race.

"They deem this a fit occasion to make this, their solemn protest against the Freedman's Bureau into this State. It was done without authority of law. In its operations it is offensive to the people. It combines judicial with military authority, a combination forbidden by the letter and spirit of the Constitution. The same officer who passes his judgment executes it at the door of a prison or at the point of the bayonet. They deny that a judicial officer may be appointed otherwise than by the President, with the advice and consent of the Senate. The introduction of this swarm of Federal officials without authority of law they regard as an exercise of arbitrary and despotic power. Its effects will be to oppress the people and to defeat the enactment or the enforcement of wise and just laws for the protection and government of persons of color, over whom the Bureau has assumed jurisdiction. It will defeat contracts for labor, and ultimately destroy those whom it professes to protect.

"While thus protesting, the people of Kentucky recognize as an existing fact that those who have been held to service, many of whom are now in our midst, have been placed beyond the control of their masters by the action of the Government. For that reason they do, and will insist, that the masters of such persons are entitled to a just and adequate compensation, and in their behalf the Legislature now assert claim against the Government of the United States. But the mere loss of property sinks to insignificance when compared with the enormity of the manner in which it was done—with the palpable viola-

tion of the Constitution and the solemn pledges of the party in power to the effect that the institution should remain unharmed.

"It is a palpable violation of a great fundamental principle enunciated by their chief—'the right of each State to order and control its own domestic institutions according to its own judgment *exclusively*, is essential to the balance of power on which the perfection and endurance of our political fabric depends.'

"The people of Kentucky now, as ever, unalterably attached to the principles of the Constitution, do further solemnly protest against the many and palpable violations of the letter and spirit of the Constitution which, in the last four years, have been committed by those in power and their subordinates.

"The continued denial to them of the privilege of the writ of *habeas corpus*; the suppression of the liberty of speech and of the press; the arrest and imprisonment of citizens without due process of law, and upon charges unknown to law; the trial and punishment by military commissions of citizens not connected with the military or naval service; the taking of private property for public use without just compensation; the denial of the right of the citizens to canvass for and hold office when qualified by law; and the employment of Federal soldiers to control the freedom of elections in the States—these are acts of tyrannical usurpation to which uncontrollable force has compelled their submission, but for which their duty to themselves and to their posterity requires them to set their seal of condemnation."

Though there is still lying before us a mass of other published evidences of the late Governor's powerful abilities as a speaker and writer other than those given in the foregoing pages, we propose to close our report of his official declarations with the above protest. He was present in his place in the State Senate during the

entire adjourned session of that body, which assembled at Frankfort on the 3d day of January, 1867, and which closed its sittings on the 11th day of March following.

The most important act with which his name stands connected during the session referred to, was his report from the Committee on Federal Relations, presented on the 29th of January, 1867, favoring the call of a Convention "to be held at an early day, in the city of Louisville, for the purpose of taking into consideration such measures as will promote the public welfare, maintain inviolable the Constitution of our fathers, the enforcement of constitutional law, and to bring to bear the whole power and influence of the National Democracy to the support of the President (Johnson) in his efforts to restore the Union, now dissevered by the unconstitutional and revolutionary acts of Congress."

We come now to the last and crowning labor of Gov. HELM's life: the canvass he made for Governor immediately preceding his last sickness and death. The Democratic State Convention which met at Frankfort on the 22d day of February, 1867, for the purpose of nominating suitable candidates for Governor, Lieutenant Governor, Treasurer, Auditor, and other State offices, fixed its choice on JOHN L. HELM for Governor and JOHN W. STEVENSON*

* JOHN W. STEVENSON, of all the eminent politicians of Kentucky, undoubtedly stands first at the present day, as well in position as in influence. He was born in Richmond, Virginia, and graduated at the University of Virginia. Having prepared himself for the profession of the Law, he settled in Covington, Kentucky, in 1841, where he soon took high rank in the practice of the law. He served in the Kentucky State Legislature in 1845, 1846, and 1847, and was elected a member of the State Constitutional Convention in 1849, in which he took a leading part. He was a member of the Democratic National Conventions of 1848, 1852, and 1856. He was twice Senatorial Elector, and was one of three Commissioners appointed to revise the Civil and Criminal Code of Kentucky. He was elected from the Covington District a Representative to the Thirty-fifth Congress, and was a member of the Committee on Elections. He was elected also to the Thirty-sixth Congress, in which he served on the same committee. He was the nominee of the Kentucky State Democratic Convention of 1867, for the office of Lieu-

for Lieutenant Governor. At the time referred to there were three distinct political organizations in Kentucky, viz: First, the Old Democratic party, which numbered in its ranks fully two thirds of the voters of the State; second, the Union Conservative, or Third party, which was made up of timid Democrats, afraid to co-operate with the majority, lest, because of the latter's coalition with what was known as the "rebel element" of the State—a term given to those citizens that had taken an active part in the late civil war in favor of the South—evils should result to the State through the unfriendly legislation of the dominant party in Congress; and third, the out-and-out Radical party, scarcely numbering one in ten of the entire population, and closely affiliated in sentiment with the Congressional majority in respect to Southern reconstruction. Judge WILLIAM B. KINCAID* was the candidate for Governor of the Third party men, and Col. SIDNEY BARNES† accepted a like position on the Radical ticket.

tenant Governor, on the ticket with Governor HELM, and, in the canvass which followed, did eminent service to his party by addressing his fellow-citizens in different parts of the State. On the death of Governor HELM he became acting Governor. He was the candidate of the Democracy in the State election of the present year (1868) for the office of Governor, securing his election by the unprecedented majority of nearly ninety thousand votes. Governor STEVENSON is a ripe scholar, a lawyer of rare abilities, and is generally regarded as the most able and finished public Speaker in the State.

* WILLIAM B. KINCAID is a native of Woodford county, Kentucky. He is a fine lawyer, wealthy, and of high social position. He resides on his farm, near the city of Lexington, and practices in the courts of Woodford and the adjoining counties. We should judge his age to be from fifty-five to sixty years. For a brief period he sat on the bench of the Lexington Judicial District, having accepted the office from the late Governor OWSLEY to fill out the unexpired term of a former incumbent.

† Col. SIDNEY BARNES is a lawyer of distinction, practicing in the Courts of the Ninth Kentucky Congressional District. He is a native of Estill county, where he was born about the year 1821. He has never held any civil office under either the Federal Government or that of the State. He is now, however (October, 1868), a candidate for Congress in the District, in opposition to G. M. ADAMS, the present Representative. Col. BARNES commanded the Eighth Regiment of Kentucky Infantry in the late civil war.

Governor HELM, on accepting the nomination of his party friends assembled in Convention, deemed it a duty he owed to them and to the principles and policy by which he and they professed to be governed, to make a thorough canvass of the State. His immediate family, and others who had reason to fear that his physical strength was unequal to so laborious a work, in vain endeavored to dissuade him from the undertaking. He was not to be moved, declaring that he "would go, though he were sure that it would kill him," as he "believed it to be imperatively necessary, under existing circumstances, that Kentucky should present a solid Democratic front in the approaching election." At another time, addressing one of his friends, he said: "Great trouble is brewing for Kentucky in the future, and I intend doing all in my power to prepare the people for it, that it may not take them by surprise and overwhelm them when it comes." To his brother, Rev. SQUIRE HELM, who added his entreaties to those of his wife and children, imploring him to remain at home and to leave the prosecution of the canvass to younger men and to those more fitted to bear the labor it imposed, he answered: "I feel it to be my religious and patriotic duty to serve my country in any capacity I may be considered useful, though I should shorten my life in the effort."

In due time he started out on his canvass, and prosecuted it with a degree of energy that would have been in the highest degree praiseworthy, had he not, at the same time, been exhausting his vital powers and further aggravating, from day to day, a malady from which he had been long suffering, and which was eventually to deprive himself of life and the country of one of its most useful public servants. The end of the canvass found him completely prostrated in health, and he returned to his home only to seek the aid of his physician, with the hope of recuperating his seriously shattered physical constitution.

The history of the events that followed the election of Governor HELM, up to the day of his death, occupying in their recurrence just thirty-three days, can best be related by one who was with him from the beginning of his sickness to the closing scene of his life.

Among the late Governor's children, there is one that has long suffered from a distressing spinal affection. MARY HELM has for many years lived in a little world of her own, that extended only to the limits of "Helm Place," and that was peopled by the beings she most loved on earth—father and mother, brothers and sisters. Kind neighbors, to be sure, the young and the old, the happy of heart and the seriously inclined, would often pass hours by her bedside, with a half purpose, apparently, to amuse their bed-ridden friend, and another to learn of her how to suffer and still be patient and happy. MARY HELM's neatly written diary lies before us, and from it we take the loving daughter's pathetic account of her father's last days:

"During the whole of the mountain canvass my father's health grew worse from day to day. When he at last returned to his home, after the election was over, he greatly complained of a sense of weariness. He thought a few days of rest and quiet would restore him to his wonted health. The days passed, but the weariness continued, and he was heard to say, 'I greatly fear I have broken myself down.'

"When the election returns were coming in and he saw the majorities rising with every mail that came to hand, and every flash of the telegraph, his gratification was greater than I had ever known it to be on any similar occasion. He appreciated with honest pride the honor that had been conferred upon him by the people; and he appeared, also, to keenly feel the responsibility he had assumed. He loved Kentucky better than his life, and he seemed to be filled with sad forebodings for the

future of his beloved State. During the few days that he was her Governor, he expressed with intense feeling his determination, 'come weal or woe,' to guard her liberties and her rights, and to resist any invasion of either, no matter from what quarter it might come.

"His health did not improve; yet no one, save my mother, seemed to fear that anything serious ailed him, and when she gave expression to her apprehensions, we were all very much surprised and distressed. But seeing him still occupying himself in the affairs of the farm, sometimes engaged in writing, and occasionally even walking over the place, we would not be convinced that his disease was fast sapping the foundations of his life. He took interest in conversing with his friends, was often cheerful, and, on one occasion, rode into town for the purpose of attending to some legal business. The consequences of this act showed its imprudence. The heat of the crowded court-house and the fatigue he underwent in endeavoring to settle the business in hand, were too much for his strength. He was seized with a violent attack of vertigo, and reaching his home with difficulty, he laid down upon that bed from which he was destined never more to rise. The family physician, Dr. SLAUGHTER, being sent for, he found the case so alarming as to induce him to call to his assistance other medical men, among whom were Dr. J. L. HELM, of Louisville, and the Governor's brother, Dr. WM. D. HELM, of Bowling Green.

"The physicians treated my father for an affection of the brain, though he was undoubtedly suffering as well from other ailments. In a few days he appeared to be much restored, so much so, indeed, as to announce his determination to go to Frankfort to be inaugurated. He appealed to his physicians to do all they could to give him strength to bear the fatigue of this journey, as he 'must be there.' His physicians shook their heads, and his family and friends remonstrated with him against

such a proceeding; but he was immovable in his determination to make the effort, cost what it might. His strong will had borne him through many difficulties, and I really thought it would be equal to the task he contemplated in this instance. He might have made the attempt, had it not been for my mother, who, with prudent firmness, took the matter into her own hands. Without consulting my father, she addressed a letter to Col. SAMUEL B. CHURCHILL* (having been apprised of her husband's intention to make him his Secretary of State), informing him fully of her husband's condition, and requesting him, if the thing was legal and possible, to so arrange as to have the inauguration take place at Helm Place. In a few days she received Colonel CHURCHILL's answer, and was glad to learn that the plan she had proposed was both legal and possible; that every arrangement should be made to carry it into effect, and that the Hon. THOS. E. BRAMLETTE,† the retiring Governor, would be present at the inauguration.

*Col. CHURCHILL is a native of Louisville, Kentucky, where he was born in 1813. He was educated at St. Joseph's College, Bardstown. He adopted the profession of the law, and, shortly after obtaining his license to practice, removed to St. Louis, Mo., where he acquired an extended legal practice, and was a noted Democratic politician. He served for several terms in the Missouri State Legislature, and was Postmaster in St. Louis for a number of years. When the war broke out he was regarded as a "Southern sympathizer," and suffered much in consequence, being several times imprisoned, and finally ordered to leave the State. Through the intervention of friends in this State, Col. CHURCHILL was permitted to remove with his family to Kentucky, and has since resided in Frankfort. He was appointed Secretary of State by Governor HELM, and he still retains the same position under his successor.

†The Hon. THOMAS E. BRAMLETTE was born in 1817 at Elliott's Cross Roads, Clinton county, Kentucky. His father was the late Hon. A. S. BRAMLETTE, who represented his county in the Legislature for many years, and was also returned twice from his district to the State Senate. Governor BRAMLETTE is by profession a lawyer, and has acquired much distinction at the bar. When only twenty-four years of age, he was elected to the Lower House of the General Assembly. In 1848 he received from Governor CRITTENDEN the appointment of Commonwealth's Attorney for his

“ Well pleased at the success of her scheme, my mother laid the whole matter before her husband, who, having in the meantime become fully conscious of his inability to take the journey to Frankfort, answered her: ‘ You have done wisely and well, my love.’ I think he was now gradually growing worse every day. His sufferings were apparently becoming more and more intense, and if aroused to talk at all, the only subjects that seemed to interest him were the political situation of parties and the condition of the country. His thoughts seemed to be constantly running on matters of State. One day some one very imprudently read to him an account of a recent outrage perpetrated on a Southern community by Federal officials. He became violently excited, and his voice, suddenly raised to its healthful compass, rung out in denunciation of the act, and of those whose reckless disregard for constitutional law had made such an act possible. He was much worse after this occurrence, and all reference to political subjects was from this time interdicted in the sick-room.

“ The 3d of September, the day fixed for the inauguration, came at length. Preparations had been made in the

Judicial District. In the Presidential contest of 1853, between FRANKLIN PIERCE and Gen. WINFIELD SCOTT, he served as District Elector on the Whig ticket. He was afterwards nominated for Congress by the Whig party of the district, but was beaten in the race by a trifling majority, by the Hon. JAMES CHRISMAN. In 1856 he was elected Judge of his Judicial District, which office he held up to the beginning of the late civil war, when he resigned it in order to raise a regiment under the authority of the United States Government. He commanded the regiment so raised—the Third Kentucky Infantry—up to July, 1862, when he retired from the army. In the spring of 1863, Mr. LINCOLN proffered him the position of United States Attorney for the district, which he accepted and held until he received the nomination of the Union party of Kentucky for the office of Governor of the State. He made the race in 1863, against the Hon. CHARLES A. WICKLIFFE, the Democratic candidate, and was elected. He filled the office of Governor till the end of the term, September, 1867, with much fidelity and greatly to the satisfaction of all parties. On retiring from the office, he removed to Louisville, where he is now engaged in an extensive legal practice.

town for a grand display. Special trains brought in large numbers of friends and political admirers, from Louisville, Frankfort, and other cities and towns of the State; crowds flocked into the town from Hardin and the surrounding counties, all anxious to witness the inaugural ceremonies. At 11 o'clock a procession was formed in the town, and, preceded by a band of musicians, took up its march toward Helm Place. Before they had gone half the distance, they were met by one of the physicians, who begged them to desist. Absolute quiet was necessary, and the music and shouting would be apt to excite his patient to such a degree as to render him physically unable to undergo the fatigue of the ceremony in which he had necessarily to take a part. Only those officers of State whose presence was necessary were permitted to enter the sick-room.

“That inauguration of a dying man was the saddest, as well as the most impressive, scene I ever witnessed. Propped up in his bed, his features worn and haggard from disease, and his hands lying in weakness beside him, it was a scene to make one's heart ache—and ache mine did, as I gazed through my tears on my father's pallid face. But the old spirit shone out of his eyes, and the strong will, for a time, overcame the weakness that had resulted from disease. He spoke to his friends as they approached his bedside, and expressed to each and all the pleasure he felt in their presence. To Governor BRAMLETTE, especially, he expressed his grateful sense of the kindness he had shown in coming so far. On one side of the bed stood Gov. BRAMLETTE, Judge WINTERSMITH, and Col. CHURCHILL, while on the other stood my mother and the attending physicians. Grouped around were the members of his family, with his two sons-in-law, Judge H. W. BRUCE and Major T. H. HAYS, together with a few intimate friends, among whom were Judge ALVIN DUVALL, the Hon. JOHN RODMAN, and Major FAYETTE HEWITT.

“While Judge WINTERSMITH was administering to him the oath of office, every one listened in breathless silence, and seemed to be duly impressed with the solemnity of the occasion. He became very faint, and it was only after a stimulant had been given him that he had strength to sign his name. After this, he handed to Col. CHURCHILL his commission as Secretary of State. Judge DUVAL stepped forward and asked: ‘Do you authorize Colonel CHURCHILL to sign appointments?’ He answered, in a distinct manner, ‘I authorize *Sam. CHURCHILL*’—placing a strong emphasis on the Christian name, and showing his consciousness of the fact that *Colonel* had no significance in a legal document. He was totally unable to sign the appointments of Col. WOLFORD* and Maj. HEWITT, though they had both been prepared, and were ready for his signature. Seeing that nothing further could be done, all left the room, and proceeded to Elizabethtown, where the Inaugural Address was read.

“It was apparent to us all, long before nightfall of the 3d, that his disease wore a more alarming aspect, and that he was sinking fast. The physicians declared, if a

*Colonel FRANK WOLFORD is a Kentuckian by birth, having been born, if we mistake not, in the county of Casey, in 1818. He served with distinction in the war with Mexico. In the late civil strife he proffered his services to the Federal Government, and raised a regiment of troops, which was afterwards known as the First Kentucky, or “Wolford’s Cavalry.” He proved himself a gallant and a meritorious officer, saw hard service, and was several times wounded in battle. In 1864 he was dismissed the service on the alleged grounds of having expressed, in a public speech, “disloyal sentiments.” Colonel WOLFORD thought the war should be carried on for the precise objects stated in the famous resolution of Congress, solemnly declared after the first great battle of the war—to bring back the old Union of the States, under the Constitution, and not for purposes of vengeance, or to insure the success of any political party, or the ascendancy of one section over the other. During the war he was arrested by orders of the Government, and was for some time confined in the Newport, Kentucky, Military Prison. He served in the State Legislature during the sessions of 1865 and 1866. After the death of Governor HELM that gentleman’s successor commissioned him Adjutant General of the State, a position which he still holds.

change for the better did not occur within the next twenty-four hours, it was impossible that he should live. Oh, how terrible was the anxiety with which we watched beside him, waiting and hoping for that 'change for the better,' which never came! Kind and faithful friends—God's blessing rest upon them for it—united with his family in doing all they could to assuage his sufferings, which had now grown so grievous that he drew his breath laboringly, groaning pitifully with each aspiration. It was all in vain. Hourly he grew worse, until, on Thursday morning, he had lost even the power of speech. On Thursday night his brother, Rev. SQUIRE HELM, reached his bedside. He was immediately recognized, though my father was unable to utter his name. It was sufficiently evident to all of us, from the manner in which he followed him with his eyes, that he was greatly pleased to have this brother, whom he had himself raised from early childhood, and for whom he had felt at once a father's and a brother's love, near him in his last moments. For many years he had been in the habit of talking freely with him on the subject of religion, and no one knew better than he the sincerity of my dear father's faith in the Saviour of the world.

"On Friday morning we ceased even to hope. They told us that the texture of the brain was broken, and we knew the end to be near. They said he might die that day, or he might live until the next. He had been speechless now for twenty-four hours, and none may know the anguish of heart with which we looked upon him, lying prostrate on his bed, and unable even to move, gasping out feeble moans between his parted lips, yet knowing that he was still conscious, by the earnest, almost beseeching look, with which his eyes followed us as we moved silently around his bed. Oh, yes; he still recognized the faces of those he loved—still had us in his eye and in his heart.

“That morning, at 9 o'clock, we were all gathered together in his room—wife and children, brothers and sister, relatives and friends, and some of the old family servants. We all kneeled around his bed, while his brother read and prayed. He seemed interested, checked his deep groanings, and listened intently to the passages that were read from God's Holy Word and to the touching prayer that was offered in his behalf to the Throne of Grace. When the prayer was finished, he fixed his eyes upon his brother with a longing meaning. In answer to this, the latter asked: ‘Brother John, are you willing to die?’ No answer came, and we could not tell whether it was because he could not speak or because he was unwilling to do so. I think, myself, that he was examining his own heart; for, when Uncle HELM again addressed him, ‘Brother John, are you willing to trust in God?’ he moved his lips, and after a moment's effort to speak, answered distinctly, ‘Yes.’ Oh, how that little word thrilled our hearts! It was the first time he had spoken for a whole day, and in hushed silence we listened as his brother again asked: ‘Brother John, is your trust in Christ?’ and again the answer came, clearer and louder than before, ‘Yes!’ This was heard distinctly all over the room, and we rejoiced to know that it was from his heart of hearts that he made his confession of faith in Christ the Redeemer. Yet this was no death-bed confession. All his life he had been an humble believer in God and His Christ. To those dearest to him he had before professed that faith, and it was only because of his humility that he had not professed it publicly.

“His daughters came and each pressed a kiss upon his poor pallid lips. Then came our mother, and bending over him, said in heart-touching, broken accents: ‘Kiss me—do *you* kiss *me*, my husband, once more.’ With an effort he pressed his lips to hers. It was the last kiss he ever gave her. Turning away, she saw their oldest

living son, JOHN L. HELM, sitting bowed in grief, in a far corner of the room. She called to him to come and bid his father good-bye. Sobbing, he answered: 'Ma, I cannot, cannot do it.' She then spoke to the youngest, a boy of sixteen, who came and knelt beside his bed. Much agitated, his father placed his trembling hand upon his head, and fervently exclaimed: 'God bless my son TOMMIE.' Hearing this, JOHN also threw himself on his knees beside his brother, and as he did so, his father's hand was lifted to his head. Gazing upon the face of this son, upon whom he had expected to lean as the staff of his old age, and to whose care he had left his soon-to-be widowed mother, his heart seemed to be stirred within him to its lowest depths, and again his voice was lifted up in prayer: 'God bless this, my son.' The second living son taking his brother's place, again the self-same scene was enacted, and the self-same prayer evoked upon his head. Once only, afterwards, did he open his lips to speak, and then he enunciated the single word *Ma!* showing that his mind, reverting to the days of his own childhood, was losing its hold on the things that had occupied and interested him since he had set out on the serious business of life.

"All through the rest of the day and night he lay in a kind of stupor, but toward the morning of Saturday, having slept a little, he awoke apparently better. Hope again visited our hearts, and a dispatch was sent to Dr. FOREE, of Louisville, begging his immediate attendance. About nine o'clock we again gathered about his bed for prayer, and again my father ceased to groan and listened, with apparently deeper interest than before, to the earnest supplications made to God in his behalf. He had entirely lost the power of speech; but oh, if you could have seen his face as his brother spoke of the love of God for sinners, and of His rich mercy through Christ Jesus, who had said, 'He that cometh to me, I will in no

wise cast out,' you would have thought it that of one already glorified. All sensation of pain appeared to have left him—a sweet smile played around his lips, and from his eyes shone out a holy, happy, peaceful light, that was indicative of a spirit at rest in God—of a heart possessed of 'that peace which passeth all understanding.' I will never forget that expression, for never before had I seen it on mortal face. My heart stood still within me. Looking around, I saw that every eye in the room, as had been my own, was fixed with breathless interest upon the face that lay so calm and peaceful before us. An indescribable look of awe pervaded the features of all save his own. Upon these seemed to rest a halo as of the glory of the blessed. I know not how long this scene lasted, for I took no note of time. I only know that after a while they said he slept.

"All day Saturday we thought him slightly better; but with the evening came Dr. FOREE, and the result of the consultation of physicians which followed blasted all our hopes: 'It was impossible that he should recover.' As the Sabbath dawn approached, he was observed to be fast sinking. The lamp of his life had almost gone out, and hour after hour we stood and watched its flickering flame. All through that Sabbath morning we watched and waited, with aching hearts, as the struggle went on. For many hours he had been wrestling with Death, and now that mighty conqueror would be put off no longer. The pulse grew feebler, the moanings fainter, and as the sun marked the hour of noon, the summons came. With a quiver of his mortal frame, the spirit departed and ascended to the God who gave it. I saw his beloved features once again when he lay in his coffin. The smile that I had noted the day before was still there, and it was a joy to us all to observe it, speaking to our hearts as it did of the happy passage he had made into that life which is eternal."

To the above touching account of Governor HELM's last illness and death we have little need to add anything. The house of mourning was visited by hundreds while his confined body lay waiting for the solemn consignment of "dust to dust." Among these visitors were many farmers from the county, with their wives and children, who had known him all their lives. With faces bathed in tears, they would lead their sons, mostly farmer boys, to the coffin, and bid them look upon the face of one who had once been himself a farmer boy, and who died the Governor of the Commonwealth. It was a double lesson that they seemed anxious to inculcate upon the minds of their children. They wished to show them, in the first place, that the end-all of their existence here on earth would find them, no matter what stations they should occupy in life, reduced to the condition of him whose remains lay before them. They desired, in the second place, to teach them that the only success in the affairs of life that was worthy of a good man's ambition, was that which is the guerdon of a life of virtue and of talents wisely directed.

The funeral took place on the 11th. The morning train from Louisville had brought a large number of friends of the lamented dead. Crowds came in from the country to witness the last funeral rites over the remains of their fellow-citizen, who had in his life-time shown himself to be so sincerely their friend, and the consistent advocate of their interests. They came to show their respect for the man, and to do honor to the office to which the people had so recently elevated him. Most of the State officials who had come to his inauguration were present at his funeral. The scene in and about Elizabethtown was mournfully impressive and deeply respectful to the deceased. Upon every face was depicted the sincerest grief. The court-house and many other buildings, public and private, were draped in black, and, at several points,

the avenues through which the procession was expected to pass were crossed by festoons of crape. The church bells tolled their measured knell, as if speaking from their mid-air steeples to a sorrowing world. The members of Morrison Lodge, No. 76, of the Masonic Fraternity, to which the late Governor had been attached, headed by a band playing a funeral dirge, and followed by a large concourse of citizens and strangers, formed in procession and slowly marched from the town to Helm Place.

A march of a mile and a quarter brought the procession to the family mansion of the deceased Governor. So immense was the concourse that comparatively few could gain admission to the house. The State officials, the clergy, the pall-bearers, and some others, gathered with the bereft family around the form of the Governor, now "hearsed in death," and after many last fond looks upon his placid, memorable features, the funeral service of the Methodist Episcopal Church was begun. This service was brief and simple, but indelibly affecting. It consisted in the reading of the 19th Psalm, the 15th Chapter of Paul to the Corinthians, and the offering of a singularly appropriate and eloquent prayer—all by the Rev. A. L. ALDERSON, of the Methodist Episcopal Church, South.

After the exercises at the residence, the procession was reorganized. The corpse was taken in charge by the Masonic pall-bearers, and by them conveyed in the prescribed order of march to the family burying-ground, on a commanding eminence distant from the house about one thousand yards. When the rites of the church were concluded at the grave, the honors of Masonry, in all their imposing solemnity, were conferred by Worshipful Master FAYETTE HEWITT, Rev. E. B. SMITH, Masonic Chaplain, and the brethren in attendance. And thus closed the final tributes of love and respect to the memory of Kentucky's fallen chief.

Our task is nearly finished. It remains for us but to give, in a condensed form, from the mass of evidence that is before us—letters from his friends, eulogiums delivered on the occasion of his death, and newspaper criticisms of his public life—our own estimate of Gov. HELM's character as a man and as a public servant. We shall neither begin nor end by saying that he was faultless. He was human, and it is human to err. He had been taught self-reliance from his youth, and this continued to be a leading characteristic with him to the end of his life. He had, doubtless, too little regard for the advice of others, and often gave offense by exhibiting more confidence in his own judgment than in that of those from whose greater experience he might have benefited.

He was reserved in his manners, and, by those who did not know him intimately, was often mistaken for a proud and haughty man. In truth, there was no one that was less so. He held that man to be his social inferior only who was willing to lower himself by the commission of acts degrading to humanity. His habit of thinking and acting for himself on all occasions gave to his manner of speaking a certain air of egotism that was foreign to his real character.

Governor HELM was seen to best advantage in his own home. Here, surrounded by wife and children, and basking, as it were, in the sun-light of their love, his manners lost all their stiffness, and he entered into all their little plans for amusement with the readiness and simplicity of a child. His affection for his wife and children was beautiful to behold. To gratify either—whether it was in the purchase of a keepsake, or to walk a mile to gather a nosegay for his wife or his invalid daughter, or to do any little service to please either one of his children—he would willingly put himself to trouble, and he valued not the cost. A friend writes:

“It would have done you good to see Gov. HELM in the midst of his family. His very presence appeared to give

joy to all around him ; and to see his household happy was his own greatest delight. On all such occasions, whether the time was spent in instructive discourse, having for its object the welfare of his children, or in relating anecdotes and incidents connected with the settlement of the country and the personal histories of the early pioneers, or drawn from his own recollections of the past, he seemed to feel as if he was enjoying himself to the fullest bent of nature. He was not of the class of parents of whom their children are always shy, and sometimes afraid. His daily intercourse with them had in it that pleasant familiarity which emboldened them to give him their fullest confidence, and to depend upon his judgment in all matters of moment to themselves."

The uniform confidence placed in Governor HELM by the people of Hardin county, during his entire public life, is, perhaps, the most extraordinary feature of his whole history. He was eleven times elected to serve the people of Hardin in the Lower House of the General Assembly of Kentucky, and on six of these occasions he was elected by his fellow-members to preside over their deliberations. Three times he was returned by his Senatorial District to the Upper House of the General Assembly. When he ran for Congress against WILLIS GREEN, and was defeated, Hardin county was still true to him. She was equally true to him in his contests for the offices of Lieutenant Governor in 1848, and Governor in 1867. We can draw from this remarkable fact but one conclusion : his fellow-citizens regarded him as possessing talents of a high order, and they knew him to be both faithful and honest.

From what has been written, it will be seen that Gov. HELM's public career was a long one. He served the State and the people faithfully ; and yet he died impoverished, except in good name. He was not of the class of officials, of whom we have heard something in these latter days of the Republic, who are in the habit of using

their positions for purposes of self-aggrandizement. He never touched a dollar of the people's money for which he had not rendered honest service. In these days of official misrule and of official neglect of public interests, we hold it to be a high compliment to his memory to say of him, as we do, that in every position of trust held by him throughout his public life, he labored earnestly and perseveringly, not for himself or for selfish purposes, but for those, and the interests of those, whom he represented. His immediate family may well consider that, though he served not himself in serving his State and the nation, and though, on leaving the world, he left to them none of its riches, he was still able to bequeath them as honorable a name as was ever yet written on the scrolls of his country's history.

Our task is ended. "Governor HELM is in his grave! Calmly he slumbers beneath the soil of his beloved native county. Embowered in the peaceful shade of his own forest trees, through whose evergreen boughs the gentle autumn winds chant their low, sad requiem, the hero lies in the embrace of that profound sleep that knows no waking. A bereaved family, friends, community, State, and nation, grieve that one of earth's best and purest and brightest spirits has winged its flight from their presence forever."*

* GEORGE D. PRENTICE.

APPENDIX.

STATE OF KENTUCKY, } HARDIN COURT OF COMMON PLEAS. }

The above Court being in session at the court-house in Elizabethtown, on Monday, 9th of September, 1867, the following proceedings were had in said Court:

The death of our lamented fellow-citizen, His Excellency, JOHN L. HELM, Governor of the State, at his residence in this county, at half-past 12 o'clock on yesterday, the 8th of September, 1867, was announced in Court by Col. W. B. READ, a member of the bar.

On his motion, a committee of three members of the bar was appointed by the Court to draft resolutions suitable to the occasion, to-wit: W. B. READ, M. H. COFER, and TIM. G. NEEDHAM, Esqs.

The committee reported the following preamble and resolutions, which were unanimously adopted by the bar, officers, and the jury of the Court, to-wit:

WHEREAS, The Court and members of this bar have learned of the death of His Excellency JOHN L. HELM, and believing that God in His inscrutable providence does all things well, and as a mark of our high appreciation of his inestimable worth as a citizen, friend, lawyer, and statesman—

1. *Resolved*, That in him we recognized all the high qualities which served to adorn the citizen, lawyer, and statesman; and in his death humanity has lost a friend, the profession a superior light, and the State a noble Chief Magistrate.

2. That we sympathize with his sorely bereaved family in the loss of a kind husband and father; and, as a token

of our respect and esteem, we will attend his funeral in a body, and wear for thirty days the usual badge of mourning.

3. That the foregoing preamble and resolutions be spread upon the order books of the Court, and the clerk is requested to furnish a copy of the same to his family.

4. That a copy be furnished the Louisville papers for publication, and others in the State are requested to copy.

His Honor CHAS. G. WINTERSMITH, Judge of the Court, from the bench pronounced an address and eulogy upon the lamented dead.

The greater portion of the honorable gentleman's address referred to matters that have already been adverted to in the foregoing pages. The residue of the address is appended :

"Before entering upon the records of this Court the resolutions presented and adopted with perfect unanimity by the bar, officers, and jury of the Court, all neighbors and associates of our departed friend, I hope I may be indulged in giving utterance to the feelings and sentiments which inspire my bosom at this moment.

"The death of His Excellency, JOHN LARUE HELM, Governor of Kentucky, is no ordinary event. He was no ordinary man. As a friend and relative, I have known him from my earliest childhood. His mother and my mother were cousins and loving friends; when children, they emigrated together from the Shenandoah Valley of Virginia, and their parents settled on Nolynn, within one mile of each other. Upon its banks they were reared in a close intimacy, which existed during life. Their children maintained the same intimacy. The county of Larue was named in honor of his maternal grandfather, JOHN LARUE, and its county seat was named in honor of my maternal grandfather, ROBERT HODGEN, they having resided in Virginia and Kentucky in close

proximity for many years, and were bound to each other in the ties of a most cordial and intimate friendship.

“Having known Gov. HELM so long and so well, I feel that I may well bear testimony to his great private and public worth.

* * * * *

“In 1867 he was called to the Chief Magistracy of the State, in which elevated position, on his sick bed, he was installed on Tuesday, September 3, 1867, and now, within one short week, we mourn the announcement that *he is no more*, but is removed to another sphere; and we have good reason to hope and believe his removal has been from gloom to a happy-resting place in the bosom of his Heavenly Father. We bow with humble, though sad submission, to the great fiat which none can gainsay or disobey.

“I regard him as a martyr to the zeal, energy, industry, and anxiety which he felt it was an imperative duty he should exercise in undertaking a canvass for what he believed the right, at the call of his fellow-citizens, beyond his physical power. As a result, while the laurel encircles his brow, the cypress is wreathed over the casket which incloses his inanimate form. He began his political life an unequivocal, true, and ardent devotee of constitutional liberty and government, administered in the protection of citizen and State rights, and in the advancement of general public good. He made these the polar star of his manhood. In his maturer years—in his old age—when he believed in the honesty of his heart, and thought that he had good reason to believe, that mighty efforts, with prospect of success, were being made for their destruction, in one grand effort to avert the dire calamity, he has yielded up his life a sacrifice upon the altar of his country.

“Associated with Governor HELM from the time of my admission to the bar, I have ever found him prompt and

zealous in his client's cause—bold and fearless in the defense of right, and a very powerful and effective advocate.

“As a man, in all the relations of life he commanded the admiration of all who knew him personally or by reputation.

“In his domestic relations, he was exemplary, kind, affectionate, generous, and faithful to all his marital and parental obligations.

“In social intercourse, he was courteous and conciliatory.

“In his friendships, he was true and loyal.

“As a neighbor, he was accommodating, social, hospitable, and charitable.

“As a citizen, he was quiet, peaceful, avoiding all private and public piques and quarrels, pursuing the paths of peace, and always with a heart full of public spirit.

“Pertinacious in maintaining his own opinions, he freely yielded to all others the same right unquestioned; and all his argumentations with his fellow-men were characterized by fairness, mildness, and candor. In his dealings he was honest and upright. His tongue was never heard in aspersion of other men. He was a man of high moral character, eschewing even all the smallest vices to which so many men are addicted—never profane, never using stimulating and intoxicating beverages, never engaging in play for money. In short, as a practical moralist, he was a model man.

“Such a man was JOHN LARUE HELM; and now he descends to the tomb, with honors thick upon him, amidst the deep and sad regrets of a vast multitude of friends and admirers, with a record of public services which will be an enduring monument to his frame, and a reputation and character so spotless that it will ever be a source of

comfort, consolation, and pride to his family, his friends, his State, and his country.

“‘Sic iter ad astra.’

“May we who survive him be able to feel, ‘when life’s last lingering sun goes feebly down and death comes to our door,’ that naught but good can be said of us.

“With no ordinary feelings of satisfaction, though mournful, do I realize the power to order that the resolutions passed and presented be spread upon the records of this Court, and therefore I order it to be done.”

TRIBUTE BY MORRISON LODGE.

WHEREAS, It has pleased the Supreme Grand Master to summons from our midst our much esteemed brother, JOHN L. HELM, whose virtues have long been the pride of his Lodge, and whose shining example of uprightness and integrity has been a jewel in the Temple of Universal Masonry; be it

1. *Resolved*, That while the coffin, the spade, and the melancholy grave, remind us that our brother has gone from the portals of our Lodge forever, we will treasure up in our hearts the recollection of his many manly virtues, and of his noble nature, and strive to imitate his worthy example of high morality and unselfish generosity.

2. That in the death of him we mourn to-day this Lodge has lost a true and noble member, whose high morality and dignified and lofty character made him one of the shining lights of the Order; his family has lost a kind and devoted husband and father; this community one it has ever delighted to honor, and who never proved untrue to the trust reposed in him; the State has lost a Chief Magistrate whose long experience in her affairs, and unbending in-

tegrity and lofty patriotism in every place of public trust, gave the highest guarantee of a prosperous and just administration; the nation has lost a patriot and a statesman who had few superiors in intellect, and few equals in integrity of purpose.

3. That we tender to his stricken family the most sincere sympathy in this dark hour of their sorrow and affliction. Though he is gone from them and us, he will live long in the recollection of those who knew him, and who will delight to honor his name and his memory.

4. That a copy of these resolutions be furnished the family of our deceased brother, and also to the press of the State for publication.

ABSTRACT FROM GOVERNOR HELM'S WILL, WRITTEN AND
SIGNED NOVEMBER 15, 1865.

"Assuming it as probable that the Government of the United States will, by force and fraud, against and in contempt of right and justice, of law and the Constitutions, State and National, and all law, civil or moral, deprive my representatives of their labor [that of his slaves], I place those who have and may remain on my place, at the disposal of my wife and son, JOHN HELM. I request that such as remain faithful and obedient shall remain in the service of the family on such terms as may be agreed upon. I regard this act of the Government, looking to it in all its bearings and consequences, the greatest crime of this or any other age.

"In view of all the consequences which, in my honest judgment, would flow from it, I was fixed and unalterable in my opposition to the late unhappy and desolating war; and now, in the performance of this solemn act, I thank God, in the sincerity of my heart, that he gave that direction

to my mind. No man that lived and breathed was more devotedly attached to the union of the States, as formed by the compact—the Constitution, as made by our fathers—than I was. I hold that it was formed by the free and unconstrained will of the people, and depended for its perpetuity on the virtue and intelligence of the people, the fraternal affection of the sections, and the promotion of their mutual welfare. I was for peaceful adjustment, and against war, believing as I did, and now do, that war would be, and now believe is, practical dissolution, unauthorized by the Constitution, and against the spirit and genius of our form of government. The South was conquered; but, in my firm conviction, the North will sooner or later learn that it is the whipped party.

“The race of intellectual giants has passed off the stage. The moral tone of the people is gone. Corruption and vice will rule the hour and the day. The masses of the people have lost confidence in the rulers of the Government. They place no reliance in their justice and honor. This is a melancholy picture; but my mind is made up that the future of this Government will have a downward tendency, and ultimately, and at no very distant day, will result in disintegration or a centralized despotism.

“This is an unseemly place to introduce my political opinions. I do it to solemnly impress my family with my opinions, and in the firm hope that they will stand by the form of Government as it came from the hands of our Revolutionary fathers, and oppose modern reforms. I believe the Abolitionists, as a political party, capable of any crime—possessing no redeeming quality.”

“The annexed tribute to Kentucky’s Martyr Chief,” says the editor of the Louisville Journal, from whose columns we extract it, “is from a hand well worthy to bind a funeral wreath upon the brow of the noble dead:

"OUR MARTYR.

"The bitter blast was blowing,
The waves rose mountain high,
When our gallant Captain took the deck,
Resolved to do or die.

He held his post by the main mast,
He flung his flag to the breeze,
And his ringing voice was heard by all
Above the surging seas.

"That voice gave strength and courage
To every man of the crew;
They manned the ropes, they furled the sails,
As his trumpet bade them do.
And the ship was brought to harbor,
And safe at anchor swung,
Before the eyes of the multitude,
'Mid the cheers of old and young.

"Laden with sacred treasures,
More dear to every heart
Than gold or gems, was the Argosy,
Our Captain brought to port.
And the people held high revel,
And the board of state was spread,
And they bade the ship's commander then
Come forth and take the head!

"But the seat they placed was empty,
And the wine was poured in vain,
He had given his life to save their ship
(That life without a stain).
He dies the death of the martyr,
As he lived the life of the brave,
And the hand that wreathed his civic crown,
Consigned him to the grave.

"We shall have other Captains,
And our good ship long shall ride
Beyond the reach of the bitter blast,
Or the ebb of the envious tide;
But let it ne'er be forgotten,
Whatever betide our realm,
That the leader that gave his life for us,
Was our bulwark and our '*Helm*.'

"BRECHMORE, Sept. 10, 1867."

THE INAUGURAL CEREMONIES.

Owing to Governor HELM's illness, as has already been seen, the ceremonies of his inauguration took place at Elizabethtown, Kentucky, on the 3d day of September, 1867. From Governor THOS. E. BRAMLETTE's Valedictory Address, made on the occasion, we extract the following passages :

"FELLOW-CITIZENS: By appointment of the Constitution of 'the Commonwealth of Kentucky,' this day terminates my official relations with the people of my native State, and inaugurates the administration of my much-esteemed friend and successor, His Excellency, JOHN L. HELM, who has been chosen, in accordance with the Constitution and laws, by the legal voters of Kentucky, Governor for the ensuing four years.

"Deeply do I sympathize with his family and the citizens of Kentucky in the anxiety for his restored health, and regret that his recent illness prevents this day's ceremonies taking place, according to custom, at the capital of the State; but, at the same time, we would indulge the hope of his speedy restoration to health and vigor, and an early entrance upon the active duties of his office.

"Retiring from the weighty cares and labors of office, to resume the more pleasant position and pursuits of a private citizen, it is a source of sincere congratulation that I leave the affairs of our State in the hands of one, who brings into the active service of the State an enlarged and enlightened experience in public affairs, and an earnest devotion to the best interests and welfare of the citizens. Could I impart to him a portion of the delight which I experience upon being relieved from public cares, it would cheer him in many a weary hour of labor and care. But this may not be; for he who accepts the honors of office, must pay the accustomed tribute which a censorious public exacts. He must

watch and labor for the public good, and bear with patient silence the abuse of the malevolent, the misconstruction of the careless, the misunderstanding of the ignorant, the misrepresentations of the partisan, and the slanders of the disappointed and unworthy. From all this I this day most gladly retire, and leave my friend, Governor HELM, to meet the occasion for the ensuing four years.

* * * * *

“We are all embarked on the same vessel—the gallant ‘Old Kentucky’—and are convoying the ‘Constitution’ through dangerous and stormy seas. It is freighted with the treasure of all our hopes and liberties. We must ‘sink or swim’ together. A common fate, for weal or woe, unites us in a common destiny. We should therefore stand together in harmonious action until, with all our treasure, we are safely moored in the harbor of constitutional security. If we then choose, we can renew our ‘ancient disputes,’ and have a regular political ‘set-to.’ But now is not a time for jars and discords, and I invoke all to stand by your Governor elect; give him a brave and earnest helping hand; strengthen his arm to uphold the rights and liberties of our people; and the God of our fathers will aid you to defend and maintain the right.

“Fellow-citizens, I now take my leave of you as your Chief Executive, to resume the place and pursuits of a private citizen, invoking upon the people of my loved native State the bounteous blessings and beneficent protection of *Him* who led our fathers safely through the dark days of the Revolution, up to the light of Liberty’s day, and inspired them to construct for themselves and their posterity the noblest and freest government that ever sheltered the rights of man. Fellow-citizens, I now retire, and yield the government of the State into the hands of your Governor elect, His Excellency, JOHN L. HELM.”

The Inaugural Address of the incoming Governor was read by his Secretary of State, the Hon. SAMUEL B. CHURCHILL, and is as follows :

INAUGURAL ADDRESS OF GOVERNOR JOHN L. HELM.

Profoundly grateful to the people of Kentucky for the high honor they have conferred upon me, in electing me by such an immense majority to the Gubernatorial office, I avail myself of this fitting opportunity to return my most heartfelt acknowledgments to the people of my native State for this renewed evidence of their respect and confidence.

In accepting this great trust I feel no less the honor conferred than the duties imposed, and though I well know that both are great, yet humbly invoking the blessing, guidance, and protection of our Heavenly Father, and firmly trusting in the manhood, self-respect, and patriotism of Kentuckians, I accept the post which has been assigned me, with the firm resolution, to the utmost of my ability, to defend and maintain both the Constitution of our own State and the Constitution of the United States.

I am well aware that some pestilent and evil-minded men in the State, who believe that the country is ruined if they are not perpetually in power and office, have attempted to malign and traduce the Democracy and people of Kentucky, hoping thereby to excite unjust prejudices against us among our brethren of the Northern, Middle, and Western States ; and I therefore feel it incumbent upon me, so far as I can do so in a brief inaugural, to be candid and explicit in the avowal of our aims and objects.

The Democratic Convention which met in Frankfort on the 22d of February, and whose nominee I was, among other things made the following plain and emphatic declarations :

"1. WHEREAS, In all republics, after the convulsions of revolution, when the storm of passion has subsided and reason has been allowed again to give utterance to the words of immutable truth and justice, it has been deemed proper to pause and assert the true principles of government: Now, therefore, the Democracy of Kentucky, in Convention assembled, do solemnly declare that this Convention doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States and the Constitution of this State against every aggression, either foreign or domestic, and that the people of this State will support the Government of the United States in all measures warranted and sanctioned by the Constitution of the United States.

"2. We most solemnly declare a warm attachment to the Union of the States, under and pursuant to the Constitution, by the adoption of which the Union was effected, and we know of no better or more effectual way of maintaining and perpetuating the Union than by upholding and defending the Constitution, which is the bond of union, by a faithful observance of the principles upon which the Union is based, and by the cultivation of a feeling of friendship and justice toward the citizens of our sister States."

* * * * *

"22. In conclusion, we declare to the people of our own beloved Commonwealth, as well as to the people of the whole Union, that we have met, not to foment discord, but to heal dissensions, and to endeavor, to the utmost of our power, to bring back our Government to its ancient purity, and to try to make it such as it was in the days of WASHINGTON, JEFFERSON, and JACKSON. We wish to maintain and save both the Constitution and the Union as they came to us from the hands of our patriot fathers, to preserve the rights and liberties of our citizens, to maintain all the safeguards of the Constitution intact and inviolate,

and to rescue the Government from the vandal grasp of that Radical Congress whose governing principle of action is rule or ruin. The Democratic party is not sectional, but is co-extensive with the Union itself, and its mission is not to destroy, but to restore concord and fraternity, and to resist all encroachments, from whatever quarter they may come, upon the Constitution and the liberties of the people. This is the great work we propose, and to accomplish these noble and patriotic purposes we invite the co-operation of every patriot throughout our vast domains."

These enunciations of our political faith are clear, truthful, and patriotic; and I here most solemnly proclaim, in the presence of my fellow-citizens, who know me so well, and whom I have known so long, that it is my fondest wish, most ardent hope, and earnest prayer, that all the States may be restored to their equal rights under the Constitution, and that the Union may be as lasting as time itself. Thanks to God, the tread of hostile armies is no longer heard, the roar of cannon and the peals of musketry are hushed, and peace—blessed, glorious peace—sheds her benignant and effulgent beams throughout the entire length and breadth of the Republic.

Now, my countrymen, is the proper time to calm the troubled waters, to heal all wounds and dissensions, to restore concord and fraternity, and nobly to redeem the pledges which we voluntarily and frankly made at the commencement of our late and unhappy civil war.

As early as 1861, Congress adopted, almost unanimously, the celebrated Crittenden resolutions, in which they proclaimed to the world, "That this war is not waged on our part in any spirit of oppression, nor for any purpose of conquest and subjugation, nor for the purpose of overthrowing or interfering with the established institutions of the States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the

dignity, equality, and rights of the several States unimpaired; and that so soon as these objects are accomplished, the war ought to cease."

Fortunately for us all, the war is now over, the authority of the Federal Government is everywhere fully restored, and it is full time that the faith of the nation, so solemnly pledged, should be redeemed. Let us forget the bitterness of the past, let us forgive its errors, remembering that to err is human, to forgive divine; and then, when we no longer keep the heel of military despotism upon the people of ten sister States, we may cry out against the oppression of England against Ireland, of Russia against Poland, of Austria against Hungary; but the world will think that we may well be silent until then.

The people of Kentucky have just cause to complain of the action of Congress in excluding from their seats the Representatives from the State, who were duly elected in accordance with all the forms and requirements of law, and who had all the qualifications prescribed by the Federal Constitution.

Nothing can be more explicit than the Constitution upon this subject; for, under article first, section second, we find the following: "The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." 2d. "No person shall be Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen."

These are the sole and entire qualifications which are required by the Constitution, and Congress has no constitutional power to add to or subtract from them. This is the fundamental law, and it is admitted by both friend

and foe that our Representatives were all elected by the duly qualified voters of the State, and that all of them had the constitutional qualifications above enumerated. Knowing that these things are fully susceptible of proof, and cannot be successfully contradicted or refuted, the foes of constitutional liberty point us to another article of the Constitution, which says: "Each House shall be the judge of elections, returns, and qualifications of its own members;" and under this clause claim that Congress is omnipotent upon the subject, and can deprive a free people of representation. Nothing can be more absurd, or at war with common sense and reason. This clause in the Constitution is as plain as those first cited, and is based on justice—for it was both necessary and proper that Congress should see that all its members were elected by the voters prescribed by the Constitution, and that they possessed the qualifications required by it. This is the beginning and end of the constitutional discretion and power of Congress upon this subject; and if Massachusetts or any other State sees proper to send Turks or Mormons, Chinese or Arabs, to Congress, and they are elected by the qualified voters, and are twenty-five years old, and citizens of the State from which they are chosen, and have been seven years citizens of the United States, they would undoubtedly be entitled to their seats. Kentucky fully accords to every State the right to choose its own Representatives in conformity with the Constitution, whatever may be their political opinions, and she claims the same right for herself.

Let any other construction of the Constitution prevail, and let it be understood that the mere caprice, whim, and political prejudices of Congress are supreme upon this subject, and it may not be long before Representatives may be denied their seats because they chance to be Protestants, Catholics, or Democrats; and when elections are about to take place, the people will have no alternative

left them but to send committees to Congress to ask of that body for whom they will graciously permit them to cast their votes.

At the last session of Congress our Representatives were present and ready to take the oaths of office, as prescribed by that body, but, as yet, they have not been admitted to their seats. I sincerely trust, however, that the mists of passion and prejudice will soon pass away, and that Kentucky will not much longer be denied those sacred rights which are guaranteed her by the Constitution itself.

The vast majority of the people of Kentucky are loyal to the Constitution, and desire, above all things, the restoration of the Union, with equal rights to all the States. We wish to see no single star erased or obscured, but rather that all of them be blended in one harmonious and glorious galaxy.

In England, during the reign of George the Third, the people of Middlesex county thrice elected the celebrated JOHN WILKES to the House of Commons, and he was thrice denied his seat by Parliament; but all England was indignant at this foul affront upon the rights of the nation, and the minions of the King were compelled to submit to the decisions of the ballot, and JOHN WILKES was at last admitted to his seat. I am unwilling to believe that the people of this country love liberty less than the people of England, and I feel an unwavering confidence that the people will yet firmly stand by our glorious Constitution, and demand that its provisions shall be respected and obeyed. Let us uphold and maintain it, for it is the sheet-anchor of civil liberty, and, if it shall go down, anarchy and confusion will stalk through the land, and unbridled license will produce universal distrust and misery.

In times of high excitement, when our judgments are clouded by passion, and reason has been dethroned by frenzy, we madly leap over all legal barriers to attain our ends; but sage experience always shows that all such

acts are productive of nothing but folly, regret, and crime. In our own country some have been denied even the right of trial by jury, though it was as clear as the noon-day sun that they were entitled to such trial by the Constitution; and, under the sentence of mere Military Commissions, unauthorized by law, have been immured in prisons, or led to public execution, and died upon the scaffold by the hands of the hangman.

Many persons may now believe that some of those who were thus unlawfully punished were innocent of the offenses charged; but the dead cannot be brought back to life, and neither unavailing regrets, nor bitter remorse and tears, or even judicial decisions afterward rendered, can recall those who have passed the slender bounds which separate time from eternity. These acts, with all their attendant horrors, have passed into history, and cannot now be amended; but they remain a perpetual warning unto us, that there can be safety for none, unless the Federal Constitution shall be held the supreme law of the land. There can be no higher law than this.

The negroes everywhere throughout the United States have been emancipated, and, whether wisely or unwisely, it is needless now to say. It is an accomplished fact—a fixed, inexorable fact—and as such we should receive it. It becomes us, also, to see that the negroes are protected to the fullest extent, in both their persons and their property. We should treat them humanely and kindly, and do all we can to better their condition, and make them useful citizens of the State; and in my first message to the Legislature I will make some recommendations upon the subject. They must understand, however, that white men will rule Kentucky. We are not yet sunk so low as to consent to be governed by negroes.

I know that there are a few renegade whites among us, whose appetites so lust after place and power that they would be willing to see the white in subjection to the

negro, if they could fill their pockets with filthy lucre, or gratify their unhallowed ambition thereby ; but, thanks to God, they are few in numbers, and will decline into insignificance when their diabolical and disgraceful plans are fully disclosed. In Kentucky even the majority of the Radicals declare their opposition to negro suffrage, and my Radical competitor, Colonel BARNES, in our recent canvass, repeatedly denounced it. Had he advocated such an odious measure, the vote cast for him would have been insignificant, even when compared with the small vote which he received. The white is the superior race, as universal history and science acclaim, and will never accept the position of inferiority or negro equality. Such a thought is revolting to the white race. Other States should have the right to act as they please upon this subject. Kentucky fully accords them that right, but she claims the same privilege for herself, and will never consent that any but white men shall represent her interests or her honor.

To my friends of the so-called Third party I have a word to say. For their late standard-bearer, Judge KINKHEAD, I have the highest respect and regard, and I believe that a large majority of their rank and file are honest and patriotic men ; but I must say, in all candor, that there are a few selfish, ambitious, and designing men belonging to that organization, who, through it, are attempting to bring dishonor, disgrace, and ruin upon the State. I am satisfied that nine tenths of what are called Third party men fully agree with the Democracy in principle, and there is no good reason why there should be any estrangement between us. You are for the restoration of the Constitution and the Union, and so are we ; but to give full force and effect to your efforts in behalf of these things you must become a part and a portion of that great, energetic, and living party, whose principles are one and the same from the frozen lakes of the North

to the Gulf of Mexico, and from the bleak shores of the Atlantic to the golden sands of the Pacific coast. Come to us; we extend to you the greetings of friendship and brotherly love, and, in this crisis of our country's danger, let us join hands, and work together for our country's good.

It is the province of the Democratic party now not only to guard the Constitution, but to warn the people of the dangers of a central despotism. That great apostle of liberty, THOMAS JEFFERSON, who so well understood the workings of our Government, in a letter which he wrote to GIDEON GRANGER on August 13th, 1800, uses the following forcible language: "And I do verily believe, that if the principle were to prevail of a common law being in force in the United States (which principle possesses the General Government at once of all the powers of the State Governments, and reduces us to a single, consolidated Government), it would become the most corrupt Government on earth." These were the principles of the illustrious Sage of Monticello, the great author of the Declaration of Independence, and are the vital principles of the Democratic party of to-day. No party deserves the confidence of the people whose principles are not based upon truth, justice, and the Constitution. These are the great landmarks to which statesmen should look; and, if the people will firmly and steadfastly adhere to them, our Government will stand through countless ages a monument to the wisdom of our revolutionary sires.

I return my most heartfelt thanks to my honored predecessor for the kindly manner in which he has spoken of me personally, and for the many noble sentiments to which he has this day given utterance and expression. Called from the tented field to guide the ship of State, he has stood at the helm with resolute firmness, and, though he encountered a rough and stormy sea, which threatened to engulf us all, he leaves the good old ship

Kentucky, for the present, at least, moored in tranquil waters. I well know the difficulties and dangers which surrounded him, and I know, also, that his prudence, his courage, and his wisdom have averted many an impending blow from the people of the State. A man of generous impulses and high accomplishments, he leaves behind him at the Capital a host of friends, and in his retirement will meet everywhere a cordial welcome from a people whom he has so faithfully and efficiently served.

Fellow-citizens, with my present term of office my political life will close forever. I have no further political aspirations or desires, and feel that I have been often honored more than I deserved. My heart is full of love, affection, and gratitude for the people of my native State, and it will be the earnest and constant endeavor of my administration to promote their happiness and prosperity. I earnestly entreat all my fellow-citizens to forget all past asperities, to cease useless contention and wrangling, and to unite in one common effort to maintain the honor and integrity of our good old Commonwealth. There are no secessionists among us now. We are all for the Union and the Constitution, and let not the true men of the country give comfort to their enemies by foolishly fighting over the dead issues of the past. Kentuckians, be true to your own honor, to your own manhood, and to your own race; fear not, falter not, but maintain the right, and the storm and the cloud will pass away, and a restored Constitution and Union will be the rich fruits of your labors, and universal peace and prosperity will fill the land, whose people will then be united by the golden and indissoluble links of confidence, affection, and love.

PROCEEDINGS OF THE GENERAL ASSEMBLY IN RELATION TO
THE DEATH OF GOVERNOR HELM.

On Thursday, the 20th February, 1868, Mr. A. H. FIELD, a member of the Senate, and Dr. G. L. McAFEE, a member of the House of Representatives, reported the following resolutions to the General Assembly of Kentucky, referring to the death of Governor HELM :

The Hon. JOHN LARUE HELM, late Governor of this State, and one of the most distinguished of its native-born citizens having departed this life, it is eminently proper that the representatives of the people should pay a tribute to his memory ; therefore,

1. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the people of the State deeply feel and deplore the bereavement which, under Divine Providence, has been visited upon us in the death of Hon. JOHN L. HELM, which occurred at his home in Hardin county, on the 8th day of September, 1867, shortly after his inauguration as Governor of the State.

2. That in the various offices of public trust that he has filled in the State—as a Representative in the popular branch of this Legislature, and for a number of years its presiding officer, as Senator, Lieutenant Governor, and Governor—he so bore himself as to reflect back the honors conferred upon him by the State.

3. That while Kentucky pays this tribute to his public service, she would be unmindful of the justice due to the memory of the *man* if she did not bear public testimony to his private worth. In all the varied relations of life he was a model of human excellence—generous, gentle, and kind ; a man who cherished no revengeful hates ; pleased in forgiving rather than in persecuting. As a father, kind and indulgent ; as a husband, devoted and affectionate ; as a companion and friend, true to the strictest requirements of the social circle. Viewed as the statesman, the

lawyer, the husband, the father, the companion, and friend, he lived a life of distinction and usefulness, and died without a stain upon his glorious escutcheon.

4. That these resolutions be spread upon the journals of the respective Houses, and a copy thereof be forwarded to his family.

5. That the public buildings be draped in mourning, and that the members wear the usual badge of mourning for thirty days.

REMARKS BY HON. A. H. FIELD, OF BULLITT.

MR. SPEAKER: Arising for the purpose of asking the passage of the resolutions just reported, my heart again turns to the sad event that causes this action upon our part to-day, and again the wounds that the hand of time had partly healed are reopened, the tears start again, and memory turns with sadness to the day upon which the remains of our deceased Governor, JOHN L. HELM, were consigned to the tomb.

Glad would I have been, sir, had this solemn duty devolved upon one more able to do his memory justice than I, more conversant and familiar with his life; but as his friend, Mr. Speaker, my heart prompts me to offer at his grave its tribute of deep respect and veneration; not to pluck from the realms of fancy flowers with which to decorate his tomb, but to bring from the depths of a heart devoted to his memory the sacred myrtle, and lay its wreath by the side of the flowers placed by the hands of affection o'er his grave.

But a few months since, Mr. Speaker, he occupied the seat upon this floor from which I have just arisen, representing the same people; and while I feel that the State has lost much in his death, I feel that we, his immediate

constituents, have lost more. She knew him as her faithful and devoted public servant; we knew him in addition as a kind, devoted husband, an affectionate father, a cherished friend. She can with pride point to his many public acts, and miss him in her councils; we, too, look with pride upon his public record, that will ever live as a monument to his fame; but we look upon him, in addition, as the husband, the father, and friend, and while she misses him in her councils, we not only miss him there, but in all the relations that render life noble and attractive.

He was born on the 4th day of July, 1802, in the county of Hardin, a day, of all others, of which the American people are justly proud, and, in the language of one who knew and loved him well, "He ever remembered with burning enthusiasm the ever memorable day of his nativity as being the birthday of the nation of which he was a citizen."

He was the eldest son of GEORGE B. HELM, a native of Virginia, and one among the first settlers of the State of Kentucky. His mother, REBECCA LARUE, was also a native of Virginia. Coming from the Shenandoah Valley, they settled in the forests of Kentucky, in Hardin county, and amid its wilds and dangers they commenced to rear for themselves a home, and that reared by them became his home, and on it he resided and died.

While a mere boy his father died, leaving a large family and an encumbered estate. Being the eldest, the care of that family devolved upon him, a charge that he undertook and nobly discharged. The whole estate left by the father being sold, failed to pay its liabilities by about three thousand dollars. This debt was assumed by the son; when of age, he gave his notes for it, and paid them out of the first money realized from his own resources—an example worthy of imitation: a son left without resources; the care of a widowed mother and helpless family

dependent upon him; the ties of nature first responded to, the ties of honor next.

At the early age of sixteen years he commenced writing in the Clerk's office of the Hardin Circuit Court, and at twenty-one years of age he was licensed to practice law. Coming to the bar in competition with such minds as BEN. HARDIN, JOHN ROWAN, BEN. CHAPEZE, GOV. WICKLIFFE, WM. R. GRIGSBY, and others, whose names form a legal galaxy not surpassed by the world, he gained eminence and a commanding position at the bar, which position he ever retained, and he was one of its brightest ornaments.

The first official position ever held by him was that of County Attorney for Meade county. There being no resident lawyer of that county, he was appointed, though residing in Hardin.

The absorbing topic of that time was the Old and New Court party. He promptly espoused the principles and doctrines of the Old Court party, and in a pamphlet published by him he defended their position with decided and marked ability. The year following the publication he was elected to the Legislature, barely eligible, on the Old Court question, when his county had been heretofore very strongly, and by a large majority, opposed to his political position.

His first election to the Kentucky Legislature was in 1826. From that period until 1844 he served eleven years, six years of the time as its presiding officer. In his capacity as a legislator he served his State and constituency with distinguished ability. Of fine commanding appearance, a wise and honest legislator, with fine legal attainments, a skillful and able debater, a well-versed parliamentarian, doing nothing as a legislator which was not fully sanctioned and approved by his conscience, he soon established for himself a legislative position which few in our State have ever equaled—none surpassed. As

the presiding officer of that body he was courteous, calm, self-possessed—actuated alone by a desire to discharge fully and impartially the duties incumbent upon him in that position.

He was then elected to the Kentucky Senate, and upon the expiration of his term of four years in that body, he was elected Lieutenant Governor on the Whig ticket, with the lamented CRITTENDEN, and upon CRITTENDEN's appointment to the office of Attorney General in Mr. FILLMORE's Cabinet, and consequent resignation of his office as Governor of the State, he became the acting Governor. The duties of that position were discharged by him with the same zeal and ability which had ever characterized him. Well versed in the needs and requirements of the State, no one knowing better its situation, he was in a position to, and did, render the State efficient service.

Deeply devoted to the principles of the Whig party, he for thirty years gallantly and triumphantly bore its banner; but when the sun of that party set; when the ashes of Kentucky's gallant son—the lamented CLAY—were gathered to his fathers; when the Northern wing of it became untrue to its ancient political faith and principles; when it became untrue to itself and the nation, he, like thousands of others, great, good, and gallant men, came to the breast of their old political opponent, the Democratic party, satisfied that she, above all others, was true to the Government of our fathers.

Upon the expiration of his term of office as acting Governor, he retired to private life, devoting his attention to his farm and profession, laying aside the cares and responsibilities of public life, and returning to the sweet retreat of home, to the bosom of his family, and the society of his true, tried, and cherished friends.

He was not long permitted to enjoy the society of family and friends. The Louisville and Nashville Railroad, then in process of construction, meeting with diffi-

culties, apparently insurmountable, its friends elected him its President; and when he first took charge of it, its most sanguine friends had ceased to hope for its completion, and had almost abandoned it as a failure. Giving up all other pursuits, he brought the whole energies of his mind to bear upon the work, made a success out of it, and he was still its President when the first train ran through from Louisville to Nashville.

Deeply interested in the internal improvements and development of the State, he next took interest in, and assisted by every means in his power, the construction of the Memphis Branch Railroad.

In 1865 his people again called him from his retirement, and elected him to the Kentucky Senate; and in August, 1867, when his term was but half expired, he was elected Governor of the State. Of his career in the Senate, from 1865 to 1867, there are those of you here who served with him, and can better bear testimony to it than myself; but you who served with him will bear me witness that the same honest and conscientious course that he made his standard in early life was his motto then.

When he secured the nomination for Governor he was in his sixty-fifth year. Feeling it his duty to answer the call made upon him by his people—firmly believing in the political precepts enunciated in the platform of the party that nominated him—he entered upon a vigorous and active canvass, from which most of us in the prime of life would shrink, and his voice was heard from the valleys and the mountains, in defense of principles whose triumph he conscientiously believed were necessary to the salvation of our country. When warned of his failing health, and that his strength would be insufficient to bear him through the canvass, his response was, "'Tis duty; I must obey." In that canvass, discharging, as he honestly felt, a sacred and solemn duty devolved upon him by his party and his friends, his strength failed him, and the

seeds of the disease which so soon thereafter terminated so fatally were developed, and he fell a martyr, discharging his conscientious and whole duty, and the rejoicings over his election were soon hushed in the funeral dirge.

He was elected on the 7th of August, inaugurated on the 2d of September, and died on the 8th; the robe of State replaced by the robe of death; the laurel by the myrtle wreath.

"Leaves have *their* time to fall,
And flowers to wither at the North Wind's breath.
And stars to set. But thou hast all—
All seasons for thine own, oh Death."

He was buried on the 10th of September in the family burying-ground, his remains being followed to the grave by a bereaved and stricken family, and by a deeply sorrowing community, and the wail of his native State was his requiem.

But he has gone. He sleeps beneath the sod, near his loved home! No polished shaft pointing heavenward marks his resting-place; but in the archives of his State he has left a bright and noble record that will live forever; and as long as Kentucky is true to her ancient renown, she will ever point with pride to the pages of her history on which is written the name of JOHN L. HELM.

REMARKS OF MR. BOYD WINCHESTER, OF JEFFERSON.

MR. SPEAKER: I should do injustice to those whom I represent if I failed at this time to ask the indulgence of the Senate for a brief moment to mingle my humble voice with those who, with an ability that I shall neither attempt nor hope to equal, have sought to do justice to the worth and memory of the eminent deceased, and at the same time appropriately to minister to the sympathies and

sorrows of a stricken people. Death, sir, is the common lot of all mankind. The first step which man makes in life, is likewise the first toward the grave; from the moment his eyes open to the light, the sentence of death is pronounced against him, and as though it were a crime to live, it is sufficient that he lives to make him deserving of death. In the midst of life we are in death—not a moment but may be our last—no brilliant action but may terminate in the eternal shades of the grave; and Herod is struck in the midst of the applause of his people—no day set apart for the solemn display of wordly magnificence, but may conclude with a funeral pomp; and Jezebel was precipitated, the very day she has chosen to show herself in her greatest pride and ostentation, from the windows of her palace; no festival but may be the feast of death, and Belshazzar expired in the midst of a sumptuous banquet; no repose but may conduct to an everlasting sleep, and Holifernes, in the heart of his army, and conqueror of many kingdoms and provinces, fell under the stroke of a simple Jewish woman. In a word, imagine ourselves in any stage or station of life, and with difficulty we can number those who have been surprised in a similar situation. Speaking to us with a solemn emphasis of warning and instruction that every care, every movement, every desire of life, should center in establishing a permanent and unchangeable fortune, an eternal happiness which fadeth not away.

But, sir, sad as are these inexorable laws of man's mortality, it is nevertheless a consoling, a beautiful truth, that our *great* and *good* men do not *wholly* die. All that they achieve worthy of remembrance survives them. They enjoy what Milton calls that "after life in the breast of others." They live in their recorded actions—they live in their bright examples—they live in the respect and gratitude of mankind—they live in that wonderful and peculiar influence, by which one single commanding

thought or noble deed makes its author an active and powerful agent in the events of life long after his mortal portion shall have crumbled in the tomb. Therefore, as they retreat into the shade of time the more radiant their memory becomes with glory to the eyes of posterity; for great and good men are like mountains: their images seem to grow in proportion as they recede from our view, and stand out alone on the confines of the horizon. It is fortunate, therefore, sir, when the life of a great man may be thrown fully open to the world and challenge its closest scrutiny, with a proud consciousness on the part of the friendly critic that there is no blot to be canceled, no glaring fault which a love of truth forbids him to deny—"Nothing to extenuate or ought to be set down in malice."

In Governor HELM's life is illustrated this fortunate condition. In his life can be found no instance of a mean or equivocal action; none of a departure from the self-imposed restraints of a refined and lofty sense of honor. He trod the difficult and devious paths to political preferment long and successfully, and yet he kept his robes unsoiled by the vile mire which often pollutes those ways. Devoted to his friends, upright, guileless, tender, and blameless in his domestic affections, richly illustrating that beautiful definition of a gentleman, as one whose aims are generous, whose truth is constant and elevated in degree, whose want of means makes him simple, and who can look the world honestly in the face with an equal manly sympathy.

I shall not trespass upon the Senate by any attempt to sketch the character or narrate the services of Governor HELM's long and useful life. His distinguished services as a statesman are inseparably connected with the history of our Commonwealth. For nearly half a century a prominent actor in all the stirring and eventful scenes of our political history—fashioning and moulding many of

the most important measures of public policy by his bold and sagacious mind, and arousing others by his unconquerable energy.

As a Senator in this body he exhibited a wisdom and a patriotism, an elevation and originality of thought, a sagacity of observation, a vigor of reasoning, a productive facility, a pungency of repartee, and elaborateness and profundity of discourse, a grandeur and breadth of political views, which have made a deep and lasting impression upon the grateful hearts of his countrymen, and will be cherished and freshly remembered when these walls that surround us, so often the witnesses of his triumphs, shall themselves have fallen like all the works of man, into decay and desolation.

Governor HELM's physical and mental organization eminently qualified him to exercise a great and controlling influence among his fellow-men. His person muscular, tall and commanding, his temperament ardent, fearless, and full of hope, his countenance manly and genial, a voice flexibly sonorous and of silvery distinctness, a manner original and expressive—these personal advantages, with his precise and positive statement of the question, his clear narration of the facts, his ample and vigorous phraseology, resembling the spoken phraseology of Cicero, the solemn slowness with which he unrolled the folds of his discourse, the power and adroitness of his logic, the high dignity of his bearing, enabled Gov. HELM to command wherever he appeared the attention, respect, and confidence of his auditors. Thoughts, feelings, emotions, came from the ready mold of his genius radiant and glowing, and communicated their own warmth to every heart which received them. Frankness and directness as a public man, a genius for statesmanship of the highest order, extraordinary capacity for public usefulness, a judgment never misled by imagination, but exact and cogent, an intellect fruitful of resources, prompt

in expedients, active and comprehensive in organization, persevering in means, developed in Governor HELM the three great and principal qualities of the statesman—ardor and vivacity of conception, decision of command, force and persistence of will.

Governor HELM was possessed of a talent essentially parliamentary and polemic. He said just what he meant to say, and, like an expert navigator, he steered his words and ideas through the shoals which might beset him, not only without going to wreck, but without ever running aground. A perspicuity of exposition, a remarkable sureness of judgment, a profound knowledge of details, a clear and vigorous argumentation, a sustained skill, a pointed promptness of reply, a simpleness of dialectics which at once convinced and enraptured his audience. Governor HELM was a man of iron, one of those men of the Napoleonic order, who march to the accomplishment of their purposes with erect and resolute brow, without fear of obstacles or doubt of victory; who sacrifice their days, their nights, their fortunes, their health, their existence to duty; who never flag, who live and die of the energy of their will.

Governor HELM was also possessed of a deep sense of moral and religious obligation, and a love of truth, constant, enduring, and unflinching, which naturally gave rise to a sincerity of thought, expression, and conduct which was always open, manly, and straightforward. No one could stand before him without knowing that he stood in a majestic presence and without admiring those lineaments of greatness with which his Creator had enstamped, in a manner not to be mistaken, his outward form. His was the appearance described by the great dramatist:

"The combination and the form, indeed,
Where every God did seem to set his seal,
To give the world assurance of a man."

Architect of his own fortune, ripe in years and honors, rich in the affections of his countrymen, he had been

elevated by an unprecedented majority to the highest position in the gift of his State, a place which was perhaps the chief object of his aspiration; and yet, as if to show that even the most successful of men must sooner or later feel the emptiness of earthly objects, that much prized honor was to him the dead sea fruit, which turns to ashes on the lips. Alas! in his death Kentucky has suffered what will be to her a grievous loss. His high honor; his chivalrous sense of public integrity; his elevated and ardent patriotism, without stain and reproach; his warm devotion to the best interests of the State he loved so well, are qualities much too rare to be lost without the deepest regret. But as for him, whose memory we to-day revere, and upon whose grave we would lay this simple testimonial to a character rich in every great and manly virtue, we dare have no regrets. With the seal of truth and probity upon his brow, with all the endearments with which affection can beguile the descent to the grave clustering around his footsteps, he has entered the portals of the glorious life eternal; he has gone to the high reward of a life full of eminent services and exhausting labors for a people who honored and loved him with surpassing tenderness. Human societies are born, live, and die upon the earth.

But they do not contain the entire man. There remains to him the noblest part of himself—those lofty faculties by which he soars to God, to a future life, to unknown blisses in an invisible world. This is the true grandeur of man, the consolation and charm of weakness and misfortune, the sacred refuge against the tyrannies of this world. Looking to the distinguished, useful, and spotless life of Governor HELM, we can but recollect that Cicero, in mourning over the death of Hortensius, did not hesitate to pronounce his end not unfortunate, “for he died full of honors, and revered by all for his great virtues, and at a moment happy for his fame, though unfortunate for his country.”

REMARKS OF HON. R. T. BAKER, OF CAMPBELL.

MR. SPEAKER: At whatever cost of criticism it may subject me, I cannot permit the resolutions under consideration to pass without something more than a single vote from me. It is a time-honored custom for deliberative bodies, by resolutions, to commemorate the life and public services of their deceased friends, and next to the Christian's hope of salvation is the dying consolation to feel that they will not be forgotten when in the grave. It is not my purpose to attempt to give a history of the life and public services of JOHN L. HELM. That has been committed to abler hands than mine. His successor in office and the distinguished Senator (FIELD), who has just taken his seat, has left nothing to be said on that branch of the subject. But, sir, his public life has not all been given, and perhaps there is no man living that knew more of him in that long and stormy political contest through which we have just passed, and which terminated with his death, than myself, for we canvassed most of the State together, and as a companion he had few equals and no superiors. There was a short period of time, when, lashed by contending passions, we both transcended the limits of parliamentary discussion, and for a time became alienated, and during that period we were both wretched and miserable. But at the Estill Springs, that Eden of the mountains of Kentucky, where we addressed the largest audience that it was my fortune ever to have met, we made mutual concessions, and parted on the public stand in peace. But we met again, and for the last time on earth. It was upon the summit of one of those lofty peaks that overlook that serpentine stream, the Kentucky river, wending its silent way through the mountain defiles to the great father of waters, where we met, and where we parted for the last time on earth. We sat down beneath the shade of a tall oak of the forest, alone, far from home,

wearied, tired, and careworn. We talked about home and its sacred rest; that our labors were almost o'er; and no man that ever lived spoke in more touching terms of domestic life, and with fonder hopes for the future of his family, than he. No plaudits of the multitude were there heard. The long storm of passion was hushed. Far out from home and habitation, where the sound of the church bell was never heard, we parted for the last time on earth. I have seen Governor JOHN L. HELM and his now stricken widow presiding in the Gubernatorial Mansion, and with their unbounded hospitality make glad every heart that entered his domicile. I have seen him as the presiding officer in both branches of this Capitol. I have seen him in the Senate Chamber, when the full tide of inspiration was upon him, hold the Senate and the vast audience that his name always drew, spell-bound by his magic power. I have seen him before the masses move them to tears by his appeals, and by the next breath, by the magic power of his eloquence, elicit rounds of applause; but I never saw him in the full majesty of all his greatness until that hour when we parted.

Standing upon that mountain brow, in the deep-tangled wild-wood, when all was hushed to silence, his manly form erect, his face radiant with the emotions of his generous heart, his eagle eye suffused, his rich mellow voice tinged with emotion, when he took me by the hand and said: "I feel that I have done my duty to my party, and I want to say to you that you have done your duty to yours. God bless you—farewell!"

That, to me, was the last of JOHN L. HELM on earth; but the parting scene, and the solitude of the place, his manly form, are all now before me, and will abide with me through all coming time. His presence is no longer in our hall, and we miss him; but there is a lonely habitation, far away in Hardin county, where, when the shades of darkness gather around that desolated home,

there is a vacant place the world can never find. He was blest with all of earthly honors, and severed as many ties as any man that ever died; but he retained his mental vigor undimmed to the last, and his inaugural was his farewell address. But the pale horse and his rider came, and

"He sank to his rest like the sun 'neath the billow,
And calm as the zephyr that kisses the wave,
Leaving the wild eye of friendship to weep o'er his pillow,
And virtue to light him beyond the dark grave."

The announcement of his death on the lightning's wing reached as many habitations and touched as many hearts with sorrow and sadness as any man that ever died. His name has taken its place in the galaxy of Kentucky's illustrious dead, and will live as long as these resolutions will sleep in the archives of the State.

I have thus paddled my frail bark across the turbid stream that in life once divided us, to bring this, my peace-offering, and, with a sad heart, lay it upon the altar of his memory. To the name of JOHN L. HELM, peace on earth, and trusting in the mercies of a kind Providence, peace hereafter.

REMARKS OF DR. G. L. M'AFEE, OF HARDIN.

MR. SPEAKER: I arise not to deliver an eulogy upon the character of our lamented Governor; neither do I design making a speech upon the occasion, but simply a few remarks.

Coming as I do from the county so often and ably represented as my constituents have been by one whose voice was heard in this hall nearly half a century ago, and the sound of whose footsteps have scarcely died away upon its outer threshold, my heart prompts me in behalf of my constituents to offer my humble tribute of respect to his memory.

To say that he was virtuous, good, great, and noble in character, gentlemanly in bearing, possessing genius and talents of the highest order, would be but commonplace, and fall far short of conveying to the minds of his friends an adequate idea of his many virtues and high character. The deep emotions of the great heart of the people can feel, more than I can find words to describe, the moral worth and character of such a man as that of the lamented HELM.

Born in an early day, when the facilities for acquiring a liberal education were not as great as they are at the present time—consequently not receiving the advantages of a collegiate education—he was thrown upon his own resources, and much depending upon his individual exertions and perseverance, he set out upon the rugged path of life to carve for himself a character and a name. It was the fortune of this able man to illustrate by his exertions, the noble tendencies of our once free and Republican form of Government, and to teach the rising generation the important lesson that each one may and must be the architect of his own fortune, and that there is no station or position in life to which the humblest may not aspire.

Outstripping many of his companions then on the highway to fortune—some of whom turned aside into paths of idleness and dissipation, others becoming weary and discouraged, yielded up the palm to their more energetic and persevering competitor, and have long since sunk into obscurity; whilst he, by dint of toil and perseverance, reached a high place in the temple of fame, and has engraven his name upon the tablets of the hearts of his countrymen, and written it in living letters upon the bright page of history, which the finger of time can never efface.

Nurtured in the school of adversity, he acquired a vigor of constitution, an independence of thought, speech, and

action, which gave him through life a force of character which enabled him to command the respect of all.

To know him was to love and admire. Many differed with him in political views in days that are passed and gone. Yet they had unbounded confidence in his honor, honesty, and patriotism, and believed that he would do nothing intentionally which would not promote the interest and happiness of his constituents, and redound to the welfare and prosperity of the country. Consequently, when he asked position at the hands of the people, they gave him their warm and hearty support, as is well attested by the many high positions of honor and trust he so ably and faithfully filled. Eleven years a member of this House, six of which (if I mistake not) he filled the high and responsible position which your honor now occupies.

Believing, as he honestly did, that the interest and happiness of his country in a great measure depended upon the success of the principles he espoused, he exerted every energy of body and mind to stay the cloud of fanaticism which was gathering thick and fast over the land, and to roll back the waves of *despotism* which were threatening to sweep over us, and engulf us in one common ruin with our sister States of the South. How well he succeeded, let the voice of a grateful people testify. With a majority over both of his honorable competitors, unprecedented by any heretofore given, he returned to the bosom of his family exhausted in mind, his physical powers prostrated, there to enjoy but for a short time the unfading laurels he had so nobly won.

In one short week from the time he was inaugurated Chief Magistrate of this Commonwealth he was summoned to the land of spirits; death, the great leveler of all, has laid him low, at a time when we most needed his cool deliberation, his wise counsel, and mature and sound judgment, to guide and direct the ship of State to a peaceful mooring. He gave his life a sacrifice upon his

country's altar, and died a martyr to the principles he espoused.

"*Dulce est pro patria mori.*" He has left a whole people to mourn his loss with a sorrow deep as the love they bore him.

Mr. Speaker, our loss has indeed been great, but it is nothing when compared with that of the bereaved widow. When the twilight of evening draws the mantle of darkness over the face of nature, a gloom of sadness and sorrow gathers around her heart and hangs like a pall. The chastening rod of the Almighty has fallen heavily upon her. One son, in the prime of life and vigor of manhood, fell a prey to disease in a distant city, and now sleeps beneath the silent sod of his nativity. When Kentucky's sons shall tread the soil of the sunny South, and turn aside to linger awhile upon the blood-stained field of Chickamauga, in their wanderings and meditations, their eyes shall chance to fall upon the last resting place of the gallant, brave, and warm-hearted General HARDIN HELM, who gave his life for his country's cause, what deep emotions of patriotic pride will swell their hearts, and tears of sadness suffuse their eyes, to think that there sleeps the son, in every respect worthy of his illustrious sire.

"How sleep the brave who sink to rest,
By all their country's wishes blessed.
When spring, with dewy fingers cold,
Returns to deck their hallowed mold,
She then shall dress a sweeter sod
Than fancy's feet have ever trod."

Deprived of the advice and counsel of the partner of her joys and her sorrows, and those she dearly loved, may she bow in meekness and humiliation to the will of Him who has promised to be a father to the fatherless, and a husband to the widow.

REMARKS OF JUDGE E. C. PHISTER, OF MASON.

MR. SPEAKER: This is a sad occasion in the history of Kentucky. The elected Governor of the Commonwealth has fallen. Elevated to his position by a manifestation of popular confidence never before witnessed in the State, he was prostrated by a fatal disease immediately after; and, before he entered the Executive Mansion, he was swept into the grave by the great reaper—Death.

This calamity reminds us impressively how vain is earthly ambition, how uncertain are human expectations; and that there is no sure reliance in time of trouble but Heaven.

In our beautifully arranged system of Government we have no interregnums. By operation of law, on the death of the Governor, there was advanced to the position a statesman of enlarged views, mature thought, great wisdom and firmness, and true virtue, who will preside over the destinies of the State wisely and well. Still the loss of Governor HELM, at any time a misfortune, is at this period a great calamity.

We have recently lost the noble, generous, and true-hearted POWELL; the great statesman HISE; and soon after the Governor was taken from our midst. We needed his great industry, activity, and energy—his patriotism, courage, sagacity, and practical wisdom.

In the presence of such a calamity, language is inadequate to express the sense of our loss, and eulogy would be powerless to do honor to the virtues of the deceased. He was true in all the relations of life, and faithful to every trust. He possessed in an eminent degree all the domestic affections and virtues. He was a good husband, kind father, and devoted friend. He was a lawyer of great ability, a statesman of foresight and wisdom, whose name is identified with many measures of policy for the benefit of his native State.

But, if I were called upon to give the prominent characteristics of our fallen Governor, I would say that two were remarkable. Their manifestation was ever observable. These were, his sound practical wisdom, his common sense, better adapted to achieve great results than the learning of the schools, and his State pride—his devotion to Kentucky. He was never promoted to Federal positions; but he was honored by his State with many places of responsibility, and he was proud of her greatness and glory.

As he was devoted to Kentucky, she was fond and proud of him. But, alas! her pride is bowed and her trust in her chosen son no longer availeth. Let us join with his sad friends and sorrowing family in dropping a tear over his new-made grave and pay a tribute of affection to his memory.

Let us wreath his name with the evergreens and flowers of affection, and enroll it upon the scroll of those who honored their State, and whom she delighted to honor—among those of the immortals who were not born to die.

Let us treasure his memory in perpetual remembrance, and transmit it to posterity as an inspiration to truth and virtue and honor in all time.

REMARKS OF HON. W. B. READ, OF LARUE.

Mr. READ, of Larue, said that he did not know that the resolution now under consideration was in existence until a few moments ago, and felt that he was unprepared to do the occasion and subject justice, and that, on the other hand, he would feel that he had not done his duty, were he to say nothing on this mournful and sad occasion.

He further said: Sir, I have known the distinguished dead from my earliest recollection. I had the honor of being born in the same county that he was born in—the

county of Hardin. What few remarks I shall make, shall be addressed to the life and character of that noble man.

Governor HELM was born on that notable day, the Sabbath of our independence, in the year A. D. 1802, and died in September, 1867, at the ripe age of 65 years. He was born upon the same farm upon which he died. He descended from a long line of noble and patriotic ancestry on both sides. His parents were not blessed with an over abundance of this world's goods, and he being bereft of his father while he was yet very young, and being the oldest child, and upon whom depended, to a very great degree, the support of his mother and his brothers and sisters, his means of obtaining an education were very limited; he only received a common English education.

At about the age of seventeen or eighteen he entered and wrote in the clerk's office of SAMUEL HAYCRAFT, who was then Clerk of the Hardin Circuit Court. He remained there some time, and then studied law, and commenced the practice of the profession of his choice at the age of twenty-two; and by his industry and hard study he soon took a high position in his profession as a lawyer and an advocate. As an advocate, he had no superier. He was affable, courteous, and kind to the young men of the legal profession, and none knew him but to love and admire him. He was possessed with a commendable ambition, and at the age of twenty-four he was elected by the voters of his native county to a seat on this floor, and was re-elected, first and last, a member of this House for eleven terms, and was Speaker of this body six years of that time. He presided with such dignity and impartiality as to challenge the admiration and respect of all. He was elected twice as a member of the Senate, the last term of which he resigned to make the race for Governor.

He was elected Lieutenant Governor in the year 1848, on the ticket with the late lamented CRITTENDEN, during

which term Governor CRITTENDEN resigned, and the administration of the affairs of the State fell upon Gov. HELM for the balance of the term. The history of his administration is well known to you all. He was elected, as you all know full well, last August to the Chief Magistracy of this proud Commonwealth, and died in one week after his inauguration. His history is an eventful one, and is well known to many of you. He left a lovely and devoted family, and I greatly sympathize with them in their sad bereavement.

No one knew him but to love and admire him, and his memory is indelibly written upon the hearts of the people, and the State to-day stands draped in weeds of mourning because of the death of her honored and beloved son.

Sir, Governor HELM was a good as well as a great man. He was the noblest work of God—an honest man, true to his friends, and lenient to his enemies. He was a good neighbor, a kind husband and father.

He was a statesman and patriot of the first order, and it seemed through all his life that his chief object was to promote the interest of his State and people. He never held a Federal office in his life. He ran one race for Congress many years ago, and was defeated by a small majority by the Hon. WILLIS GREEN. Although he and I always differed in politics until within the last few years, yet our relations and intercourse in life were of the most amicable nature.

Yes, I repeat, Governor HELM was a great and good man. He was held in the estimation of the people of his State as ALEXANDER the Great and WASHINGTON were and are held by the civilized world. ALEXANDER is claimed as the world's warrior, and WASHINGTON is held and claimed as the world's patriot and statesman; and any prefixes attached to their names would but detract from their greatness. The name of ALEXANDER and WASHINGTON is enough; they need nothing more; the mention of their

names alone sends a thrill through the hearts of all the civilized nations of the earth. So it is with Gov. HELM in Kentucky. The title Governor is not needed to give potency to his name; it detracts from, rather than to increase, the estimate placed upon him. Then let the name HELM be a synonym of all that is good and great throughout this proud Commonwealth. He has been gathered to his fathers, and it is to be hoped that our loss is his eternal gain. Peace be to his ashes.