



*James Bird
McDonnell*

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BIOGRAPHICAL SKETCH

OF THE

HON. LAZARUS W. POWELL,
(OF HENDERSON, KY.),

GOVERNOR OF THE STATE OF KENTUCKY

FROM 1851 TO 1855,

AND A

SENATOR IN CONGRESS

FROM 1859 TO 1865.

PUBLISHED BY DIRECTION OF THE GENERAL ASSEMBLY OF KENTUCKY.

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IN THE HOUSE OF REPRESENTATIVES OF KENTUCKY,

MARCH 5, 1868.

MR. MCKENZIE moved the following resolution, viz :

Resolved, That a Committee of three be appointed by the Chair to prepare a Biographical Sketch of the HON. L. W. POWELL, and that the Public Printer be directed to print five thousand copies of said Biography for the use of this House, together with the speeches delivered on the occasion of the announcement of his death, in pamphlet form, accompanied with a lithographic portrait of the deceased.

Which was 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.

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.

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INTRODUCTION.

It is to be feared that the effort we have made to depict the character and public services of the Hon. LAZARUS W. POWELL will be regarded, by many of our readers, more as a eulogy than a biography. Every written memoir of a truly good man must necessarily partake of this character. Had there been anything in his private life or in his public career worthy of general condemnation, or even of severe censure, we cannot suppose that the duty we have endeavored to perform would ever have been imposed upon us by the General Assembly. The maxim, *de mortuis nil nisi bonum*, is always applicable where there are living representatives of one's blood and name to be affected by the condemnation of the dead. The fact, therefore, that the representatives of his own people, so soon after his death, have directed his biography to be written, is evidence of the purity of his record—of the high estimation in which he was held by their entire constituencies.

It is a singular circumstance, in connection with our search after details concerning the private life of Governor POWELL, that our inquiries, with rare exceptions, have met with only general answers. "He was a most genial gentleman," is the usual reply that we have received from men of all parties and all creeds, at home and abroad. One writes: "He was always true to his principles and to his friends, and he was ever ready to forgive those who had done him injury." Another writes: "He was the soul of honor, as he was of candor; conscientiousness and urbanity had in him their

consistent representatives at all times and under all circumstances; he was sympathetic in the presence of human misery and bereavement, and to the poor he was always a liberal benefactor."

One who knew him well writes:

"There was a geniality about POWELL in social life that was not only the delight of his friends, but which had often the effect to make his bitterest political foes forget for the time that he was not of themselves. In mixed companies, it was a habit with him to introduce topics for conversation that were unlikely to provoke contention. When he found it impossible to prevent this, he was always uneasy until he or others had turned the discourse into other channels. His influence in the United States Senate was greatly in excess of his importance as a party politician. He was known to be a man of sound discretion and of incorruptible integrity, and his advocacy of measures in which no political policy was involved seldom failed to bring to his aid a certain number of votes from the opposition benches."

The Hon. THOS. C. McCREERY, his life-long friend, who now fills the position he so greatly distinguished in the Senate of the United States, thus writes to one of the Committee:

"I should find it difficult to write a lengthy biography of Governor POWELL, from the fact that those traits of character which endeared him to all may be stated in a few sentences. Everywhere, at all times, and under all circumstances, *he was the same*. In social and private life, he was a kind, genial, hospitable gentleman. When you approached his door, no cloud shaded his brow; but the gushing warmth of his welcome made you feel that you were entering the portals of a friend. In public life, he never failed to come up to the full measure of his duty. He was possessed of a high order of talents, which he industriously employed in supporting measures, the jus-

tice of which, in his mind, amounted to positive convictions.”

So far as we are able to discover, his patriotism was never the subject of suspicion in any quarter, except at the beginning of the late civil war, when he boldly took his stand against the rightful assumption of power, on the part of the Federal Government, to make war upon the seceded Commonwealths of the South, for the purpose of coercing them back into the Union. Not even then were his motives impugned by any large number of those who were clamorous for the war. The result of the attempt which was made in 1862 to expel him from his seat in the United States Senate is clearly indicative of the high estimation in which he was held by many among the leading members of the Republican party. That attempt failed by a vote of *twenty-eight to eleven*, a majority of his political opponents voting against expulsion.

To sum up the result of our investigations as to the character of Governor POWELL, both as a man and as the trusted agent of his State, we find that he was beloved by his own people, and everywhere respected; that he was true to his political principles, and ardent in their dissemination; that he was courageous in defending what he conceived to be the truth, and was never discourteous in debate—not even toward his bitterest antagonists; finally, that he was exact in the performance of his official duties, and was governed by prudence in his recommendations of measures of public utility. It were impossible to fulfill properly the duty that has been laid upon us, in the face of a record so indicative of Governor POWELL'S wise statesmanship, of his official integrity, and of his exalted character as a man, without giving to our memoir the appearance of a panegyric.

We desire to acknowledge our indebtedness to a number of individuals, in different parts of the State, who have most kindly furnished us with information of one

kind or another in relation to the late Governor's private and public life. Without such aid, it would have been impossible for us to have performed our task with any degree of exactness, or to have given to our picture even the faint outlines of resemblance to the original, which we have been thereby enabled to secure. Our acknowledgments are especially due to R. T. GLASS, Esq., and Gov. ARCHIBALD DIXON, of Henderson; to the Rev. J. B. HUTCHINS, of Marion county; to Col. S. B. CHURCHILL, Judge GEO. ROBERTSON, GRANT GREEN, Esq., and W. P. D. BUSH, Esq., of Frankfort; to the Hon. THOS. C. MCCREERY, of Washington City; to the Hon. I. A. SPALDING, of Union county, and to the Hon. HENRY J. STITES, Col. PHIL. LEE, Governor BRAMLETTE, and others, of Louisville.

JOS. M. ALEXANDER,
BEN. J. WEBB,
Senate Committee.

J. A. MCKENZIE,
S. I. M. MAJOR,
R. M. SPALDING,
House Committee.

HIS PRIVATE LIFE.

Every photographic artist knows that sun-pictures depend much for their truthfulness to nature upon the *marked* features of the object sought to be portrayed. Smooth faces and regular lines of landscapes are seldom caught in their full reality. This is because there are certain accessories to truthful delineation always wanting in such cases. It is impossible to secure, from the living face, the aspect of *unrest*, which frequently gives to it its greatest charm, its most distinguishable feature. It is the same with a certain class of inanimate objects. A regularly laid-out garden, or a smooth wall of bricks or granite, never makes a pleasing picture. In the case of the garden, the accessories are wanting of sunshine and cloud, fragrance, and the constantly changing lights and shadows produced by more or less commotion in the atmosphere. In the other case, however grand and noble may be the structure exposed to the eye, there are lacking the surroundings which are necessary to fix in the mind the ideas of fitness, comparison, propriety, and the like. The nearest approaches to exactness that have resulted from the photographer's art are to be found in the pictures it has given of old faces, old ruins, and other strongly marked aspects in the domain of nature.

In treating of the private life of GOVERNOR POWELL, one must feel that the difficulties he has to encounter are equally great with those of the photographer when he attempts to reproduce on his prepared paper the exact features of a landscape that presents no aspect

of a marked character. This beautiful life, like a grand, but quiet stream, flowed on its peaceful course, blessed of all, and bearing blessings to all.

Although Governor POWELL was undoubtedly possessed of an ambitious mind, his whole life showed clearly that his ambition was worthily directed toward worthy objects. He desired to earn an honorable name through the practice of those civic virtues which, while they adorn their possessor, are the strongest supports of both society and government. Laudable ambition is but the directing of the forces and powers that fill the soul in the channel of the highest usefulness. To possess talents, and not to use them, is to bury one's treasures in the ground. To possess them, and to use them improperly, is to act as does the madman, who exerts his physical strength to the injury of every one he meets. The object of all laudable ambition is to deserve the plaudits of men for acts beneficial to mankind; and the highest encomium that one man can pay to another is to be able to say of him: He refused the powers that he could not exercise without injury to others. In its incipiency, laudable ambition is but the wail of the soul after those objects in the possible future which will bring it nearer to Truth—nearer to the summit where sits—*sedet æternumque sedebit*—the Spirit of Wisdom and Knowledge. There is no taint of sin in such ambition. It is but the putting to profitable use of the talents given into the keeping of certain of His creatures by Him to whom all service is due.

Every human nature, among the almost endless diversities of rational existencies, has its own capability for a specific work. It is inglorious to shirk the responsibilities of one's position in life—the obligations, the cares, the labors that are incidental to the possession, and the putting to proper use, of special mental endowments. The color taken by ambition is derived from the

motives to which it owes its existence. If these be pure, if they be unselfish—that is, if they be directed to no good that will not also prove a good unto others—then is one's ambition no emanation from the abyss of depraved nature, but a spark from that Living Intelligence from Whom it originally descended, and toward Whom it must ever tend by the law of its nature.

LAZARUS W. POWELL was born in Henderson county, Kentucky, on the 6th day of October, 1812. His father, Capt. LAZARUS POWELL,* only a few years previous to the birth of the subject of our memoir, had settled on a tract of land lying twelve miles south of the village of Henderson, on the Morganfield road. Here he still resides, at the advanced age of ninety years. His mother was the daughter of Capt. JAMES McMAHON, of Henderson county. This gentleman had served in the ranks of the Kentucky volunteers in the war of 1812. He was a man of strong native intellect, but exceedingly eccentric in manner and habits. Though both of the late Governor's parents were possessed of average natural talents, neither had ever enjoyed the benefits of intellectual culture beyond its simplest rudiments. LAZARUS was their third son. Three of his brothers still survive, and one sister, the estimable wife of the Rev. D. H. DEACON, Rector of St. Paul's Episcopal Church, Henderson, Kentucky.

The boy, LAZARUS W. POWELL, at a very early age, began to exhibit those traits of character which, in their fuller development, caused him to be loved and respected wherever he was known. When he had arrived at an age to be able to appreciate the advantages of education, he used diligently the very inadequate means that were

* In the prime of his life, Capt. POWELL was recognized as a man of vigorous mind, and was noted for his energy of character. He accumulated a large estate, the greater part of which has been distributed among his children. He retained the old homestead, where he still resides. At the date of the Emancipation Proclamation, he was the owner of a large number of valuable slaves.

within his reach to acquire knowledge. The school he first attended was a primary one kept by a Mr. EWELL WILSON, in the village of Henderson. Here he learned to read and write. Later, he became a pupil of the late GEORGE GAYLE, Esq., a gentleman of rare talents and attainments, under whose tuition he acquired a fair academical education.*

Young POWELL was a manly youth, ingenuous and truthful, and not a little ambitious. He had scarcely reached the age of eighteen before he had marked out for himself a pathway in life and chosen the profession in which he hoped to acquire a moderate competency, and, possibly, the other results of a reasonable ambition. He did not say—for his aspirations were all civic—

“— The world's mine oyster,
Which I with sword will open—”

but with a like spirit that breathes through this immortal sentiment of the world's greatest poet, he pursued his course, and allowed no obstacle to interpose between his will *to do* and the accomplishment of the act he so willed.

Few farmers in Kentucky, at the time to which we refer (1830), were possessed of any great abundance of ready means; and thus it turned out, when young POWELL was preparing to carry out his design of entering upon the study of the Law, that his father was only enabled to furnish him with a sum of money that was quite insufficient to cover the expenses incident to the position he expected to occupy. Early in the month of June, 1830, the young

* Mr. GAYLE was a firm believer in the efficacy of the rod as an aid to the impartment of knowledge. He was quick-tempered, but was seldom unjust, whether in the bestowal of praise or punishment. He was eminently successful as an instructor of youth, and his memory is warmly cherished to this day by a large number of his former pupils. After he had accumulated a fortune ample enough for all his wants, he still continued to teach for several years, on account, as it is believed, of his love for the profession. In October, 1862, his grand-daughter, Miss MARY A. ALVES, was united in marriage with HENRY POWELL, Esq., the eldest son of the late Governor.

man rode over to the town of Owensboro, the county seat of the adjoining county of Daviess, for the purpose of consulting with an old legal friend of his father's, the late Hon. PHILIP THOMPSON.* This gentleman was then engaged in a large practice in the circuit presided over by the Hon. ALNEY McLEAN.† Mr. THOMPSON readily assented to POWELL's wish to enter his office as a student. He soon discovered, however, that the insufficiency of his young friend's educational attainments would be a great drawback to his hoped-for success in the undertaking upon which he had entered, and he urged upon him the necessity of suspending his legal studies until he could avail himself of the advantages of a classical education.

This was a great blow to POWELL's hopes. He had the good sense, however, to see that the advice that had been given him was the result of a kindly interest in his affairs. Returning home, he set about revolving in his mind the unlooked-for difficulty and the means at his disposal for overcoming it. The result of his self-communing was a determination to visit Bardstown, then the seat of one of the best literary institutions in the State. Having obtained from Mr. THOMPSON a letter of introduction to the Hon. JOHN ROWAN,§ an old friend of the writer, he

* The Hon. PHILIP THOMPSON was a lawyer of great ability. He was a member of Congress from his district from 1823 to 1825. He was killed by one Jeffries in a street fight in Owensboro, in 1836.

† The Hon. ALNEY McLEAN resided in Greenville, Muhlenburg county, where he died in 1842. He commanded a company of Kentucky Volunteers at the battle of New Orleans; also a company in Gen. HOPKINS' campaign against the Indians. He served his district in the Congress of the United States from 1815 to 1817, and from 1819 to 1821. He was for many years a circuit judge, a position that he occupied at the date of his death. He was a man of superior ability, of great popularity, and of high moral character.

§ Judge ROWAN was born in Pennsylvania, in 1773; emigrated to Kentucky when quite young; was a member of the State Constitutional Convention of 1799, and Secretary of State in 1804. He was a member of Congress from 1807 to 1809; Judge of the Court of Appeals in 1819, and a Senator in Congress from 1825 to 1831. He died in Louisville, Ky., July 13th, 1843. Judge ROWAN was a Democrat of the Jeffersonian school. That he should

set out for Bardstown, at which place he arrived in the first week of September, 1830. His entire riches consisted of the horse he rode and less than one hundred dollars in money.

He took early occasion to present his friend's letter to Judge ROWAN, and was by that true gentleman treated with a degree of kindness and interest which he ever afterwards remembered and spoke of in terms of the deepest gratitude. Judge ROWAN was, perhaps, the most learned man of his profession in the State. In order to test the qualifications of the young man for the profession which he had chosen, he introduced into their conversation certain literary, scientific, and historical questions, which he deemed it important that every one should be acquainted with who had any thought of entering upon the study of the Law. The result was as unsatisfactory, in regard to young POWELL'S scholastic attainments, as had been his former trial before Mr. THOMPSON. His natural good sense, however, and his evident candor, made a most favorable impression on the erudite statesman, and again he was strongly advised to apply himself to the acquisition of a thorough collegiate education.

With becoming modesty the young man acknowledged to JUDGE ROWAN that he had not sufficient means to defray

have been strongly inimical to the Whig policy, of which Mr. CLAY was the chief exponent and champion in Kentucky, was but natural. But he gave to Mr. CLAY little credit for exalted mental gifts, and less for statesmanship. He was often heard to express the opinion that DANIEL WEBSTER was much the superior man. He could not understand why it was that the Massachusetts statesman was so much in the habit, as he expressed it, of "playing second fiddle" to one so greatly his inferior. Speaking, on a certain occasion, of the distinguishing characteristics of these eminent men, he illustrated his idea by the following supposed case: "If," said he, "the two should happen to go duck-shooting together, Mr. CLAY would expect Mr. WEBSTER to assume the office of *spaniel* to bring out the birds, and the latter would not be able to perceive that there was any degradation in his assumption of such an office."

the necessary expenses of a college course of studies. Having arrived at the details of his present means, and future prospects, Judge ROWAN gave him hopes that the particular difficulty might be overcome. He told him that he was well acquainted with the Faculty and Professors of St. Joseph's College, and that, having some influence with them, he thought it highly probable that he would be able to arrange with them for his immediate matriculation and subsequent tuition.

Early the following morning Judge ROWAN accompanied the young man to the college, where he was formally introduced to the President, the late REV. GEORGE A. M. ELDER.* Mr. Elder was a man of the kindest impulses. He was also an excellent judge of character. The manly appearance of young POWELL, his candor in stating his wishes and the inadequate means he possessed toward their realization, together with his evident disinclination to accept of unusual terms, or such as would compromise his own independence, all deeply interested the good ecclesiastic. Other members of the Faculty were called to the consultation, and, before they separated, the name of LAZARUS W.

*MR. ELDER was a thoroughly loveable man. Though he occupied, for nearly twenty years, the post of President of a college in which were domiciled from one hundred and fifty to three hundred young men and boys—a large proportion of whom were natives of Louisiana and Mississippi, and, consequently, if there be any truth in the generally accepted saying, "a hot sun breeds a hot temper," may be supposed to have been difficult of control—he was never known to have had an enemy in the college. He had evidently studied human nature to some purpose. He won the hearts of all by making it clear to the perception of all that he possessed himself the most loving of hearts. He died at Bardstown, in the year 1838. The writer of this was seated, on the evening of his death, in the parlor of a friend, since deceased, and was conversing with several members of his family, when suddenly the tolling of the Cathedral bell hushed our voices into awe. Not a word was spoken until the iron clang had again thrilled through our ears, when, with a choking sob, one of the ladies present exclaimed, "O God, he is dead!" Few were the homes, indeed, wherein was heard that tolling bell, that tears and sighs and prayers were not its fitting accompaniment.

POWELL was duly entered on the college register. It is scarcely necessary to state that every obligation entered into by Mr. POWELL with the Faculty of St. Joseph's College was afterwards fully redeemed.

To say that young POWELL was what is termed *popular* with both his Professors and his fellow-students, would inadequately express the general sentiment with which he was regarded in college. By the former he was beloved to a degree that can only be fully understood when reference is made to the bond that exists between parent and child. He was the pride of the latter, admired and looked up to as something to be made much of and copied after. There was no waywardness in their feelings toward their idol, because there was no blot on his escutcheon. He was listened to, and his advice followed, because of their respect for his character and their confidence in his judgment. Who can measure the restraining influence of such a mind over the weaknesses and latent propensities to evil of less steadfast associates? His young companions learned to respect virtue, principle, assiduity, and goodness, because of all these their friend was ever the consistent exponent.

Boys from fourteen to twenty are very frequently more zealous political partisans than are their elders. This was certainly the case with the students at St. Joseph's in 1830-3. POWELL had been nurtured, as it were, in the principles of the Democratic party. The great majority of his fellow-students, on the contrary, had imbibed other notions—those that had for their chief exponent at the time the great Whig leader, HENRY CLAY. Controversies often arose between the students on the merits of the political questions which were then dividing public sentiment, and in these there was, no doubt, exhibited as much bitterness as usually accompanies disputes on any deeply interesting topic. Had the subject of our memoir been anything else than the man he was—sincere,

but calmly demonstrative—able to distinguish between political heresies and the motives which incline men to their adoption—he would scarcely have been accorded, as he was, the championship of the entire school in everything in which a general interest was excited outside of politics. No matter what were the partisan views of any one of his fellow-students, it was impossible that he should not respect the party that had an advocate so entirely candid, and yet so cautious about giving offense to others. Throughout his whole political career, in after years, there was no wavering on the part of his old fellow-students, when it was question of saying a kind word or of doing a kind thing, for one who had so much endeared himself to their hearts.

“It may be stated,” writes one of his fellow-students to the Committee, “with entire truth, that the standard of Governor POWELL’s scholarship would have been improved, had he passed through college at a less rapid pace.” He adds: “Poverty and ambition stimulated him to great exertion, and he graduated in the class of 1833, which numbered some of the sprightliest and ablest minds in the South and Southwest.* ”

*The class of graduates at St. Joseph’s College for 1833 numbered eight individuals, viz: LAZARUS W. POWELL, of Kentucky; R. F. ALPOINTE, of Louisiana; G. W. RHODES, of Kentucky; J. B. MADDOX, of Louisiana; A. LE BLANC, of Louisiana; R. C. BRASHEAR, of Kentucky; THOS. H. DUVAL, of Kentucky, and WM. HOWARD, of Kentucky. Of these, R. C. BRASHEAR fell at the Alamo, in the war for the independence of Texas. THOS. H. DUVAL studied law, and removed to Texas, where he became a circuit judge, and was afterwards Secretary of State. F. R. ALPOINTE studied medicine, and became, and is now, an eminent physician in New Orleans. In regard to the other members of the class of 1833, with the exception of Governor POWELL, we have no knowledge concerning their after career.

Others of Governor POWELL’s fellow-students at St. Joseph’s were: The late HON. GEORGE ALFRED CALDWELL, of Louisville, a gallant officer in the war with Mexico, and a Representative in Congress from Kentucky from 1843 to 1845, and from 1849 to 1851; the HON. ROBT. WICKLIFFE, late Governor of Louisiana; Judge RICHARD A. BUCKNER, of Lexington, Ky.; the

Among the college friendships formed by POWELL while pursuing his studies at St. Joseph's was one which we cannot forbear mentioning. CLEMENT C. SPALDING, a younger brother of the present Archbishop of Baltimore and of R. M. SPALDING, Esq., the member from Marion county of the present House of Representatives of Kentucky, was pursuing his studies in the same institution during the entire term of Mr. POWELL's college course. His was regarded as the brightest intellect there. Though his graduation took place a year later—in the class of 1834—his scholastic attainments were, even then, in some respects, of a higher order than those of POWELL. Between the two, from the date of the latter's introduction to the school, there sprung up a friendship so warm that it was the subject of general observation among the students. They were the recognized leaders of the various debating clubs that had been organized in the institution, and it was in these clubs that they first essayed their powers of logic as well as of oratorical display.*

Early in August of the year 1833, only a few days after his graduation, Mr. POWELL entered the law office of the Hon. JOHN ROWAN, of Bardstown, Kentucky, for the purpose of resuming his legal studies, which had been inter-

Hon. THOMAS C. MCCREERY, Senator in Congress from Kentucky; Col. S. B. CHURCHILL, Secretary of State of Kentucky; SAMUEL GLOVER, Esq., one of the most prominent lawyers of Missouri, now residing in St. Louis; JOSHUA F. and JOHN J. SPEED, Esqs., of Louisville, and the Hon. OTHO R. SINGLETON, a Representative in Congress from Mississippi from 1853 to 1859.

* Having finished his college course, C. C. SPALDING studied law, and, in 1836, entered upon the practice in Alexandria, La. His great ability, together with his strict probity and attention to business, soon enabled him to take a high rank in his profession. In 1837, while on his way to Kentucky to visit his relations, he was taken sick, and only reached Bardstown to die in that place on the 23d of July, 1837. Those who had frequent opportunities to see and converse with Governor POWELL will remember how fond he was of speaking of his deceased friend. Never, to the end of his life, did he cease to remember and to mourn over the great loss sustained by himself and the country in the early death of one so worthy to be loved, and of such brilliant promise.

rupted by his college course. The studious habits which so remarkably distinguished him while passing through college, equally characterized him in his new position. He brought all the powers of his mind to bear upon the acquirement, within the least possible period of time, of that sum of knowledge of his profession which would enable him to look forward to an honorable career in life. He was happy in having for his legal preceptor one of the master-minds of his day and the country. Judge ROWAN was not only a well-read lawyer, but he was also a profound scholar and a man of the rarest natural intelligence. His diction was always elegant, and he spoke without seeming effort.

Never have two men of acknowledged genius presented so marked a contrast in almost every particular as did Judge ROWAN and his celebrated rival at the bar, the late HON. BEN. HARDIN. In every thing, except genius, they were each the antithesis of the other. ROWAN had a commanding presence; he was tall and robust in person; in speaking, his voice was sonorous and his action graceful; his speeches were filled with classical allusions; his sentences were never faulty, whether in rythm or grammatical construction; he always dressed with care, but never with ostentation. He was himself the soul of integrity, and nothing ever so moved him to a display of indignation as the lapses of his colleagues from a correct estimate of the honorable character of the profession into the domain of artifice.* He was immeasurably the superior of his

* The writer was himself a witness, on a certain occasion, of a scene in the Circuit Court room of Nelson county, Ky., which strongly exemplifies the statement in the text. An old citizen of the town had recently died, and he had left his widow, with a large family of children, in straightened circumstances. A wealthy creditor of the estate had determined, by the advice of an attorney whose general character was that of a legal trickster, to institute a suit for the avowed object of recovering his debt, but which, if successful, would have the effect to deprive the widow of her homestead—a right to which the law then gave to her during life. At the moment when the motion was being laid before the Court by the plaintiff's attorney, Judge

rival in his ability to touch the hearts of his hearers by sympathetic appeals. He was his inferior in repartee, and in the use of strong invectives. He was his inferior, also, in that quickness of perception which enabled Mr. HARDIN to take advantage of every legal quibble, every blunder of opposing counsel, and every circumstance referred to in the witness-box, that could possibly benefit his case.

The Hon. BEN. HARDIN, or "Old Kitchen Knife"—by which soubriquet he was afterwards known in the Congress of the United States—was undoubtedly one of the shrewdest advocates that was ever entrusted with a client's interests in any court of the Commonwealth. He affected a simplicity in dress that approached slovenliness. He was lank in person, slightly stooping from middle age, and exceedingly restless in manner. During the progress of any important cause in which he had been retained, he might be seen pacing the body of the court-house—without the bar, but within hearing of the proceedings—his hands clasped behind his back, and muttering to himself all the while—and thus were prepared many of his most elaborate arguments. His voice was sharp and piercing, and he was strongly energetic, both in action and delivery. Wit—drollery—sarcasm—invective—these were his chief forensic weapons, and terrible weapons they generally proved in his hands. His many political canvasses are to this day frequently talked about by the older citizens of Nelson and the adjoining counties. He possessed, in an eminent degree, the faculty of adapting himself to all

ROWAN happened to be sitting before a table within the bar, apparently engaged in arranging a number of papers that lay before him. The name of his deceased friend struck upon his ear while the motion was being read, and he was seen to assume a listening attitude. As the reading proceeded, the old man rose to his feet, and scarcely had the tricky lawyer concluded, when he found himself and his client the subjects of the most scathing rebuke that was ever uttered by mortal lips in that little old court-house. The attorney sneaked away, crestfallen, and, thanks to her unfeeling advocate, the widow was permitted to retain possession of her homestead.

classes of men. At one time he would appear to be as deeply interested in the result of a foot-race, or a wrestling match, as the most ignorant boor on the ground; and at other times he would discuss agriculture with the farmers, domestic matters with their wives, science with the learned, and politics with everybody. With talents so diversified, it is not to be wondered at that he should have acquired, in the course of time, a reputation for sincerity that was not particularly enviable.*

In addition to the two distinguished personages named, the bar of Bardstown, in 1833, was enriched by the practice of several scarcely inferior minds. The most noted among these were the HON. CHAS. A. WICKLIFFE, † after -

*At home it was a common occurrence with Mr. HARDIN to address the court or jury in his shirt-sleeves. When engaged in legal work outside of his own district, especially in places where he was little known, he was observant of the proprieties of his position until he happened to become heated in argument, and then, first his cravat would be snatched off and cast aside; next, the collar and wristbands of his shirt would be unbuttoned and thrown back; and, finally, long before he came to the peroration of his discourse, especially if the weather was at all sultry, off would come his coat and waistcoat, and then, as nearly *in puris naturalibus* as it was possible for him in decency to go, he would thunder out invectives against some unfortunate litigant, or some still more unfortunate criminal, in a style that was not unfrequently fully in keeping with the tastes of his rough auditory. The death of Mr. HARDIN took place at Bardstown, in February, 1854. He was at the time a State Senator from the Nineteenth Senatorial District.

†The HON. CHAS. A. WICKLIFFE is a native of Bardstown, Kentucky, where he was born in 1788. He served in the war of 1812, and was present at the battle of the Thames. Having served in the State Legislature for several terms, he was elected a Representative in Congress from his district in 1823, in which position he remained for ten years. In 1836 he was elected Lieutenant Governor of Kentucky, and on the death of Gov. CLARK, in 1839, he became Acting Governor. In 1841 he was appointed Post-Master General by President Tyler. In 1861—having previously been a member of the State Constitutional Convention in 1849—he again became a Representative in Congress from the Bardstown district. He was a member of the Peace Convention held in the same year. In 1862 he was a candidate for Governor, but was defeated through the instrumentality of the military that then occupied the State. He still resides on his place in the vicinity of Bardstown, but for several months has been suffering from a disease of the nerves of the eye, which has entirely deprived him of sight.

wards Governor of the State and Representative in Congress, who still survives, and the late BENJ. CHAPEZE, Esq., a lawyer of profound legal attainments, and a gentleman widely known and esteemed for his moral worth.

The advantages which intercourse with such minds afforded an ardent student like young POWELL, undoubtedly proved of great value to him in after life. He learned to contrast their powers, to subject their arguments to the test of his own reason, and thus to distinguish between logic and sophistry. He learned, too, under the inspiration of their impassioned eloquence, how to touch the hearts of the people, how to win their confidence and respect.

At the time of which we are speaking, the entire government of the country, both State and Federal, was in the hands of members of the legal profession. There were few other than lawyers to be found in any department of either government. In consequence of this state of things, the profession of the Law was almost the only avenue that led to political distinction. The gentlemen already named were all politicians, as was also, with rare exceptions, the entire legal body of the country. In choosing the Law for his profession, there is room to doubt if young POWELL was actuated by any other motive than the usual one with persons starting out in life—that of acquiring a competency in the manner most suited to his tastes. It is reasonable to suppose, however, that the circumstances surrounding him at Bardstown—the deep interest manifested by his preceptor and those with whom he was associated in the political issues of the day—should have bred in him a taste for political controversy, and eventually the desire to take part in the business of legislation.

Mr. POWELL remained in the office of Judge ROWAN until the winter of 1834–5, when he repaired to Lexington, with the view of attending a course of Law Lectures at Tran-

sylvania University. The Law Professors of the term were the Hon. GEORGE ROBERTSON* and the Hon. DANIEL MAYES. The former of these, even then, was regarded as the most profound legal theorist in the State. His present reputation is as wide as the country—his pupils filling exalted positions in almost every State of the Union and in the National Legislature. The rank accorded to Judge MAYES in his profession was but a little lower than that held by his gifted associate. He held for several years the position of Circuit Court Judge in the counties which then formed the Frankfort Judicial District. He was remarkably distinguished for the conciseness of his decisions. In these, the law, in its relations to the entire cause and the evidence adduced, was clearly stated, in language that was always clear and pointed.†

* Judge ROBERTSON is certainly one of the most remarkable men of his day and country. Though nearly eighty years old, he is now actively engaged in performing the duties of a Judge of the Supreme Court of the State, with mental powers apparently as bright as at any previous day of his long and useful career. In the year 1817, at the age of twenty-six, he was elected to the United States Congress from the Garrard district; since when, he has filled the offices of Representative in the State Legislature, in which he was Speaker of the House for four sessions, Secretary of State, Judge of the Appellate Court, and Chief Justice. He has repeatedly declined important offices, including missions to Columbia and Peru. The ability uniformly displayed by Judge ROBERTSON in the discharge of the duties of these various offices is acknowledged on every hand, not only by his political friends and associates, but by those who were at times bitterly opposed to his course. For more than twenty years he filled the position of Law Professor at Transylvania University. It is said that he has instructed in their profession no fewer than three thousand lawyers, over two thousand of whom graduated under his personal instruction. Notwithstanding the fact that Judge ROBERTSON and Gov. POWELL entertained diametrically opposite views of politics, they were warm personal friends to the end of the latter's life. Judge R. visited Washington during Gov. POWELL's Senatorial term, and he was often afterwards heard to express his high sense of the latter's courteous attentions to him on that occasion. It was, at one time, the earnest desire of POWELL to place his two elder sons under the control and tuition of his old preceptor, but circumstances prevented the consummation of his wishes in this respect.

† The late ISHAM HENDERSON, Esq., then a leading practitioner on the Shelby circuit, was once heard to remark: "Since Judge MAYES has been on the

Not only was POWELL assiduous in study during his stay in Lexington, and prompt in his attendance at the University Lectures, but he let no occasion pass in which it was possible for him to acquire a knowledge of the practical part of his profession, by making himself familiar with the proceedings of the Courts of Law, when these happened to be in session. The bar of Lexington had one advantage over that of Bardstown: the number of its prominent members was much greater. Among the resident practicing attorneys then in Lexington could be named such men as the Hon. HENRY CLAY, the Hon. ROBERT WICKLIFFE, Judge THOS. M. HICKEY, A. K. WOOLLEY, Esq., CHARLTON HUNT, Esq., JAMES COWAN, Esq., and MADISON C. JOHNSON, Esq., the latter being then a young man, but giving promise of the high reputation in his profession which he has since acquired.

The law session at Transylvania over, Mr. POWELL returned to Henderson in the spring of 1835, where he opened an office and sought for business in the line of his profession. His success equaled his expectations from the first; but, a few months later, having formed a partnership with the leading practitioner at the Henderson bar, ARCHIBALD DIXON, Esq.,* he was at once placed on

bench he has saved me a great deal of trouble. I have only to state my positions, without being under the necessity of *instructing* the Court, in long arguments, upon the law of the case." Judge MAYES removed to Mississippi many years ago, and died at Jackson, in that State, some time before the breaking out of the late civil war.

*The Hon. ARCHIBALD DIXON was born in North Carolina on the 2d of April, 1802. His father removed to Kentucky in 1804, and settled in Henderson county, where his son was reared and educated, and where he has since resided. He had no advantages of early education beyond those afforded in the "old field" school-houses of the neighborhood. His own energy and industry supplied the deficiency, and he soon took high rank in the profession which he adopted. He began the practice of the law in Henderson in the year 1825, and was eminently successful from that period until his final retirement from the active duties of the profession in 1860. He was elected to the Legislature of Kentucky in 1830, over HUGH McELROY, Esq., the Democratic candidate. In 1836 he was elected to the Kentucky

the high road to that eminence as a lawyer which he afterwards attained, as well as to the substantial remunerative benefits of an extended practice. His business connection with Mr. DIXON continued till the year 1839.

State Senate, his unsuccessful competitor being Dr. JOHN ROBERTS, of Daviess county. At the close of his Senatorial term he was returned, without opposition, as the member from Henderson county, to the Lower House of the Legislature for the session of 1841-2.

In 1844 he was the candidate of the Whig party for the office of Lieutenant Governor of the State, and was elected over his opponent, W. S. PILCHER, Esq., of Louisville, by a handsome majority. He filled this position for four years with distinguished ability. In 1849 his name was presented by his friends for the position of Delegate to the Convention that had been called to form a new Constitution for Kentucky. He was elected to this office, and was the Whig candidate for the position of President of the Convention, but was beaten, on a party vote, by the Hon. JAMES GUTHRIE. He took a leading part in the debates upon nearly every important question that was brought before the Convention, and was recognized as one of the ablest members of that body.

In 1850 he was the Whig candidate for Governor of the State. The Hon. L. W. POWELL, the Democratic nominee, and the Hon. CASSIUS M. CLAY, the representative of the small abolition faction—then for the first time in the history of Southern politics openly coming before the people for their suffrages—were Mr. DIXON'S opponents. He was beaten in this race by Mr. POWELL by a small majority; and, for the first time in many years, the control of the State Government was transferred from the long dominant Whig party to that which had been so ably and successfully championed by his Democratic competitor.

In 1851 he was elected to the United States Senate, to fill the unexpired term of the Hon. HENRY CLAY, whose failing health demanded his release from public service. In this new field, though suffering for most of the time from an annoying chronic complaint, he greatly distinguished himself by his able advocacy of the various measures of public policy which were from time to time brought forward by his party. He will long be remembered in the history of his country as the author of the famous Kansas-Nebraska bill—as accepted by Mr. Douglas—repealing the Missouri Compromise measure of a former Congress. While many persons, in the light of the consequences which have flowed from it, may reasonably doubt of the *policy* of this measure, no Southern man will likely question its entire *justice*. In 1862, Governor DIXON was elected to the Border State Convention, which assembled at Frankfort, and, together with the Hon. JOHN J. CRITTENDEN and other distinguished men, endeavored to prevent the disasters of war by the recommendation of measures of conciliation and compromise. This was his last public service.

Governor POWELL's reputation as a lawyer was not built upon any peculiar talent possessed by him for forensic display. In his addresses, to be sure, whether to the court or to the jury, he was always forcible, and often eloquent. But he depended more for his legal triumphs upon the careful analysis of his causes. It was his invariable custom to come into court fully prepared to meet the objections of opposing counsel, with his authorities before him, whether as to the law bearing upon the case, or to previous judicial decisions. Owing to this custom, he was always a formidable antagonist in the courts in which he practiced. What he lacked in readiness of suggestion, had its full compensation in the preliminary care which he never failed to bestow upon each particular cause as it came into his hands. His wonderful success in his profession is more to be attributed to this fact than to any other.

On the 8th day of November, 1837, LAZARUS W. POWELL was united in marriage with Miss HARRIET ANN JENNINGS, the orphan daughter of Capt. CHARLES JENNINGS, deceased, who had been an esteemed and prosperous citizen of Henderson county. During her brief life, Mrs. POWELL bore to her husband three sons, all of whom are still living, and are highly respected citizens of the community that had so long delighted to honor their father. The death of Mrs. POWELL took place on the 30th day of July, 1846; and, to use the expression of one of the late Governor's eulogists "for her sake he ever afterwards devoted to the children she had left to his care all the wealth of his manly and magnanimous heart."

When not occupied by official duties during the progress of the civil war, Governor POWELL spent most of his time at his home in Henderson, and in overlooking the farming operations upon his plantations in the county. This was for him, as it was for thousands of others in the State, a period of great anxiety. Suspected by the

government military officials, who had, for the greater portion of the time, complete control in the river towns, on account of his well-known antipathy to the bloody method that had been adopted to preserve the integrity of the Union; saddened at the sight of the utter ruin which the war had brought upon many of his neighbors, and which was threatening others; disgusted with the cruelties of the vengeful military despots who were then ruling Kentucky, and whose so-called retaliatory measures were continually involving the lives and liberties of innocent men; indignant at the shameful venality of some among these same despots and their pliant subordinates, and at their contemptuous disregard of even the forms of State laws, in taking upon themselves all control over the elective franchise—Governor POWELL, no doubt, felt these years of the war to be the saddest of his life.

Always circumspect in his conduct, and, for one of his known views, in a certain degree trusted in by the authorities at Washington, he was enabled to serve many who had become involved in the troubles of the times, not only in his own section, but throughout the South, and never was his influence asked for in vain by a worthy object. His means, too, were dispensed with a lavish hand to those who found themselves reduced to poverty by the military raids which were of common occurrence in his own and the neighboring counties of Southern Kentucky. Whether the sufferer happened to be attached to one cause or the other, it was all the same with him. Human misery was a plea that never failed to awaken in him active sympathy, and with this plea he never permitted consideration of party affinity, nor even of policy, to interfere.

When the war finally closed, Governor POWELL entered upon the practice of his profession with more energy than had ever before distinguished him, save during the

first years of his professional career. This was most probably done with the view of introducing his eldest son, who had then become associated with him in the practice of the law, into the routine of his profession. Up to the time of his mission to Utah, in 1858, he had been a great sufferer from a rheumatic affection; and though he had since been apparently entirely relieved from the disorder, his nervous system, in consequence of its ravages, as he thought himself, had remained afterwards in an exceedingly delicate condition. Seeing him immersed in business, and, to all appearance, as anxious in its prosecution as he had been when starting out in life, thirty years before, there were those among his friends who doubted if his physical strength was equal to the labor he was imposing on himself. On Wednesday of the last week in June, 1867, he appeared for the last time in the streets of Henderson a living man.

After a day of some fatigue, induced, possibly, more from the shattered condition of his nerves than from any great amount of physical or mental labor, he returned to his house and immediately retired to his room. Nothing was thought of this circumstance until the following morning, when he was found to be seriously ill. The family physician, Dr. PINKNEY THOMPSON, was at once called in. The report made by this gentleman was sufficiently alarming; but neither did he nor the members of the Governor's family at first apprehend a fatal termination of his sickness. It was at first supposed that his disease was a slight attack of congestion of the brain. A subsequent examination proved that a blood-vessel at the base of the brain had become ruptured, and that this had induced apoplexy, followed by a partial paralysis of the right side, and, eventually, of the whole body. During Thursday and Friday he was enabled to distinguish his friends as they approached his bedside. His

physician called to his assistance Dr. JOHN T. BERRY, of Henderson, and Dr. M. G. BRAY, of Evansville, Indiana. Their consultation took place on Saturday, and the result was a sorrowful acknowledgment that the case was hopeless.

When this opinion was made known among the Governor's neighbors and fellow-citizens, the effect was as if an impending calamity were threatening their own hearth-stones. Business appeared to be forgotten, and men and women gathered together in knots, brooding sadly, and speaking in whispers of the one absorbing topic which filled their thoughts. In the meanwhile the Governor lay in a comatose state, from which it was difficult to arouse him, at intervals, in order to administer such alleviatives as had been prescribed by his physicians. On Sunday, the last day of the month, his friend and neighbor, GRANT GREEN, Esq., made a persistent attempt to arouse him from the stupor by which he was overcome, and with such success, that faint hopes were induced of his ultimate recovery. On the following morning, however, he again relapsed into unconsciousness, and thus continued till death intervened, about three o'clock in the evening of July 3d, 1867.* Greater sympathy was never manifested by a community for one of its number when stricken, ill, and dying, nor were ever sincerer tears shed than when it was announced among

* A warm personal friend of Governor POWELL, who was frequently with him during his last illness, thus writes concerning his death to one of the Committee:

"All the aids of skill and experience, and all that devoted and unremitting attention on the part of family and sympathetic friends could accomplish, were employed to snatch from the embrace of death this son, dear to his State and the nation, this father beloved of his children, this friend enshrined in the hearts of all who knew him; but in vain. The fiat had gone forth—he had filled the measure of his fame, and now the silent land of the sleepers awaited him. His family and a few friends were present when he died. Among these were Mr. WM. S. HOLLOWAY, Mr. ROBT. G. BEVERLY, Mr. BEN. M. WINSTON, Mr. S. JOHNSTON ALVES, and the Rev. D. H. DEACON.

his friends and neighbors that his "spirit had gone to the God who gave it."

The funeral took place on Thursday, the 4th day of July, 1867. Among the pall-bearers were the Hon. ARCHIBALD DIXON, the Hon. JOHN LAW, of Indiana, GRANT GREEN, Esq., and W. S. HOLLOWAY, Esq. The body was borne to St. Paul's Episcopal Church, of which his brother-in-law, the Rev. D. H. DEACON, was Rector. Every business house and office in the town was closed, and almost all were draped in emblems of mourning. The Rev. Rector of the church was too much overcome to trust himself to speak on the occasion, and his place in the pulpit was supplied by the Rev. JAHLEEL WOODBRIDGE, Pastor of the Presbyterian Church of Henderson. The text of the discourse preached by the reverend gentleman was taken from the 46th chapter of Psalms—*Be still, and know that I AM God.* On the announcement of the text, a solemn silence seemed to wrap the entire auditory, and this, till the close of the discourse, was only broken at intervals by the stifled sobs and smothered sighs of stricken hearts, as the eloquent divine glowingly pictured the exalted character of him whose cold remains lay confined before them.

The Masonic body of Henderson, although Governor Powell had never belonged to the Order, formed in procession and accompanied his remains to the grave. The procession of citizens, on the occasion, was the largest ever seen in Henderson. In it walked the rich and the poor, women and men, and even little children. One division of the mourners deserves to be specially noticed. This was composed of the newly-created freedmen—his own former slaves and those of his neighbors, who had known him, many of them, all their lives. They had come, some of them, from points ten and fifteen miles distant, trudging on foot, in order to pay their tribute of respect and gratitude over the grave of one who had

never ceased to be their best friend and counselor. No more genuine sorrow was exhibited on that mournful day than was evinced by the blacks of whom he had once been the master, and who, up to the day of his death, had been in the habit of addressing him by that title.

Governor POWELL was especially distinguished as a promoter of innocent hilarity. In his own family circle there was little of that hushed *propriety* which, in many American households, is held for gentility. He loved to witness the mirthful gambols of his children and their young companions, and to hear their voices rising in gladful shouts while at their play. Often, indeed, he was in the habit of taking part in their diversions, and then his own deep bass, in unison with their treble voices, formed a concert that was as pleasing to an intelligent ear as any that ever gained the plaudits of admiring listeners in the world of fashion and of cultivated tastes.

No more hospitable mansion than that of Governor POWELL ever opened its doors to the personal friend or to the wayfarer. He appeared to delight in the providential blessings of fortune which he enjoyed, for the sole reason that they enabled him to gratify his hospitable tastes. He was especially fond of gathering about him of an evening a coterie of personal friends for social enjoyment. These gatherings were as far removed from orgies of dissipation as they were from conclaves met together for serious discussion. Governor POWELL'S habits in regard to eating and drinking were sufficiently abstemious to please an anchorite.* The enjoyment he derived from exhibitions of the truly humorous in discourse was with him a marked characteristic. When surrounded by gentlemen of like tastes in this particular, he always appeared, even when suffering from the

* Governor POWELL was an inveterate *tobacco-chewer*. This was the only species of dissipation he ever indulged in.

twinges of his chronic enemy, rheumatism, as if he had been immersed in an element that had the property to remove all painful sensations. It was only when humor degenerated into something akin to vulgarity, that its exhibitions palled upon his taste. His laughter was contagious. It seemed to well up from a soul overflowing with pleasantness and with kindly human sympathies. "Never," writes an esteemed correspondent, "have I listened to a more hearty laugh than that with which POWELL was wont to greet the perpetrator of a successful joke or witticism."

During the latter years of his life, the Governor seldom spent his evenings away from his own home. When he had no visitors, he was in the habit of retiring to his own room for study, or in order to prepare the causes in which he had been retained. When wearied with these occupations, he would repair to the apartments of his daughter-in-law, and there amuse himself with the prattle of his little grand-children. His family mansion was surrounded by ornamental grounds and a large garden. To the embellishment of these grounds he devoted many of his leisure hours, and found in such employment both health and enjoyment.

One great source of care to Governor POWELL, after the Proclamation of Emancipation of President Lincoln, was a number of helpless blacks—formerly his slaves—who had no one else to look to for support and protection. Had the Government, when it deprived him of his rights of property in those of his slaves who were capable of performing manual labor, taken upon itself, at the same time, the support of those who were incompetent to earn their own living, there would have been little hardship in his individual case, as there would have been little in thousands of other cases still more onerous. He might, to be sure, had he been a brute, and no man, have *evicted* the aged and infants among his former slaves from his planta-

tions, and have suffered them to die of hunger and exposure on the highway. Had the war bereft him of all his property, as it did hundreds of slave-owners in the South, even his well-known humanity could not have stood between these poor creatures and destruction. As it was, he never thought of them otherwise than as dependents on his bounty, whom it was his duty to serve and protect. Up to the day of his death, they were fed and clothed at his expense, and they are still cared for at the expense of his heirs. Had the unmistakable tokens of profound sorrow that characterized that portion of the mourners at Governor POWELL'S funeral which was composed of his former slaves been witnessed by those whose fanaticism brought on the late war and all its horrors, they might well have stood in astonishment at a sight so foreign to all their notions of the relations that often existed between master and slave.

Governor POWELL, though he never professed any particular form of Christian faith, was unquestionably a firm believer in the truths of Divine Revelation. Many expressions are to be found in his speeches which show that he was familiar with the Bible, and had for that Sacred Book the most profound reverence. There was no one in the community in which he lived that was more liberal of his means for objects connected with religion. He appeared to have no preference for one denomination over another, but gave to all with a large-hearted liberality that was at once the evidence of his regard for religion in general, and of his esteem for those whose vocation it was to preach the gospel. His house was as free to all ministers of religion, without exception as to creed, who happened to be temporarily sojourning in the town, as it was to himself. On one occasion, which has come to our knowledge, he spoke seriously

of religion, and of his regret that he had not identified himself in profession with the followers of Christ. Conversing with a Christian neighbor, he remarked that he had long desired to make himself better acquainted than he was with the peculiar doctrines of the various Christian Churches, and that it was his intention to enter upon this study with the view to the profession of that form of faith which should commend itself to his more enlightened judgment.

It is said by some that Governor POWELL never exhibited any evidence of extraordinary genius. This may be true, though there are abundant reasons to doubt it. The placidity of his mind was such as to foil observers in their attempts to detect the riches concealed in its depths. Of the *erratic* in genius he was certainly totally void. But even admitting that he gave to the world no extraordinary exhibitions of genius, it must be allowed that he gave to it what are ordinarily of much more value—exhibitions of determination in the assertion and defense of principles that were directly conservative of the best interests of society and government—exhibitions of moderation and prudence in the performance of duty when called to the discharge of high functions in the State; and, in the hour of defeat or of failure, of unshaken confidence in the ultimate triumph of his own and his party's patriotic purposes for the welfare of the nation. He was no coward, and he never mistook present failure for final defeat. In the darkest hours of the Republic he never lost hope—never relinquished his right to appeal to the reason of those who were permitting their passions and their prejudices to sway their judgments and to control their policy. He gave utterance to the convictions of his mind, temperately yet firmly, and never in language calculated to alienate the respect of his opponents. However they may have doubted, or pretended to doubt, the

correctness of his views, they were convinced of his candor, and did homage to his manhood.

Gov. POWELL well understood, what few public men have seemed to learn, that every truly beneficial measure—every wholesome reform in government—is to be secured and permanently retained only through efforts that have for their animus the *general* good, and not that of a section of the country or a party among the people. He may be said to have been a partisan in so far as he had definite notions in regard to the structure of the government and the proper policy to be pursued in order to promote the prosperity of the country and the happiness of the people; but he was no partisan in the general acceptation of the term. He never deferred principle to party, or the good of the masses to party success. Above all, he could and did distinguish between the individual and his party predilections, and never alienated the respect of the former by bitter denunciations of the latter.

Courtesy, whether in speaking to or about his political opponents, was a habit of his mind, and this habit, except under the provocation of unmistakable insult, he carried with him through life. A distinguished gentleman, occupying a high position at Washington, thus writes to a member of the Committee :

“In Washington City, Democrats and Radicals speak of him as a friend whose loss they deplore. No man was ever able to hate POWELL long. Several undertook it; but he outlived their resentment, and at the date of his death he probably had not an enemy on earth.”

What a noble eulogy is this! It tells us, by implication, that he had a just perception of what was due to others and what was due to himself. It tells us, also, that he possessed a mind that was capable of rising above those paltry passions which are, with the majority

of men, so difficult of restraint in the hearing of false representations of facts and motives, of coarse invectives or tantalizing inuendoes, coming from one's political or personal foes. It tells us, further, that he possessed a heart that was all alive to those humane amenities that are resistless to propitiate good will and to curb dissension.

HIS PUBLIC LIFE.

“What constitutes a State?

Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud, with spires and turrets crowned;
Not bays or broad-armed ports,
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No: men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or den,
As brutes excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain—
These constitute a State.”

[*Trans. by Sir William Jones.*]

We can nowhere find a more appropriate introduction to our chapter on the Public Life of Gov. POWELL than the above short poem from the Greek of Alcæus. LAZARUS W. POWELL was emphatically a man of the people. He never distrusted them—never doubted their will to preserve free government, nor their ability to do so. He knew—none better—that mere listlessness on the part of a well-disposed people will occasionally subject them to the domination of unworthy rulers. He knew, too, that men under our form of government are often led to support dangerous measures by reason of their too great reliance upon those who advocate them. Notwithstanding his knowledge on these points, he never could be brought to doubt of the ultimate conservatism of the people. He always appeared to feel, even when

the country seemed to be on the verge of ruin, in consequence of the evil legislation and the maladministration of its chosen agents, that there was a sure and all-sufficient remedy for every ill under which it was suffering in the hands of the people, which was certain to be applied in time to prevent the overthrow of the governmental structure that had been reared by the fathers of the Republic.

In July, 1836, at the earnest solicitation of a number of his political friends, Mr. POWELL announced himself as the Democratic candidate for the office of Representative of the county in the Lower House of the Kentucky Legislature. The Whig party was largely in the ascendancy in Henderson at the time, and it was more for the object of keeping up their organization than with any expectation of success, that the party in the minority proposed to place a candidate in the field. Mr. POWELL'S Whig competitor for the place was JOHN G. HOLLOWAY, Esq., a very estimable and popular citizen of Henderson. While the former industriously canvassed every precinct and neighborhood of the county, making friends and securing votes everywhere, the latter, relying on the party bias of his proposed constituency, made little or no exertion to win their confidence ; and thus he lost his election. The result was as unlooked for by both parties as it was highly honorable to the industry and address of the successful candidate.

During the sessions of the General Assembly which followed his election, Mr. POWELL proved himself a careful legislator. He was especially attentive to his duties as a member of the various committees upon which he had been placed, and was always alive to the interests of his constituency and those of the entire State. At the next general election he was again a candidate for the office which he had so creditably filled for two years. Whether it was that, by this time, party lines had become

more closely drawn, or that his old competitor had learned from his former experience to depend more for success upon his personal exertions in the canvass than upon the party predilections of the people of the county, certain it is, that Mr. HOLLOWAY beat him in the race by a considerable majority.

In the Presidential canvass of 1844, Mr. POWELL accepted from his party the position of District Elector, and canvassed his own and the neighboring districts for JAMES K. POLK. In this canvass he was brought prominently before the people of Western Kentucky, and, thus far, he laid the foundations of that personal popularity which afterwards enabled him to serve his party in more important positions. Mr. POLK was elected over his competitor, the Hon. HENRY CLAY; but the Democrats were defeated in Kentucky.

In the spring of 1848, the State Democratic Convention met at Frankfort, for the purpose of nominating candidates for the Executive offices of the Commonwealth, to be voted for at the coming August election. The choice of the Convention fell upon the Hon. LINN BOYD,* of McCracken county, for Governor, and the Hon. JOHN P. MARTIN, of Floyd county, for Lieutenant Governor. Before the dissolution of the Convention, authority was given to the Democratic Central Committee of the State to fill all vacancies, if any, that should occur on the ticket proposed, by declination or otherwise. Upon being informed as to the action of the Convention, Mr. BOYD, in a letter addressed to the Chairman of the State

*The Hon LINN BOYD, at the time referred to in the text, was the most noted of all the Democratic politicians of the State. His influence in Western Kentucky was paramount. He represented, for many years, the First Congressional District in the National Congress, and was universally regarded as the leader of his political associates in all their struggles for mastery against the dominant Whig party. He was a man of acknowledged patriotism and of exalted private character. He died in Paducah, Kentucky, December 16th, 1859, in the 59th year of his age.

Central Committee—the Hon. JAMES GUTHRIE—formally declined the candidateship which his party friends had proposed; and it thus became necessary to put forward some one in his stead. A meeting of the committee was held, a few days subsequently, and the name of LAZARUS W. POWELL was placed at the head of the ticket. This result, it is said, was mainly due to the influence of Mr. GUTHRIE,* whose sound practical views of the situation,

*The Hon. JAMES GUTHRIE was born in Nelson county, Kentucky, in 1793. His father, Gen. ADAM GUTHRIE, much distinguished himself in the Indian wars of the West, and afterwards served in the Legislature of the State during several sessions. His son received a good academical education at McAlister's Academy, Bardstown. After leaving school, he commenced trading in the various products of the country, shipping the same on flat-boats to the New Orleans market. He studied law under the late Judge ROWAN, of Bardstown, and practiced for several years in the courts of Nelson county. In 1820 he removed to Louisville, having received from the Governor the appointment of Commonwealth's Attorney. He opened an office, and being both studious and attentive to business, he became soon possessed of a lucrative practice. Mr. GUTHRIE has been the leading spirit in every enterprise undertaken for the commercial advancement of Louisville. It was mainly through his influence that the splendid court-house, which now adorns the city, was erected. The Louisville and Frankfort Railroad, the Jeffersonville and Indianapolis Railroad, and, finally, the Louisville and Nashville Railroad and its branches, were all enterprises which had in him their most unflinching supporter. His wise directory counsels were equal to the task of pushing them to completion, and of rendering them all paying investments. Until latterly, Mr. GUTHRIE occupied the positions of President of the Louisville and Nashville Railroad Company, President of the Louisville and Portland Canal Company, and President of the University of Louisville.

In politics, Mr. GUTHRIE has been a life-long Democrat, and, for the past twenty years, the recognized leader of that party in Kentucky. He has served, time and again, in the Legislature of the State, and in 1849 was a delegate from the city to the Constitutional State Convention, of which body he was elected President. He received in 1853, from President PIERCE, the appointment of Secretary of the Treasury, which office he held during the term of that Chief Magistrate's administration. His management of that office is regarded, on all hands, as having been masterly. His name was presented at the Charleston Convention of 1860 for the office of President of the United States; but, unhappily, the wise counsels of his numerous friends in that body were overruled. He was a member of the Peace Convention that met at Washington at the beginning of the war, as he was, also, of the Border State Convention that met at Frankfort. In 1865 he was elected to

and whose clear perception of the character and qualifications of the gentlemen whose names had been mentioned in connection with the candidateship, were never more forcibly illustrated than on this occasion.

The Whig party in Kentucky had nominated as its candidate for Governor the Hon. JOHN J. CRITTENDEN,* who was then a member of the United States Senate from Kentucky, and undoubtedly one of the most deservedly popular men in the State. At the outset of the canvass, Mr. POWELL was encountered by a feud in his own party. The Hon. RICHARD M. JOHNSON,† of Scott county, had an-

the United States Senate for six years, which position he held till the 10th of February, 1868, when his resignation of the office was placed in the hands of the Governor.

Always industrious, and always governed by prudence in the investment of his accumulated means, Mr. GUTHRIE has acquired a very large fortune, the greater part of which consists of real estate. For more than a year past, his health has been failing, and he is now closely confined to his room.

* JOHN J. CRITTENDEN was born in Woodford county, Ky., in September, 1786. He served as a Major under General HOPKINS in the war of 1812, and was Aid-de-Camp to Gov. SHELBY at the battle of the Thames. He adopted the profession of the Law, and was a most successful practitioner. He served in the Legislature of the State for several terms, and entered the National Congress as a Senator from Kentucky in 1817. He was again elected to the U. S. Senate in 1835, in which he served until his appointment to the office of Attorney General by President HARRISON. After his resignation of this office he returned to Kentucky and served in the State Legislature until he was for the third time elected to the U. S. Senate. He resigned his seat in this body in 1848, for the purpose of making the canvass for Governor referred to in the text. He was successful in this race; but he held the office for a brief period only, having accepted the appointment of Attorney General under Mr. FILLMORE's administration. In 1855 he was again sent to the United States Senate, and served till the end of the term in 1861, when he retired, the oldest member of that body. In 1860 he was elected a Representative in the Thirty-seventh Congress. He died at Louisville, Ky., July 25th, 1863. The long public services of Mr. CRITTENDEN were worthily ended by his almost superhuman efforts to compromise the difficulties between the Government and the Southern States which culminated in the late civil war. Had his famous "Compromise Measure" been adopted by Congress, the country would have undoubtedly escaped the war and all its disastrous consequences.

† Colonel RICHARD M. JOHNSON was born in Kentucky in 1780. He represented his district in the Lower House of Congress from 1807 to 1813. In

nounced himself an independent Democratic candidate for the office of Governor, and had already entered upon the canvass. Perceiving that success would be out of the question with two Democratic candidates in the field, Mr. POWELL hastened to the home of his old friend, with whom he sought and obtained an interview, the result of which was entirely satisfactory to both parties. Col. JOHNSON not only declined to prosecute the race any further, but expressed his readiness to canvass his own district in behalf of the nominee of the Convention.

The energy with which the Gubernatorial canvass of 1848 was prosecuted in Kentucky by both Whigs and Democrats, was strongly indicative of the fears of the party in the majority, on account of the personal popularity of the opposition candidate, and of the hopes raised in the minds of the Democratic minority, by having for its standard-bearer one who was known never to have addressed his fellow-citizens without having made additions to the number of his friends. The beginning of the decadence of the Whig party in Kentucky may be referred to this memorable canvass. Everywhere the zeal of its advocates abated, and defections from its ranks were numerous. Mr. POWELL threw himself into the arena of political controversy with an energy that was resistless. Every part of the State was thoroughly canvassed, and every effort of

the latter year he raised a regiment to fight the British and Indians on the Lakes, and served during the campaign under Gen. HARRISON. He greatly distinguished himself at the head of his regiment at the battle of the Thames, the Indian Chief, TECUMSEH, as it is said, having fallen by his hand. He was Indian Commissioner, in 1814, under President MADISON'S administration. He was returned to Congress in 1815. In 1819 he was elected to the United States Senate, where he remained till 1829. On the expiration of his term he was elected to the U. S. House of Representatives, where he remained until 1837, when he became Vice President of the United States. Col. JOHNSON was a man of strong intellect and unflinching courage. He was also held in high esteem on account of his kindly disposition. He died at Frankfort, Ky., on the 19th of November, 1850.

the opposition was encountered and resisted. The Democratic political creed was defined and made known, by men who had been taught their principles in schools of statesmanship that had for their masters the greatest minds of the nation—the fathers of the Republic themselves, and those who immediately succeeded them in administering the government and in framing its laws.

The people were taught the true nature of the attempts that, even then, were being made to warp legislation from its rightful course, and make it subservient to sectional interests, and promotive of party purposes. They were made to feel that all stability in government is dependent upon the fairness of the law toward each and every citizen of the State; that the moment the law-making powers lose sight of the principle of *exact justice to all*, that moment the door is opened to dissension, and the whole structure of government endangered. The CONSTITUTION—the great charter of the people's liberties—was the text upon which POWELL and his associates in this canvass based both their right to a hearing and their appeals to the reason of those whom they addressed. They were strict constructionists of this instrument, since, alas, so shamefully abused and set at naught by its triumphant enemies. The canvass was a substantial triumph, though it ended in the defeat of the Constitutional party. The seed had been sown which was to spring forth richly laden with fruit for the coming harvest.*

*In connection with this canvass the following amusing anecdote is related: Having addressed a meeting of his fellow-citizens in one of the mountain counties, Governor POWELL was induced to accept the invitation of an old gentleman, residing in the neighborhood, to pass the night at his house. To do honor to her guest, the mistress of the establishment, an old lady of primitive tastes and habits, had spread her supper-table with all the luxuries at her command, prominent among which were a number of fruit and other pies. It is to be supposed that Mr. POWELL was not only hungry, but that his digestive faculties were in excellent condition. He helped and rehoped himself to portions of a pie that was convenient to his hand, and

In 1852 the claims of Mr. POWELL were fully recognized by the nominating Convention of the Democracy of the State. He was again put forward by that Convention as its candidate for the office of Governor of the Commonwealth. There were peculiar circumstances connected with the canvass of this year that rendered it in the highest degree extraordinary. Mr. POWELL's Whig competitor in the race was the Hon. ARCHIBALD DIXON,* a resi-

it was not until he had nearly cleared the plate of its contents that he bethought himself of inquiring as to the character of the fruit of which it was composed. "Madam," said he, addressing his hostess, "this is certainly a pie of most appetising qualities. I have never tasted anything better. Pray, tell me of what it is composed?" The old lady opened her eyes in astonishment, and exclaimed: "*Up for Governor, and not know huckleberry pie!*" It is scarcely necessary to state that the huckleberry, or whortleberry shrub, is indigenous to hilly regions, and that Mr. POWELL had never before seen or tasted of its fruit.

* For many years previous to his nomination as the candidate of the Whig party of the State for the office of Governor, ARCHIBALD DIXON had stood at the head of the bar in Southern Kentucky. He was then a most able, industrious, and cultivated lawyer. His management of all causes confided to him was marked by ability, but he made his greatest reputation as a *jury lawyer*. The fiery energy of his manner, his impassioned eloquence, the vehemence with which he hurled facts and arguments at the vulnerable points of his adversary's cause, the richness of his fancy, the beauty of his rhetoric, the crushing weight of his denunciatory power, and the sting of his satire, gave him an influence over a jury which few men wielded. As a criminal lawyer, *for the defense*—for he always refused to prosecute—he was for many years employed in nearly all the important trials in the district. He acquired a large fortune by his practice. As a political speaker, he was equally distinguished, and several of his efforts have rarely been surpassed for power and eloquence, and the influence they carried with them. He still lives, and no man is more generally respected in the community, or more warmly beloved by his intimates. Never were men more intimately associated, for years, than he and POWELL. Their legal and political encounters never engendered ill feeling in either, or caused the slightest estrangement between them. In business matters, they indorsed for each other, reciprocally, and for none others outside of their own families, without the consent of the other. Each held from the other a power of attorney to sign both names to any desired document, when either happened to be absent from the county. No more sincere or grief-stricken mourner bowed his head in sorrow over the grave of the dead patriot and statesman, LAZARUS W. POWELL, than did his life-long political antagonist and his life-long personal friend, Governor DIXON.

dent of the same town, his life-long personal friend, and, at one time, his partner in the practice of the law. For not one moment, whether before, during, or after the canvass, were the intimate personal relations between the two interrupted. They traveled together, spoke together, put up at the same houses, and had their meals at the same tables, and, except when brought into contact in the exposition of their dissimilar political dogmas, they exhibited toward each other, and before the public, a cordiality of demeanor that is as rarely witnessed between political antagonists as it was pleasant to contemplate.

It was in this canvass, most likely, that Governor POWELL learned that perfection of self-control by which he was afterwards so greatly distinguished in the Senate of the United States. Both candidates had an all-sufficient motive in their personal friendship to shun displays of temper. Courtesy thus became a habit of their minds, and its influence lived long beyond the occasion that called it into activity. Mr. POWELL secured his election by a small majority, while ROBERT N. WICKLIFFE, Esq., the candidate on the same ticket for the office of Lieutenant Governor, was beaten several thousand votes by his opponent, the Hon. JOHN B. THOMPSON.*

LAZARUS W. POWELL was inaugurated Governor of the Commonwealth of Kentucky on the morning of September 5th, 1851. Accompanied by an escort, comprised of three military companies of the city, and a large number of prominent citizens, he left Louisville early on the morning of the day named, and reached Frankfort before ten o'clock. At the Frankfort depot he was met by a large concourse of citizens and strangers, and entering a carriage in waiting, with the Lieutenant Governor

*The Hon. JOHN B. THOMPSON was born in Kentucky. He represented the Harrodsburg District in the United States House of Representatives from 1841 to 1843, and again from 1847 to 1851. In 1853 he was elected to the United States Senate for the long term.

elect, the Hon. JOHN B. THOMPSON, he was driven to the State House building, when he was formally welcomed to the seat of his future magisterial labors in a congratulatory address by the Hon. JUDGE HEWITT. The Governor elect, having been introduced to the assembled multitude by the retiring Governor, the Hon. JOHN L. HELM, replied briefly and appropriately to the address of JUDGE HEWITT, and returned his thanks for the confidence that had been reposed in him by the people. He expressed his distrust of his ability to discharge properly the duties of the office to which he had been elevated; but declared his determination to use such powers as he possessed for the maintenance of good government. He would administer the government, to the best of his ability, in accordance with the Constitution and laws, and in the interests of the whole people of the State. The oath of office was administered by Judge SHANNON.

The General Assembly of the Commonwealth met on the 3d day of November, 1851, and, on the following day, the first message of Governor POWELL was presented to, and read before, that body. The local issues and interests discussed in that document need not be here referred to; but the annexed extract from the message will be found, in view of the events that have since occurred in the country, deeply interesting:

“The dark and lowering clouds that recently threatened the existence of the Union of the States of this glorious Confederacy are happily passing away. Kentucky is the firm and devoted friend of the Union; and is for maintaining inviolate, and carrying out in strictness and in truth, in letter and in spirit, the compromise measures passed by the last Congress of the United States. She acknowledges the high and inestimable blessings which the Union, under the National Constitution, confers on each and all the States, and holds that all the provisions and guaranties of that sacred instru-

ment are binding upon each and all. She invites no aggression, and places the cause of the Union on the binding obligations of the Federal Constitution; and declares to the citizens of all the States that good faith, in strictly and justly carrying out the provisions of the Constitution, is essential to its preservation. The General Government is one of limited powers, and it was never designed that it should interfere with the domestic institutions of the States, and every attempt on the part of the National Government to interfere with the right of property, or abridge the free exercise or control of property in the States, is a violation of the national compact, and an encroachment upon the sovereignty of the States; nor has Congress the right to interfere with the question of slavery in the Territories. It is a matter of domestic concernment, and its settlement should be left exclusively to the people of the Territories.

“It is deeply to be regretted that a portion of the citizens of some of the Northern States of the Confederacy have resisted, and attempted to resist, the execution of the fugitive slave law. All forcible acts of resistance to the execution of the laws are treason against the United States, and those who advise, aid, or abet such resistance, are traitors to the Constitution and enemies to the best interests of the Republic. It is to be hoped that a rigorous prosecution and punishment of such offenders will cause the Constitution and laws to be respected, and that their execution will no longer be resisted from any quarter. Kentucky expects from her sister States a faithful and impartial execution of the laws, and whilst she most cheerfully acknowledges and accords to the Northern States all the guaranties of the Constitution, she demands that none of the guaranties of that sacred instrument be withheld from the South.”

In his second message to the General Assembly of the Commonwealth, presented January 3d, 1854, Governor

POWELL congratulates the people's representatives "on the general prosperity of the State, and the happy condition of their constituents." "Since the adjournment of the last Legislature," he continues, "the people of our beloved Commonwealth have enjoyed unusually good health; our fields have produced abundant crops, and all industrial pursuits have been attended with great prosperity. The public credit has been preserved, and the public peace maintained." He calls attention to the wants of the "Public School System," and recommends the appointment of a commission to make a thorough "Geological Survey of the State." The annexed paragraphs from the message will be read with interest:

"Since the adjournment of the last Legislature, the State and the nation have been called to mourn the death of HENRY CLAY, distinguished alike for his lofty patriotism and commanding eloquence. His fame is inseparably connected with the history of the Republic; and his eminent virtues live embalmed in the memories of the people of Kentucky, whom he so long and brilliantly served in the national councils. We have more recently been called to mingle our grief with Massachusetts for the loss of DANIEL WEBSTER, her most illustrious citizen. I herewith transmit a communication from the Governor of South Carolina, and the resolves of the Legislature of that State, offering fraternal condolence to the States of Kentucky and Massachusetts, upon the death of Mr. CLAY and Mr. WEBSTER.

"South Carolina, too, has mourned the loss of her most distinguished statesman. Thus, within a short space of time, CALHOUN, CLAY, and WEBSTER, three of the most distinguished orators and statesmen of the Republic, have gone from us forever. That trio of illustrious orators and statesmen, who for near half a century adorned our history, swayed the Cabinet, and enchained the Senate by their matchless eloquence, have passed from our

midst; but their names and virtues will live with undiminished luster upon the pages of our country's history.

"Alabama, as well as South Carolina, Massachusetts, and Kentucky, laments the loss of a favorite son. The death of Wm. R. KING, Vice President of the United States, a citizen beloved and respected for the purity of his character, eminent for his talents, and distinguished for his long and faithful services to his country in the many high and responsible stations to which he had been called by his State and nation, occurred soon after that of his illustrious compeers. The general sorrow produced by this national calamity exhibits the esteem with which a free people always regard the faithful public servant and benefactor of his country.

"I place at your disposal a medal, presented by the citizens of New York, through me, to the State of Kentucky, designed by them 'to commemorate the public services of Mr. CLAY, and to transmit to distant posterity a perfect resemblance of his features.' The letter of the committee of the citizens of New York which accompanied the medal, and a copy of my response accepting it, on behalf of the State of Kentucky, are transmitted herewith. I recommend that you direct that it be placed in the Public Library."

During the entire term of Governor POWELL'S Chief Magistracy, his official duties were discharged with the most commendable fidelity and exactness. For the greater part of his term of office the General Assembly of the State had in it a majority of Whigs; yet at no time did his relations with that body assume a partisan character. The most exacting among his political opponents were obliged to acknowledge that his entire policy was conceived and carried out with due reference to his re-

sponsibilities to the whole body of the people and the best interests of the State.*

In 1857, ALFRED CUMMING, Esq., who had previously held the post of Indian Agent in the Northwest Territories, was appointed by President BUCHANAN, Governor of the Territory of Utah. At the same time, Judge ECKELS, of Indiana, received the appointment of Chief Justice of the same dependency. There being at the time strong apprehensions of difficulties between the government

*The following characteristic anecdote of Governor POWELL is worthy of mention. Shortly after his inauguration, a distinguished lawyer from one of the upper counties of the State, and a personal friend of the Governor, called upon him for the purpose of presenting certain petitions for the pardon of a convict then in the penitentiary. The call was made at an early hour; and, on the door being opened, the servant in attendance asked for the visitor's card. "Card, the d—!" exclaimed the excited Attorney; "does the Governor expect every man that calls on him from the backwoods to have his pocket filled with cards! Go tell the Governor that Joe A—, of F—g, is at the door, and wishes to see him." The Governor had overheard the conversation, and hobbling to the door on crutches (he was suffering at the time from rheumatism), relieved his visitor from further trouble on the score of etiquette. The petitions were presented, and it appearing evident to the Governor's mind that the young man to whom they referred had first been induced to drink to excess, and then seduced into the commission of an act of theft of which he had reaped none of the advantages, a messenger was dispatched to the keeper of the penitentiary, requesting that functionary's attendance with the prisoner at the Governor's mansion. When brought into his presence the Governor thus addressed the convict: "Young man, your friends think that you were led to the commission of an unlawful act by an accomplished rascal in whom you too confidently trusted, who used you as a tool for his own wicked purposes. I am inclined to think that this was the case; and, on this impression, I have pardoned you. Your character must be reclaimed where you lost it. Now I wish you to go at once to the man you have injured, and to tell him exactly how you came to act as you did. Get him to employ you on his farm; and if he can't give you wages, work for him without pay, until such time as he shall become convinced that you were the victim of circumstances, and not deliberately criminal. As I suppose you have no money to pay your way back, here are seven dollars for that object. Mind, young man, that I shall expect to hear a good account of you."

It was but a short time before the Governor did hear a good account of the youth. The Governor's injunctions were obeyed to the letter, and the quondam convict is now a well-to-do and respected citizen in the very neighborhood where his crime was committed.

and the Utah authorities, three regiments of United States soldiers, properly officered, were dispatched to the Territory, in company with whom traveled the newly-appointed civil officials. The winter set in before the expedition reached Salt Lake City, and Col. ALBERT SIDNEY JOHNSTON,* into whose hands its command had fallen, was compelled to go into winter quarters several days' march from the capital of the new Territory. In the meantime, the growing hostile sentiment against the government indulged in by the inhabitants of Utah culminated in open rebellion. This state of things was made known by a proclamation of the Colonel in command of the army.

In the spring of 1858, through the intervention of THOS. L. KANE, Esq., of Pennsylvania, President BUCHANAN was induced to dispatch a commission to Utah, with the hope of arresting the rebellion that had broken out in that Territory. The Commissioners named were Gov. POWELL,

*The name of ALBERT SIDNEY JOHNSTON is too well known to the general reader to require more from us than a simple record of the leading facts connected with his career. He was born in Kentucky, and educated at West Point. When yet under twenty-five years of age, he was married to Miss HENRIETTA PRESTON, a sister of General WM. PRESTON, of Louisville. Shortly after his marriage, he resigned his position in the regular army—he then being a Lieutenant—and removed to Texas. When the war with Mexico was decided on, he again entered the army as a volunteer. He was soon advanced to the position of Paymaster in the army, and eventually to that of Colonel of the Second cavalry regiment. This was his rank at the time referred to in the text. His reputation as a military man stood very high with his superiors, and in order to prevent ill-feeling on the part of his elders of the same rank in the service on account of his promotion to the entire command of the expedition, he was commissioned by the War Department Brigadier General by Brevet. When the late civil war broke out, he resigned his place in the United States army, and promptly offered his services to the Confederate States Government. He soon arose to the command of the Southern Division of the army of the new government, and fell at Shiloh, at the moment, as has been generally conceded, when that great disaster to the cause of the South alone prevented the entire destruction of General GRANT'S army. Of all those who lost their lives in the late conflict, no name stands higher for courage, ability, and patriotism, than does that of ALBERT SIDNEY JOHNSTON.

of Kentucky, and Maj. BEN. McCULLOCH,* of Texas. On the arrival of these gentlemen at the camp of the military expedition, they immediately issued the proclamation of the President, offering pardon to all Mormons who should submit to the Federal authority. This offer was accepted by the heads of the Mormon Church, and all trouble was arrested.

Governor POWELL was wont to speak enthusiastically of his trip across the plains to Utah, and of the richness and variety of scenery presented to his eyes in that far-off Territory. He had long been a sufferer from rheumatism, and he always attributed his complete recovery to the beneficial effects of the climate of Utah upon his health. The wild, free life of the plains suited him; and, long before he had reached the end of his journey, he felt, as he expressed it, as if he had gotten a new lease of life. He often spoke of the wonderful beauty and sublimity of the country surrounding Salt Lake City—of its towering mountains and rich valleys—of the immense

*Since the war for the independence of Texas, and up to the battle of Pea Ridge, in Northern Arkansas, in 1862, few names in the annals of the times have been more familiar to the ears of Southerners than that of the celebrated Texan Ranger, Maj. BEN. McCULLOCH. He proved himself, in the three wars in which he was engaged, not only the brave soldier, but the prudent agent, also, of his superiors, whenever his services were demanded for the carrying out their strategic designs. It was to his daring address while attached in the capacity of *scout* to the army of invasion in Mexico that was principally due the salvation of General TAYLOR's army, a few days previous to the battle of Buena Vista. With two others, he penetrated the enemy's camp, and ascertained that he was not only in overwhelming force, but that SANTA ANNA—who had, up to that time, been supposed to be an exile from his country—was in command of the Mexican forces, and was preparing a formidable trap for his too confiding adversary. The information gained by McCULLOCH enabled General TAYLOR to retrace his steps from Agua Nueva to Buena Vista, where the fiercest battle of the war was fought and won by the American General a few days afterwards. McCULLOCH volunteered in the Confederate States army in the late civil war, in which he commanded a regiment of Texan Rangers. He fell on the bloody field of Pea Ridge in the second year of the war, having reached the rank of Brigadier General.

saline deposits on the shores of the Lake, and of the delight he experienced in bathing in waters, the buoyancy of which enabled him to float upon their surface without exertion, as on a bed of down. His intercourse with BRIGHAM YOUNG and the saints of Salt Lake was agreeable and instructive. He had no faith in the sincerity of the Mormon apostles; but he always gave to the masses under them credit for integrity. He described YOUNG as a shrewd, plausible, and well-informed man, of indomitable energy and of iron will, but of vast ambition, who dreamed of building up a great nation wedded to the faith of which he had been for years the apostle, independent of the United States Government, and rivaling it in power; and who would have scornfully refused the demands of the government, had he believed he could have successfully resisted, either by force of arms or by cunning.

At the session of the General Assembly which took place in 1859, Governor POWELL was elected to the Senate of the United States for the full term of six years. Without extending this sketch to too great length, we find it impracticable to give the reader more than a general outline of Governor POWELL'S course while a member of the Senate. His speeches to that body would of themselves fill a large volume, and these are all to be found in the published reports of the congressional proceedings of the period. He entered the Senate at a time of great political excitement. A party had arisen in the country, and was daily growing stronger, which had for its main idea the extinction of slavery as a national institution, or as one recognized in the fundamental law of the land. By the governments of several of the Northern States the fugitive slave law had been openly proclaimed a measure which required from them no obedience. The Southern States, disgusted at what they conceived to be want of faith on the part of their Northern associates, and seeing,

from the complexion of the legislation of the country, that they would soon be powerless to protect their constitutional rights against the requirements of a constantly increasing majority in the National Legislature, already were contemplating secession. In both Houses of Congress fanaticism ruled one part of the people's representatives, and, with but few exceptions, passion the remainder. With these mutually opposing forces rancor begot rancor, and denunciation begot denunciation; until, by both, reason was thrown to the winds, and the seeds of suspicion and hatred were sown broadcast over the whole land, to spring up, after a few short months, into cohorts of armed men, striving for the mastery on a thousand battle-fields.

The conservative ideas of the fathers of the Republic, in accordance with which they were alone enabled to construct a system of government in which opposing interests should meet and become reconciled, were lost sight of in the reign of fanaticism and passion that preceded the late war; and influential men of both sections, filled with ambition and the desire to secure personal advantages, shut their eyes to the signs of the times, which portended trouble, as they did to the teachings of history and the counsels of the wisest among the nation's departed statesmen. The people of the country, outside of the small bands of fanatics in either section, and the great army of corrupt politicians scattered all over the country, had no notion whatever of the dangers that were threatening the very existence of the nation. They had been educated, however, by the real instigators of the troubles to the point of adherence to certain political dogmas, in reference to the institution of slavery particularly, which were enunciated by the leaders in whom they had placed unreserved, but mistaken, confidence; and the result ensued, which had been contemplated from the first by the

fanatics and political tricksters—civil war between the sections North and South.

Few of our public men possessed a clearer understanding of the causes that led to the late conflict than Gov. POWELL. In a speech on the "Bill giving freedom to the families of negro soldiers," delivered in the Senate on the 9th January, 1863, Mr. POWELL remarked :

"Some call this a war for the negro; but, in my opinion, those who look upon African slavery as the cause of the war are greatly mistaken. This war was not designed by the large slaveholders of the South; they did not want the war. It is not a war of the negro; it is not a war of tariffs; it is not a war of any particular line of policy; but it is a war of politicians who were faithless to their constitutional obligations, and there the responsibility will be placed by the philosophical historian in all after time. If I were to describe it in a sentence, I should say that it was a war of the politicians, both North and South—a war of ambitious fanatical zealots, and they existed North as well as South. I speak of a class of politicians who are faithless to the law, faithless to their oaths of office, and who claim to be governed by a law higher than and above the Constitution. This war was not brought about by a majority of the American people in either section. There were higher-law fanatical Abolitionists in the North, who disregarded their constitutional obligations, which wise, honest, and just men were bound by; and there was a class called "Fire-eaters," in the South, who were fanatics too. Both parties were ready to take up any bone about which they could make the fiercest quarrel. They had the tariff bone at one time, and they came near wrecking the Union on that. If the bone of contention had been the spinning-jennies of New England, and they had thought that issue would have more aggravated the people than any other, they would have seized on that bone. The slavery question was caught hold of by these

designing men as the one best calculated to excite the people. What the fanatics of the North said, the fire-eaters of the South re-echoed to their people, and the hard things said by themselves were taken up at the North for a like purpose."

It is well known that Governor POWELL was sincerely and consistently opposed to the war of coercion that was inaugurated by Mr. LINCOLN'S administration in 1860, against the seceded Commonwealths of the South. With many of the wisest men of the country, he believed that war was "eternal separation." He loved the Union too well to endanger it by urging the government to go to war for its own nominal preservation. A Union "pinned together by bayonets," he regarded as unsuited to the genius of our institutions; and he therefore looked upon the action of the coercionists as subversive of every principle that underlays our structure of government. He revered the Constitution, and believed that, under its ægis, the people had ample protection against persistent wrong. He implored his Southern co-members in Congress to remain in their places and fight the battle of the Constitution on that civic field. Had they listened to his voice, war would have been impossible. He was equally earnest in his efforts to lull the excited passions of the majority, both before and after the Representatives of the seceded States had vacated their posts, and even after blood had flowed in streams on the first battle-fields of the new revolution. He advocated with zeal and energy every measure of compromise that was introduced in Congress, and only ceased to raise his voice in deprecation and warning, when, to have done so, would have but added to the exasperation of a conclave that appeared to be bent on revolutionizing the whole structure of government.

He heartily approved of the neutral position taken by his native State at the beginning of the war, though he

evidently feared that that position could not be, as it was not, maintained. In the session of 1860, when interrogated by the Senator from New Jersey (Mr. Ten Eyck): "How can the State of Kentucky, consistently with her duty to the Constitution, refuse to obey the President's call for troops?" he thus made answer:

"I will state to the Senator and to the country the view that Kentucky took of that question, as far as I am advised. Kentucky believed that this call for seventy-five thousand men was not necessary for the defense of the capital or of the public property. She believed that the calling forth of such an immense armament was for the purpose of making a war of subjugation on the Southern States, and upon that ground she refused to furnish the regiments called for. The Senator seems to be a little offended at the neutrality of Kentucky. Sir, Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to imbrue her hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as wicked, unrighteous, and unnecessary. Kentucky believes that this war, if carried out, can result in nothing else than a final disruption of this confederacy. She hopes, she wishes, she prays that this Union may be maintained. She believes that cannot be done by force of arms; that it must be done by compromise and conciliation, if it can be done at all; and hence, being devoted truly to the Union, she desires to stay this war, and desires measures of peace to be presented for the adjustment of our difficulties.

"That is the neutrality of Kentucky, and that I understand to be the reason why she assumes to be neutral. It is the first time in the history of that proud Commonwealth that she ever failed to respond to the call upon

the country for volunteers; she never was called upon to fight a public and foreign enemy that her true and gallant sons did not rush to the standard of the country in numbers so great that many had to be turned back. In other wars, in the war of 1812, and the war with Mexico, twenty times more men than could be taken were presented; and she would be ready to do it again, if it were a war against a foreign enemy; but she has no desire to shed the blood of a brother, whether of the North or South. I think her position is one that should be admired and esteemed by all patriotic men, by all Christian men, by all men who love their country and love the Union.

“She stands in an attitude, if possible, of a peacemaker, between the belligerents North and South, and I hope she may be permitted to maintain that attitude. It was one *not taken out of any hostility to the Government*; she took it because she believed it was the only means possible by which those difficulties could be averted, our country saved, the Union restored, and our people once more made prosperous, contented, and happy.

“I am aware that the position of my State is not palatable to gentlemen who rush fiercely on to this war. I am aware also that persons in the extreme South, perhaps, are not satisfied with the condition of Kentucky. They think we ought to unsheath our sword at once, and make common quarrel with them. We have chosen to act differently, and we will, with the blessing of God, maintain our position of neutrality. This immense armament called out by the President looked to us as if this were to be a war of subjugation, and not one in defense of the public property. For that, in addition to the other reasons I have stated, we wished to present, if possible, a barrier between the fierce conflicting elements North and South, and restore peace to this country.”

In July, 1861, during the extraordinary session of Congress, convened by Mr. LINCOLN, a joint resolution was

introduced which was intended to legalize certain unlawful acts of the President—among others, his calling for troops, blockading the Southern ports, and authorizing the suspension of the writ of *habeas corpus*. Governor POWELL took part in the discussion which ensued, and, on the 11th of July, he made a speech, from which we extract what follows :

“ Mr. President, we have fallen upon strange times. The Congress of the nation has been assembled in extraordinary session for the purpose of considering matters of the gravest importance. We are in the midst of a revolution which has dismembered the Confederacy. We are now called upon to vote for a resolution approving the acts of the President of the United States that are specifically set forth in the resolution. Sir, I consider that the President, in many of these enumerated acts, has violated the Constitution of the land. The powers and duties of the President are prescribed in that instrument. That distinguished gentleman has no more power to infract the Constitution or the laws than the humblest citizen of the land. He has sworn to be true and faithful to the Constitution. Each Senator and each official of this government, upon entering upon the discharge of the functions of his office, takes an oath to support the Constitution ; and I should consider that I was recreant to my duty as a Senator, if I did not oppose the act of every officer of the government who, as I conceived, had violated the Constitution of the country.

“ I readily admit, that if the call for seventy-five thousand men was made solely for the purpose of protecting this capital, and for the purpose designated in this resolution, it was constitutional and valid. If, however, the purpose of the call for seventy-five thousand men was for the purpose of making war on the sovereign States of this Union, I hold the act to be invalid, because I hold that we have no power to make war upon a State of this

Union. There is no such warrant in the Constitution. Our illustrious fathers, when framing that instrument, declined to give any such power. It was expressly proposed to clothe the government with power to coerce a State; and, after a most elaborate debate, in which such men as Madison, Hamilton, Ellsworth, and others participated, it was unanimously rejected. However, sir, so far as that is concerned, I shall say no more. The constitutionality of the act calling out the seventy-five thousand men, in my judgment, depends altogether on the uses the President intended to make of the army which he organized. I confess that the creation of such a vast army looked to me very much like desiring a war of subjugation.

“Is there a Senator here who believes that the President of the United States has warrant of the law and the Constitution for suspending this act of *habeas corpus*? If there is, he holds the Constitution in a very different light than did the Supreme Court of the United States, Judge Story in his Commentaries, and all other commentators on the Constitution. I have, to some extent, examined the decisions, and I find they all hold the very same doctrine.

“But some gentleman, as did the Senator from Massachusetts [Mr. WILSON] the other day, seem to think there was some necessity for it. Where? There could be no necessity that would authorize this violation of the Constitution. Several persons, I have heard, have been imprisoned under it—among them, a man by the name of Merryman, in the city of Baltimore, and the police commissioners of that city, who are now at Fort McHenry, and denied the privilege of this writ. I think there could have been no necessity for it, because this writ, in my judgment, should never be suspended, not even in the cases prescribed in the Constitution, unless the judges of the country are considered too corrupt to administer the

law. When the judges become too corrupt, in the opinion of the legislative department, to administer the law, then I think that Congress might lawfully and properly exercise the power to suspend this writ in the instances prescribed in the Constitution, but not until then.

“The Chief Justice of the United States issued his writ to have Mr. Merryman brought before him. It was refused. He then, I believe, issued an attachment for contempt against the commanding officer at Fort McHenry, General Cadwalader, and the officer of the court was not permitted to execute that last process. What harm could there have been in having this man, John Merryman, brought before the Chief Justice of the United States, if he were lawfully imprisoned? It would have been the duty of the Chief Justice to investigate the case, and if he found that Merryman was improperly and unlawfully deprived of his liberty, to discharge him. If he had been of the opinion that he was guilty, and properly imprisoned, and the case was not aailable one, he would have to remand him to the prison; or if, in his judgment, it were aailable case, and the man probably guilty, then to discharge him on bail. What harm, if the man were really guilty, would there have been in bringing him before the Chief Justice, and allowing the judgment to be rendered? Why, sir, if you allow the Executive, or any other officer, to suspend this great writ, who is it that is secure in his person or his liberty? If the President can extend this power to all subalterns in the army, notwithstanding the laws and the Constitution, which allow freedom of speech, and to a Senator the privilege to utter his sentiments here without being questioned, you might be arrested and put into prison before you reached your lodgings. I tell you, Senators, you should pause before you approve the acts of your President, thus ruthlessly violating the Constitution of your country and suspending its laws.

“It is our duty, then, so far from approving what the President has done by our votes, to give that distinguished magistrate a stern rebuke for the power that he has assumed; for the violence he has done to the Constitution of his country. We should tell him that we consider that our liberties are held by virtue of the supremacy of the laws, and in no other way; and that we will allow no magistrate, with impunity, to violate the Constitution and the laws of the land without giving him a stern rebuke.

“I believe it was the custom in the free commonwealth of Athens to decree all her magistrates who did not administer her government, or execute the functions of the government according to law, to be tyrants; and it was well done, for that people knew that liberty dwelt only under the shelter of the supremacy of law. One of the most alarming symptoms, to my mind, of these troubled times, is, that although such bold, palpable, and unmistakable violations of the Constitution of the country have been committed, with the Legislatures of sixteen or seventeen States of this Union in session, I have not seen a single legislative resolve censuring the Chief Magistrate for his conduct. It appears as if the spirit of liberty that animated our ancient sires had departed, when we behold men ready to see the Constitution of their country overturned, and throw up their hats and shout praises to him who does the deed. To my mind it is a most fearful indication of the degeneracy of the times in which we are.”

The unlawful arrests, which were so frequent during the continuance of the late civil war, were among the most trying incidents of that trying period. Many of Gov. POWELL's most masterly efforts in the Senate were made with the view to bring about a change in the policy of the Administration in respect to these arrests. On the 9th of January, 1862, he spoke thus on the Resolution of Inquiry, introduced by Mr. SAULSBURY, in regard to the arrest and detention of certain citizens of Delaware:

“ I hold that there is no authority vested by the Constitution of the United States in the President, or any of his Cabinet Ministers, to make these arrests. The Constitution defines what are the duties of the various departments of this Government. The duties of the Executive, and of the Legislative and Judicial powers, are each plainly marked out in the instrument. With each the powers are separate and distinct, and when either goes beyond the powers prescribed in the Constitution, that department usurps an authority not given to it, and deserves, and should receive, the censure of every man that is loyal to the Constitution. I ask Senators to point me to the clause in the Constitution that authorizes the President and his Cabinet Ministers to make these arrests. * * * * *

The suspension of the writ of *habeas corpus* and making arrests are separate and distinct acts. One may be done without affecting the other. Arrests can only be made in the mode pointed out in the Constitution. It is plain and explicit on that subject. No citizen can be properly arrested and held except upon probable cause. He is entitled to a speedy trial in the district where the offense was committed; and the Constitution says that no citizen shall be deprived of his life, liberty, or property without due process of law. If you arrest a citizen without charge, lock him up in one of your prisons for seventeen months, and then discharge him without trial, as has been done in many instances since this civil war commenced, do you not deprive him of his liberty without process of law, and violate the plain provisions of the Constitution? * * *

“ One of the wisest men of Greece once said that that was the best government where an insult offered to the meanest and poorest citizen was an insult to the State. It was a wise maxim. But, sir, these insults and injuries are offered not only to the poor and helpless, but they have been offered to some of the most respectable and loyal citizens of the United States—men who are the

peers of the President and Cabinet, and the peers of Senators. Such men have for months been confined in prison, where they have been cruelly languishing, for no assigned cause, with no charges made against them. In many cases their prison doors have been opened at length, and they have been discharged without trial. Senators call this mercy! Mercy! to drag a man from his family without charge, in violation of the Constitution; to put him in one of your Bastiles, and to keep him there on bread and water, and on a pallet of straw, for months, and then to turn him out without giving him a trial, when he has all the time protested his innocence and demanded a trial! Sir, if that is mercy, I want none of it!

“I believe, from first to last, that five thousand of my constituents have been imprisoned—not all of them without the State—some in military camps within the State—many of them only for a short time. The wives, the children, the fathers and mothers of them, have written to me on the subject; many of the persons imprisoned have written to me; and in every instance they have stated that they did not know the cause of their arrest. They were, consequently, I suppose, arrested on suspicion, for the larger portion of them have been released without trial. * * * I can tell you, Senators, that the people of this country have determined that these arrests shall cease. They have decreed it at the ballot-box, and the voice of the people, like leaping thunder, has demanded that the Constitution shall be respected and maintained.”

In a speech delivered in the Senate of the United States, on the 19th of January, 1863, on a bill of the House of Representatives concerning “State prisoners and the suspension of the writ of *habeas corpus*.” Mr. POWELL being interrupted by Senator WRIGHT, with the declaration: “War is declared; it is the law of the land; and it is the duty of all loyal men to sustain the Government and carry on the war by taxes, by money, and in every other way”—thus answered:

“ Mr. President, I by no means concur with the Senator. That would depend altogether on the kind of war. If I thought the war was one to overthrow the Constitution of my country and the liberties of the people, I would neither give men nor money to carry it on. I BELIEVE THE WAR IN WHICH WE ARE ENGAGED IS ONE OF THAT CHARACTER. CONSEQUENTLY, I HAVE NEITHER GIVEN MEN NOR MONEY TO CARRY IT ON, AND SO HELP ME GOD I NEVER WILL. I believed from the beginning that this war was brought on for the purpose of overthrowing the institutions of the Southern States, to get rid of the institution of African slavery, and, if you could not do it by war, then to dissolve the Union. That has been my opinion from the beginning, and when there was a resolution offered here by Mr. JOHNSON, similar to the one offered by Mr. CRITTENDEN, I voted against it; and I said in my place that I did not believe that it contained the truth. The facts developed from that day to this have confirmed me, and shown me that I was right in the opinion I then formed. I love the Constitution of my country. I am devoted to the Union of the States. I believed that this war would forever tear the Union asunder, and bring on the people untold evils, onerous taxes, heavy debt, and do no good. I believed we could never hold the people together by arms. Hence, I opposed the war, and believing, as I did, and do, I have not supported, and will not support, such a war. * * * * *

“ The Senator (WRIGHT, of Indiana) advocates the use of the fagot and the sword, death and destruction, in putting down the rebellion, and, at the same time, he throws into his speech the most Christian sentiments about Abraham and Lot parting in peace. It seems to me that this is strikingly inconsistent. I hope that my friend may be animated by those Christian feelings, and that he will dismiss that ferocious spirit in which he talks

about the use of the fagot and the fire and the sword. Sir, I think it is unbecoming a Christian age and a Christian country. It is not in accordance with the sublime teachings of Christianity. I know it is unbecoming the Christian character of the honorable Senator. I trust he used those expressions in hot haste, and that he has already repented of them. Make war against those who have arms in their hands; but for God's sake do not go with fire and fagot and sword, and destroy all that they have, and leave the poor women and children to starve. Do not do this, sir, unless you would be a by-word and a reproach to all the nations of the earth."

The discussion of the bill referred to was carried to great length. On the 23d of February, Mr. WILSON, of Massachusetts, delivered a speech in the Senate, in which he made a fierce attack upon the position of the majority in Kentucky, and upon their representative in the Senate. Governor POWELL replied to the remarks of his Massachusetts associate on the same day, and from his speech on the occasion we quote a few passages:

"I can tell the Senator that the Democracy of Kentucky, whom he so fiercely denounces, will not be offended by his assault upon them. Had the Senator praised them, I have no doubt that each and every one of them would have instituted a self-inquiry, and exclaimed with the Psalmist, "Lord, Lord, what evil hath thy servant done, that wicked men do praise him?" Nothing that can fall from the Senator's lips can damage them, save and except his praise. But, sir, the Senator calls them traitors! Allow me to say that there is not a man among them who could not most favorably contrast his loyalty with that of the Senator from Massachusetts. They have been true, loyal men to the Constitution of the country and to the Union of their fathers, while the Senator and his Abolition associates have been constantly assailing both. The Senator arraigns the Senators who left here,

and the Cabinet of Mr. BUCHANAN, and he says they hatched treason. Where was the Senator's loyalty then, that he did not rise here to teach those men a lesson by denouncing what he calls their treason? The Senator, while in their presence, was as quiet as a sucking dove. He waits till they have been a long time absent, and are a great way off, and then he makes his assault. He says the Cabinet of Mr. BUCHANAN stole everything they could get. Yes, sir, he charged that Cabinet with plunder and theft. Why did not the Senator make the charge when they were here to meet it? I am not here to defend the Senators who have left their seats. I thought they did wrong when they left. But I will tell the Senator one thing: where the Cabinet of Mr. BUCHANAN stole one cent, those in power under this administration have stolen thousands upon thousands of dollars. If you look into the reports made by your own party friends on our tables, I will aver that, since the foundation of the world, there never was such robbery as those reports exhibit. I suppose the Senator is more anxious for the ascendancy of the rogues among his own partisans, than for the purity, honesty, and perpetuity of the constitutional government of our fathers; otherwise we should have heard him denouncing his own party friends, who have plundered the government of millions of money."

We come now to an interesting event in the Senatorial career of Governor POWELL. In February, 1862, one of the members from Minnesota presented to the Senate the famous resolution of expulsion against the Kentucky Senator. This resolution, with its accompanying preamble, had been drawn up by Mr. POWELL'S own colleague, the Hon. GARRETT DAVIS.* In the latter were

*The Hon. GARRETT DAVIS was born in Mount Sterling, Kentucky, September 10th, 1801. He studied law and came to the bar in 1823. He was elected to the Legislature in 1833, and was twice re-elected. He was a member of the last Constitutional Convention of Kentucky, and a Repre-

embodied certain specific charges touching the loyalty of his colleague, which were deemed of sufficient importance to be referred to the Committee on the Judiciary for investigation. Although the committee reported adversely to the resolution, Mr. DAVIS made a lengthy argument before the Senate in favor of its adoption. Governor POWELL defended himself on the floor of the Senate in a masterly speech, delivered on the 14th of March, 1862. We append a few extracts from this speech, in order that the reader may be able to judge for himself of the means used to effect the Senator's expulsion, and of the character of the defense made :

"My colleague," said Mr. POWELL, "was kind enough in the very lengthy, and, I must say, somewhat bitter speech, that he delivered, to speak kindly of me personally. For that I thank him. I shall not, I trust, be governed by that impetuosity of temper, if not bitterness of feeling, that characterized my colleague. He stated to the Senate that this was a very unpleasant duty he had to perform. I hope that it was unpleasant, but, notwithstanding my colleague's disclaimer, his bearing, his manner, his temper, indicated to my mind that he was engaged in what to him was a work of love.

representative in Congress from his district from 1839 to 1847. In 1861 he was elected to the United States Senate, and re-elected in 1867. He was a distinguished leader of the American or Know Nothing party, on the breaking up of the Whig organization in 1854. He was strongly opposed to the secession movement in 1860, and, up to third year of the war, was regarded as the most prominent of the Kentucky politicians who were advocates of the war policy of the administration. In 1863, becoming convinced that the war was not being prosecuted in the interests of peace, and for the object of "restoring the Union with the rights of the States preserved," Mr. DAVIS ceased to act with the Republican party. From that time to the present, he has faithfully served his State in the United States Senate, not only with commendable zeal, but with distinguished ability. With his knowledge of the designs of the Republican party, came to him the sense of the injury he had done his colleague. He promptly retracted the charges that had been made against Gov. POWELL in the preamble referred to above, and the two remained warm personal friends to the end of the latter's life.

“My colleague is the author of the resolution. It is before me now in his own handwriting. It was presented, however, by another Senator. I have no complaint against the honorable Senator who presented it, because my colleague is presumed to know all the facts connected with this matter better than any other Senator, or at least the action of the State of Kentucky; and, as he makes the charges, I do not attach the least blame to any Senator for presenting the resolution. I think, however, my colleague acted a little ungenerously in this, that while he was laboriously engaged in drawing up his bill of indictment, he did not notify me of the fact. The first intimation I had of it was when the resolution was presented by the honorable Senator from Minnesota; and, I must confess, that when I looked at it at the Clerk’s desk, and found it to be in my colleague’s handwriting, I was somewhat amazed. I thought courtesy, at least, to a colleague, would have induced the Senator to notify me of what he proposed to do. He did not do it. The case went to the Committee on the Judiciary; and, as the honorable Senator from Illinois, the chairman of that committee, announced, I did promptly, and I trust delicately, ask the committee to give it the earliest possible attention. Before that committee, however, had time to conclude their investigation, such was the hot haste and zeal of my colleague, that he publicly, in the Senate Chamber, demanded of the committee to know why they had not reported, or at least urged them to report as speedily as possible. They did report that the resolution ought not to pass; and the very day that they made the report, my colleague notified the Senate that he would move on the next day to take it up. It did strike me that if my colleague had been governed by that courtesy which I am sure I would have extended to him, he would have come to me and consulted with me as to whether it would

be convenient for me to have it taken up the next day or not; but he said not a word to me about it. * * * *

“My colleague stated to the Senate that the neutrality which I and others advocated was not the neutrality of the Union men of Kentucky. I will show hereafter from the resolutions of their mass meetings, their speeches, and from their votes in the Legislature, that they were for the very neutrality I was for. My colleague said that they had assumed neutrality to divert the attention of the people—that is, that they were not sincere in it, if I understood him. So far as that neutrality is concerned, I shall show presently by incontestable records that it was inaugurated by the Union party of Kentucky. After it was inaugurated, I and many others who had no hand in inaugurating it, assumed it for the purpose of keeping peace within the borders of Kentucky. If my colleague was correct in the announcement he made, that that policy was adopted with a view to divert the attention of the people, I assure him that I had no hand in that. Whether those who first proclaimed it and who supported it during two or three canvasses in Kentucky were in earnest about it, I do not mean to say. I know that when I co-operated with them for neutrality I was honest, I was in earnest, I meant it; and I was really astounded when my colleague proclaimed to the country, from his place in the American Senate, that they assumed that position for the purpose of diverting the public attention; in other words, in order to cheat the people.

“My colleague announced, too, that if I had gone with the Union party, they would have received me with open arms. He was kind enough to tell the Senate that I had very great personal popularity in Kentucky, and to say that he had never heard a person speak otherwise than kindly of me personally. For that I thank him. I fear that he does me over-justice in that. But I will say to my colleague, that if I have the great popularity of which

he spoke, I obtained it by acting with strict integrity in all my transactions, both public and private. As a politician, I never avowed before the people anything that I did not honestly believe. I never assumed a political tenet for the purpose of cheating and deceiving the people in any way whatever, and I trust and believe that the honest, the noble, the chivalrous people of Kentucky, if they esteem me at all, do so because of my direction, my sincerity, my truth, my devotion to their interests and to the interests of my country. They are a brave, honest, and generous people, and if they know that one of their public servants errs, but errs honestly, they are ready to cover his defects with the broad mantle of their charity."

It will be seen that the gravamen of the indictment made against Governor POWELL was his adherence to the *neutrality* policy which had been inaugurated by the citizens of the State when the war broke out. He proved incontestibly that Mr. DAVIS himself, and numerous other well known Union men of the State, had given their past support to this same policy. He was accused of inviting the Confederates into the State, of associating with rebels, and of other like offenses. The resolution failed by so decided a majority that no further attempt was made toward his expulsion.

On the 5th day of December, 1862, Mr. STEVENS (of Pennsylvania) introduced into the House of Representatives of the United States a bill, entitled "A bill to indemnify the President and other persons for suspending the writ of *habeas corpus*, and acts done in pursuance thereof." The bill was passed. On the 22d of the same month, the Hon. GEORGE H. PENDLETON (of Ohio) presented a lengthy protest against the passage of the bill, which was signed by thirty-six members of the House. The bill came up for discussion in the Senate on the 28th of January, 1863, when Governor POWELL thus spoke against its passage :

“The scope and object of this bill is to prevent those who have been injured in their persons and their property from having redress in the courts. Alfred the Great has received more approval and won more distinction for having brought justice to the doors of every Englishman than for having fought a hundred pitched battles. But here, sir, we find the Senate of the United States engaged in offering impediments to the cause of justice, by closing the ordinary courts against all causes coming from those who have been injured by the minions of power. You would transfer all such causes to the Federal courts. I do not believe that, under the Constitution, you can confer on the Federal courts any such jurisdiction as is contemplated by this bill. Senators, allow me to tell you that the public will visit this act, if it should pass, with the harshest condemnation. A free, virtuous, and upright people cannot but do so. To limit the bringing of these actions to two years, and to drive out of the State courts the hundreds, and perhaps thousands, of poor men who are hardly able to fee a lawyer in the counties where they have been wronged, and to compel them to go to the United States Courts, is an utter denial of justice in many cases.”

During the discussion, the positions taken by the Senator from Kentucky were attacked by Senator DOOLITTLE (of Wisconsin) who said: “I have probably heard the Senator make a hundred speeches on this floor, and the whole burden of them for the last two years has been denunciation of the Administration; but I have never heard him utter one word in condemnation of the men—his late associates—who are dripping all over with the blood of our fellow-citizens.” To this, Gov. POWELL made answer:

“Mr. President, the Senator from Wisconsin seems to be terribly shocked that I should in my place utter a word of denunciation of those who have, in my opinion, attempted to overthrow the Constitution of my country;

and he enters the usual complaint against me, that I have not denounced the rebels. Allow me to tell that Senator that I expressly disapproved, on this floor, of what those rebels had done, and that when they were present. I said in my place that I thought they did wrong. It is not my habit to denounce men that are absent. I am dealing now with the Executive of the United States."

A SENATOR—"Is he present?"

MR. POWELL—"He is present in the capital; he is here in the city, and he has friends in this Chamber. I am not, therefore, like some Senators, who vindictively denounce gentlemen who are now in the rebellion, which they never dared do when those gentlemen were present as Senators and occupied seats on this floor. * * * * * I think I have the right to arraign the President and all others in authority who violate the Constitution of my country. I have the right to do so, as a Senator of a free and sovereign State. I am under oath. I am to sustain the Constitution, and it is my duty to assail all who infract that Constitution."

On the 5th day of January, 1863, Governor POWELL introduced a resolution in the United States Senate, in reference to Gen. GRANT'S extraordinary manifesto, issued on the 17th of the previous month, by which the Jews, "as a class," were expelled from the department of the Tennessee. The resolution came up for discussion on the 9th of January, when Governor POWELL made a speech favoring its passage, from which we extract the annexed paragraphs:

"I have in my possession documents that go to establish the fact beyond the possibility of a doubt that the Jews, residents of the city of Paducah, Kentucky, some thirty gentlemen in number, were driven from their homes and their business by virtue of this order of Gen. GRANT, only having the short notice of four and twenty hours; that the Jewish women and children of that city

were expelled under that order; that there was not a Jew left, man, woman, or child, except two women who were prostrate on beds of sickness. I have the evidence before me, set forth in a petition, and attested by some twelve or fourteen of the most respectable Union citizens of the city of Paducah, among others the Surveyor of the Port, that those Jews of Paducah had at no time been engaged in trade within the active lines of General GRANT; that they had all the while been engaged in legitimate business at their homes, and that there was but one Jew, a resident of Paducah, who had gone out of the State into the cotton region, and that one was not at home, and consequently was not expelled from his residence by this ruthless order.

“Mr. President, if we tamely submit to allow the military power thus to encroach on the rights of the citizen, we shall be setting a bad and most pernicious example to those in command of our army. We should administer to those in command of our armies the sternest rebuke for such flagrant outrages upon the rights of the citizen. These people are represented by the most respectable citizens of Paducah to be loyal men. Many of them are men who were not engaged in commerce. They were mechanics, attending to their daily avocations at their homes. In my judgment, it is incumbent on this Senate, as the matter is before them, to pass the resolution, and let Gen. GRANT and all the other military commanders know that they are not to encroach upon the rights and privileges of the peaceful loyal citizens of this country. Pass the resolution, and the example will be of the greatest importance, particularly at this time, when the constitutional rights of the citizens are being stricken down and trodden under foot throughout the entire country by the executive and military powers. We have submitted already too long and tamely to the encroachments of the military upon the

civil rights of the citizen. Many of these Jews who were expelled from Paducah were known to me for many years as highly honorable and loyal citizens. This order expels them as a class from the entire department, and prevents them having a pass to approach his person to ask a redress of grievances. General GRANT might just as well expel the Baptists, or the Methodists, or the Episcopalians, or the Catholics, as a class, as to expel the Jews. All are alike protected in the enjoyment of their religion by the Constitution of our country. They are inoffensive citizens; and it is set forth in papers that I have before me, that two of the Jews who were expelled had served three months in the army of the United States in defense of the Union cause.

“There is no excuse for General GRANT for issuing the order. It may be said that some Jews in his department had been guilty of illegal traffic. If so, expel them. I do not wish to shield a Jew or a Gentile from just punishment for the infraction of the law. He should have directed his order to the offenders, and should have punished them; but, sir, so far from doing that, he punishes a whole people as a class; without specific charge, hearing, or trial, he drives out inoffensive, loyal people, men, women, and children, from a city far distant from his headquarters, without giving them the least opportunity to meet and repel charges that might be brought against them. Such conduct is utterly indefensible. I regret that Gen. GRANT issued such an order. Gen. GRANT’S conduct heretofore as a soldier has been that of a brave and a gallant officer; he has fought well on many fields; for that I commend him. But while I commend him for his gallant conduct, I must censure him for this most atrocious and illegal order. It is inhuman and monstrous. It would be unworthy of the most despotic government in the most despotic period of the world’s history. Sir, we should rebuke such conduct. I regret that some other less meri-

torious officer of the army had not issued this order. I regret that Gen. GRANT has issued it; but, sir, we owe it to ourselves, we owe it to the civil and religious liberty of the citizen, to put our condemnation upon it."

It is a well known fact that the freedom of elections in Kentucky, Missouri, Maryland, and other States, was imperiously contemned by the executive and his military subordinates, from the moment the Federal power obtained control over the populations of these Commonwealths, through its stationary garrisons of armed troops. In Kentucky, as early as 1863, the State Democratic Convention that assembled at Frankfort, was dispersed by the military, and its members threatened with arrest, should they attempt to reassemble. With a Democratic majority in the State of fully forty thousand votes, the candidate of the party for the office of Governor—the Hon. CHARLES A. WICKLIFFE—was defeated in the election of that year, through the action of the military, who took forcible possession of the polls in many places, closed them altogether in others, and allowed none to vote who were unwilling to do so in accordance with the views of the party in power. In February, 1864, a bill was introduced into the United States Senate "to prevent officers of the army and navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States." The bill provided that all such officers, on conviction of having interfered to prevent free elections in the States, should be punished by fine and imprisonment, and should be forever debarred from holding office under the Government of the United States. On the 3d and 4th of March following the introduction of the bill, Governor POWELL addressed the Senate at great length in support of the measure. The following paragraphs from this speech will be read with interest:

"It cannot be doubted that upon the keeping of the elective franchise absolutely free depends the very exist-

ence of our form of government and our republican institutions. Free States, in all ages, have regarded the purity of the elective franchise as of the greatest and most vital importance, and have enacted severe penal laws for the punishment of those who interfered, by force or fraud, to prevent free elections. I believe there is no Government on the face of the earth in which elections have been carried on for the purpose of appointing any of the officers of the Government, save and except the United States of America, that has not had laws to punish, and severely punish, those who should interfere with the freedom of the elective franchise. All the Republics of antiquity had the severest laws punishing those who interfered with the freedom of their elections.

“By the spirit of the Constitution of the United States, and by the Constitution of every State in the Union, the military is to be kept in strict subordination to the civil power; and I suppose that those who went before us never thought we should have rulers so wicked and corrupt as to use the machinery of the Federal Government for the purpose of prostrating the freedom of elections in the States; otherwise, I am sure that such laws as the one before us would have been enacted long before this. I find, upon examination, that seven of the States of the Union have enacted statutes to prevent soldiers making their appearance on election day at the places where the elections are held.

“With us, Mr. President, sovereignty resides in the people, and the people, by the exercise of free suffrage, declare their will and appoint their agencies to carry on the Government. He who attempts to interfere with this most inestimable right, whether he be President, Major General, or citizen, is an enemy to the Republic, and deserves the harshest punishment. In order to have free elections, there must be free speech and a free press; the sovereign people must have an opportunity of forming an enlight-

ened public opinion upon the questions at issue, which can only be done after full and free discussion. Free speech and a free press in a Government like ours are the soul of republican institutions; free suffrage is the very heart-strings of civil liberty. To be free, the elections must be conducted in accordance with laws so framed as to prevent fraud, force, intimidation, corruption, and venality, superintended by election judges and officers independent of the Executive or any other power of the Government.

“The Committee on Military Affairs, who made a very elaborate report, which I have before me, and which I shall presently review, justify the military in all they have done in controlling elections. The sole object and design of the committee, in their report, seems to be the justification and vindication of the military authorities for their atrocious assault on the rights of the States and the liberties of the people, and their wicked and illegal interference in elections; and they assault every person who says or does anything tending to prove that the military have usurped powers that belong to the civil officers of the States and to the people. The committee justify the President and the military authorities for this interference in elections upon the ground that it was right and proper that the military arm should have been so used to protect the voters—“the loyal voters,” as they are called in the report. The Constitution prescribes the duty of the Chief Magistrate on this subject, and the President of the United States has no authority or power to send his military into one of the adhering States for the purpose of preventing domestic violence at the polls, unless he had been invited to do so by the State authorities; for the Constitution plainly and distinctly provides that he shall do it on application of the Legislature, if in session, and if that cannot be, then on the application of the Executive.

“There never was a time, it does not exist now, and has not existed since this unfortunate civil war commenced, in which it was necessary for the President to overthrow the Constitution and elevate the military above the civil power. There is power enough in the Constitution to furnish the President every dollar and every man needed for this war. Congress can give him the sword and the purse. What more can you confer? Nothing. Where, then, the necessity and the excuse for these wanton violations of the Constitution, this reckless overthrow of the liberties of the people, this setting at naught the laws and the Constitutions of the States, ~~the~~ regulating of elections by the sword? None!—none! The genius of our Government is founded upon the principle that the military shall be kept in strict subordination to the civil power.”

We have no room, either for the detailed evidence given by Governor POWELL of the fact that the President and his subordinates had wrongfully interfered in the State elections, or for the authorities quoted by him in proof of his position that the Constitution gave no such power to interfere, whether to him or them. In the latter part of his speech, Gov. POWELL thus pays his respects to Secretary STANTON and Gen. B. F. BUTLER, with reference to the extraordinary order of the former of November 30, 1863, by which he undertook to transfer certain Southern churches from the ownership and occupancy of their legitimate pastors and proprietors to parties whose loyalty he was not so much disposed to question :

“The Secretary of War, by virtue of what authority I do not know, has undertaken to administer the churches. Yes, sir, EDWIN M. STANTON and General BUTLER are making themselves a kind of chief pontiffs, and are ‘running the churches,’ the one in the valley of the Mississippi and the other in Norfolk and Portsmouth. If the President had decided to appoint persons to regulate and supervise the churches, and to take the religion of the

people under his control, I would have supposed he would have selected gentlemen distinguished for their charity, kindness, and benevolence; men of high moral tone, meek and gentle in their manners; men eminent for their piety and theological learning, whose lives were adorned with every Christian virtue, to have discharged this most responsible and delicate trust. The two persons who have unlawfully assumed the control of the churches have none of the qualifications that I have indicated. If the President had searched the entire country, I do not believe he could have found two persons upon whom to confer this delicate trust more unsavory than EDWIN M. STANTON and BENJAMIN F. BUTLER. In their manners and intercourse they are both heartless ruffians; they are strangers to kindness, gentleness, benevolence, and those elevated manly virtues that gracefully adorn the life of a Christian gentleman. But, sir, they have usurped the power to control the churches in the localities I have mentioned, in violation of the Constitution and the rights of the people who own those houses of public worship.

“There is a little curious history about this subject. I have here the order of the Secretary of War placing under the control of Bishop AMES all the churches of the departments of the Missouri, the Tennessee, and the Gulf, belonging to the Methodist Episcopal Church, South. This is one of the most startling usurpations of the military power that has fallen under my notice. The Constitution secures religious freedom to the citizen explicitly. Where did the Secretary of War get the power to transfer all these churches to the control of Bishop AMES?

“Sir, the first article in the Amendments of the Constitution says:

“‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.’

“The Secretary of War violated that provision of the Constitution when he assumed jurisdiction over these

churches. By what authority does he assume to appoint indirectly, through Bishop AMES, ministers to all the churches in the three departments mentioned belonging to the people called the Methodist Episcopal Church, South? Bishop AMES does not belong to that Church himself. He belongs to the Methodist Episcopal Church, North. The Methodist Episcopal Church, North, and the Methodist Episcopal Church, South, are two separate and distinct institutions. They divided, I believe, in May, 1845. Since then they have been separate and distinct ecclesiastical bodies. Mr. STANTON, by this unauthorized and unconstitutional order, has clothed Bishop AMES with the power to take possession of all those churches. The minister may be loyal, but if he happens to have been appointed by a disloyal Bishop, he must be kicked out."

On the 19th of December, 1864, Governor POWELL presented in the Senate a resolution of inquiry in reference to the arrest of "two prominent citizens of Kentucky, Colonel R. T. JACOB, Lieutenant Governor of Kentucky, and Colonel FRANK WOLFORD, one of the Presidential Electors of the State." During the discussion which followed the presentation of the resolution, Governor POWELL thus gave expression to his views:

"The Senator from MISSOURI (Mr. HENDERSON) and the Senator from IOWA (Mr. GRIMES), and others, have said that they believe that, when the facts shall be made known to us by his Excellency, the President, the military authorities will be vindicated for these arrests. That may be, but I do not think it will be so. I believe that these gentlemen have been arrested wrongfully. They were certainly arrested without warrant as prescribed in the Constitution and laws of their country, and I know them well enough to know that if they are charged with any crime or offense, all they want is to be brought before a legally constituted tribunal and tried. As a personal and political friend of Lieutenant

Governor JACOB and Colonel WOLFORD, I court the investigation. They are Christian gentlemen; they are men of ability; they are men of honor; they are brave men, and they have attested their bravery on many a well-fought battle-field. Such men cannot be guilty of crime; and I will say here for them, as their friend and their representative, that all they ask is to meet their accusers face to face. One of them we know to be in close confinement; we know not where the other is; he was ordered through the lines, and it was said in the newspapers that the Confederate authorities refused to receive him, and he was brought back again. He is the second civil officer in the Government of Kentucky, and he ought to be there to attend to his official duties. These gentlemen, when they were arrested, were both citizens, though they had both been in the army and rendered distinguished service. I did not expect that any opposition would be made to this resolution. I had supposed that here at least there was still left some lingering love for the constitutional and civil liberties of the citizen. I had supposed that there was still some regard felt here for those who, during this rebellion, had periled their lives in the Union cause in a hundred battles."

On the 18th of January, Governor POWELL called up the resolution, some time before offered by him, by which the Secretary of War was directed to transmit to the Senate the report made by a commission appointed to investigate the conduct of General PAINE while in command at Paducah. A lengthy discussion followed, in which many Senators took part, the majority striving to stifle all inquiry into the doings of one of the most cruel, barbarous, and dishonest of all the bad men that were placed in authority during the war over the destinies of a suffering people. Governor POWELL supported his resolution in a speech of some length, in which he said that the report, of which he had read a newspaper account,

“disclosed a degree of barbarity, cruelty, and pillage” which, he dared say, “had not been equaled in the annals of any Christian people. I have reason to believe, that when the facts shall be known, that in all the dark and bloody annals of tyrants, there never has been, in any Christian age, such acts of cruelty and plunder as have been afflicted on the people of Paducah and the surrounding country by this man PAINÉ and his confederates. I wish them brought to trial, and, if found guilty, to be punished with death; for if one tittle of the statements in these papers be true, that is the lightest punishment they deserve.”

Mr. CONNESS, of California—“Mr. President, if it were not an ordinary circumstance for the honorable Senator from Kentucky to launch his denunciations against the officers of the Government in this Chamber, I would feel, for one, more inclined to vote with him on such occasions as the present. I confess that I am tired of listening to his *ex parte* statements; and I wish to put my protest here, and to invite the honorable Senator from Kentucky occasionally to divide his vengeance with the cruel and barbarous wretches who have persecuted, starved, and murdered our brave men in the field who have been taken prisoners.”

Mr. POWELL—“Mr. President, one word to the Senator from California. He seems to think he is a kind of *ensor morum* of the Senate, and says he is tired—tired of hearing my denunciation of Union officers. I dare say the Senator will grow much more tired than he is already. I am not responsible for the Senator’s being wearied when he hears criminals, robbers, and thieves denounced. If it wearies the Senator to hear such men denounced, I care not if he should faint under the exhaustion. I have never denounced a soldier who did his duty. I honor the brave Christian gentleman and soldier who carries the flag of his country amid the storm of battle. All honor to the

brave soldiers who fight and do not steal. Disgrace and infamy eternal to all pillagers and plunderers. Upon what battle-field did Gen. PAINE win honors? And of all the men who have been charged with peculation, and have been denounced by me, let the Senator point to a single battle-field where they carried the stars and stripes to victory. Men who go about punishing women and children, and plundering the people, are miscreants and cowards; they disgrace your arms when you intrust them with commands. I have denounced none except those who I believed were guilty of crime, of peculation, and robbery; and all I desire in regard to such is, that they shall be tried, and, if found guilty, punished. The Senator thinks I should denounce other people. I denounce all cruelty to prisoners, whether it be by rebel or Union men. No true-hearted and brave soldier will do anything of the kind. I think I know something about my duties here, and how I ought to present questions to the Senate; and I think it is not becoming in that Senator to tell me what character of speeches I shall make. Neither does it become him, when I am talking about the misconduct of an officer of my own Government, to demand of me that I go outside and abuse rebels and rebeldom."

When in 1864 the party in power threw aside the pretense that the war was being conducted for the object of restoring the Union, with the rights of the States preserved, and brought forward its joint resolution proposing amendments to the Constitution, one of which was to the effect that involuntary servitude, except for crime, should no longer be permitted to exist in any State of the Union, he denounced the action of the majority with great force and power. He "did not believe that it was ever designed by the founders of the government that the Constitution should be so amended as to destroy property." He continued:

"I do not believe it is the province of the Federal Government to say what is or what is not property. Its

province is to guard, protect, and secure, rather than to destroy. If you admit the principle contended for by the gentlemen who urge this amendment, logic would lead them to the conclusion that the General Government could, by an amendment to its Constitution, regulate every domestic matter in the States. If it, by constitutional amendment, can regulate the relation of master and servant, it certainly can, on the same principle, make regulations concerning the relation of parent and child, husband and wife, and guardian and ward. If it has the right to strike down property in slaves, it certainly would have a right to strike down property in horses, to make a partition of the land, and to say that none shall hold land in any State in the Union in fee simple. It is not my purpose, however, to discuss the question in that light, for it has been elaborately discussed before.

“I do not think, Mr. President, that those who are now urging this constitutional amendment have acted in good faith toward the adhering slave States. If you will trace their history from the very beginning in connection with this whole subject of slavery in the States, I think you will find that they have not acted with that directness and candor that should characterize bold, honest, and fearless men. Why, sir, do you suppose that such propositions would have been proposed heretofore? Not at all. We were told by the Government, in every form in which it could speak, at the beginning of this revolution, that whatever might be the result, the institutions of the States would remain as they were. The President, in his inaugural address, announced that he had no constitutional power to interfere with the institution of slavery in the States. The Secretary of State announced it in a communication which he sent abroad. Congress, by a resolution, announced virtually the same thing when they declared that the object of the war was to restore

the Union as it was and to maintain the Constitution as it is.

“All these measures and promises have been utterly repudiated by the party in power. It seems as if their sole object was to deceive in order to obtain power, and the moment they obtain power they exercise it. We are surrounded by circumstances that cause these valiant knights to think they can do this with impunity, and at once they go to work. Heretofore they have said that not only they had not the power, but whatever might be the result of the present contest, the status of this institution would remain as it was. I do not mean to say that they said they had no power to pass a constitutional amendment; but this portion of my remarks is directed to other policies that have been advocated and other laws that have been passed or are now proposed in this Chamber. I think it must be admitted by all candid men that the border States have been dealt with in bad faith. The Government has not kept faith with them. All candid, all truthful, all honest men must know it and must admit it.”

The extracts which we have given from speeches made by Governor POWELL in the United States Senate will not only suffice to give the reader a competent idea of his style and the force of his language, but will enable him to see also how entirely consistent he was in the enunciation of his views. With all the master-minds of the era that preceded that in which wide-spread fanaticism involved the country in civil war, his idea of our form of government was, that it was a compact between sovereign States, binding upon each of its members so long and in so far as its reserved rights were acknowledged and protected thereunder. He did not believe that the Federal Government had any rightful power, under the Constitution, to make war upon the Southern States in order to keep them in the Union;

and believing so, he voted boldly and consistently against every measure brought forward in the National Congress looking to coercion as a means of restoring the Union.

His sympathies were, doubtless, with the people of his own section, not because he thought their representatives had acted wisely or well, but because of the fact—which none knew better than he—that they had been goaded into a false position by a thoroughly fanatical and a thoroughly selfish majority, whose fixed determination it was, from the beginning, either to destroy the institution of slavery, or themselves to form a government from which should be excluded the entire slave territory.

As to slavery, abstractly speaking, he would doubtless have been well pleased if no such institution existed in the country. But the slaves were here. They had been recognized as property for ages. They could not live as equals of the whites in the same territory, and there was no possibility of colonizing them in other lands without bankrupting the country. As a general thing, they were treated humanely, and were contented and happy. Their situation was a thousand times better than was that of any of their race on the face of the globe. The humanizing and elevating influence of the Christian religion was being felt among them, and daily the acknowledged evils of the system were being diminished. These evils would have gradually disappeared altogether had it not been for the constant agitation that had been kept up for twenty years or more in the North against the system. Their own safety from violence at the hands of an ignorant and infuriated race obliged the people of the South to keep out of their territory the propagators of revolutionary ideas, and the dissemination in the South of books and papers in which these ideas were upheld naturally prevented Southern men from attempting to educate their slaves. For these reasons, and many others—the principal of which were the unfit-

ness of the slaves for the responsibilities of a higher social position in the State, and their well known incapacity to take care of themselves—Governor POWELL, and thousands of other good and philanthropic men, were utterly opposed to any action on the part of the Federal Government looking to the immediate and enforced emancipation of the blacks.*

He felt keenly the great wrong which would be done to thousands of innocent parties all over the South by the enforced emancipation of their slaves. He could not see why the widows and orphans who were slave-owners in that section, and the many other persons who had taken no part in the rebellion, should be compelled to give up their property for an object that was deemed necessary for the welfare of the whole country, while the entire population of the North—though no more loyal—were to be exempted from any of its costs. He often referred in his speeches to the bad faith of the Government toward Kentucky and the other border States in regard to the enforced emancipation of their slaves, and the consequent destruction of the property of their citi-

* Emancipation, though now an accomplished fact, is still only an experiment; and, so far as the blacks are concerned, is thought by many to be one of extremely problematical value. No one now believes that the white and black races can live together on a footing of complete social and political equality. One or the other race will certainly have to take the inferior position, and that it will not be the whites that will do this, is sufficiently evidenced by the known characteristics of the two races. That the negroes, taken as a body, are as well cared for, as well fed, and as well clothed, or that they are less disposed to be vicious, or less subject to disease, since their emancipation, no one that knows anything about the subject will pretend to say. Wholly unprepared for the responsibilities of the position which they have been made to occupy, and prone by nature and habit to improvidence and carelessness in regard to the future, there can be but little hope that sudden emancipation will prove a benefit to them or to the country. That the whites of the South, if permitted, will labor to improve their condition, both social and moral, there can be no question. The character which Southerners have heretofore borne for humanity is a sufficient assurance of this. But whatever may be the solution of the experiment of negro emancipation, social and political equality with the whites will never be one of its permanent results.

zens. Kentucky had never seceded, and she had never been out of the Union. In the opinion of many persons, in the North as well as in the South, it was to this fact that was to be attributed the success of the Union armies. She had furnished her quota of men to the armies of the government, and her sons had laid down their lives fighting for the integrity of the Union, on almost every battlefield of the war. Her territory had been overrun by the armies of both sections, her substance eaten up, her fields laid waste, and her citizens plundered; and now, because, it would seem, of the very miseries she had endured, she was to be made to pay a heavier price for the removal of what was considered the great obstacle in the way of national unity and peace than all her sister Commonwealths of the North put together. Governor POWELL was in the habit of commenting with becoming freedom and with just severity upon this whole scheme of the administration, which he looked upon not only as highly dishonorable, but as cruelly unjust.

In the winter of 1866-7, the name of Governor POWELL was again presented to the Legislature, then in session, for the position of United States Senator. Many of the members of both Houses of the General Assembly for the session named had secured their seats through the influence and intervention of the military authorities which had been scattered over the State at the date of their election. None of these were Democrats, and few, if any, truly represented the views of their constituencies. Although constituting a minority in the body of which they were members, these Radicals and *quasi* Radicals found themselves numerous enough to prevent the election of one who had made himself especially obnoxious to them on account of his denunciation in the United States Senate of the means that had secured to them their seats. The balloting was carried on for weeks, without any result. At length, it becoming apparent to Governor POWELL that the object of the Radical element

in the Legislature was to prevent, if possible, any election at all of a Senator in Congress during the session, and thus to leave Kentucky so far unrepresented in the councils of the nation, he wrote to his friends in that body a patriotic letter, in which he begged them to withdraw his name, and to make a nomination that would insure a number of votes sufficient to counteract the machinations of their Radical and anti-Democratic fellow-members. His advice was followed, and the result was the election of the Hon. GARRETT DAVIS.

In looking over the record of Governor POWELL's public life, we are struck with its singular unity and consistency. His political integrity was without blemish. Never did he assume a position that was not in perfect keeping with his political faith. He opposed secession, not only because he believed it to be no proper remedy for the evils it was designed to cure, but because, with his whole heart and soul, he was attached to the Union of the States. He opposed the war of coercion, not only because he believed that the Federal Government had no rightful authority to carry on a war against sovereign States, but because he felt that such a course would endanger the Constitution and tend to the formation of a consolidated and despotic government. He believed, with many of the wisest men of the country, that peaceful secession was better than war. He believed that the sober second thought of the people would soon discover a way to recover their abandoned unity, without expense, without bloodshed, and without that bitterness of feeling which is a concomitant of all civil wars. Who shall say that he, and the thousands of his countrymen that thought as he did, were wrong? Not, assuredly, any great number of his fellow-citizens of Kentucky. Not, certainly, they who, in their own names and in the names of the representatives of the people by whose authority they act, lay this tribute of their respect upon his honored grave.

A P P E N D I X.

TESTIMONIAL OF RESPECT TO THE MEMORY OF THE HON. L. W. POWELL.

At a meeting of the bar of Henderson, held on the 5th day of July, 1867, of which the Hon. ARCHIBALD DIXON was called to the Chair, and MALCOLM YEAMAN, Esq., appointed Secretary, the following expression, *in memoriam* of the Hon. L. W. POWELL, was adopted :

“ The Great Creator having stricken in death the Hon. L. W. POWELL, we, his associates in the legal profession, deem it fit to add our tribute of respect to his memory. Some of us have known him from early life—all of us for many years. To know him was to love him, and those who knew him best loved him most. As a public man, his name and reputation are national, and inseparably interwoven with these are those rarest of jewels, seldom possessed by politicians—honesty and consistency. His highest aim was to serve his country—his greatest desire its peace, prosperity, and liberty.

“ As a citizen, he was kind and gentle to all, ever ready to extend the hand of welcome to the stranger, and of help to the needy. As a lawyer, he was faithful to his trust, vigilant, and industrious—at all times bringing to bear his great powers of intellect to the interest of his client, and ever courteous and generous to his adversary. As a man, he was honest and true, bearing malice to none, and doing to others as he would have them do unto him. Always a lover of peace, and possessing a heart overflowing with kindly impulses, his loss will be great to the whole country, but none will lament it more than we who knew him best.

“ It is our request that this testimonial to the memory of our departed friend be spread on the records of our several courts, and that our city papers publish the same.

“ We tender to the bereaved family of the deceased our heartfelt sympathy and condolence.

“ (Signed,)

“ ARCH'D DIXON, <i>Ch'n</i> ,	S. B. VANCE,
“ JOHN W. CROCKETT,	HENRY DIXON,
“ BEN. P. CISELL,	JOHN YOUNG BROWN,
“ HARVEY YEAMAN,	JAMES F. CLAY,
“ CHARLES EAVES,	MALCOLM YEAMAN,
“ GEORGE H. TAYLOR,	GRANT GREEN,
“ H. F. TURNER,	P. H. LOCKETT,
“ A. J. ANDERSON,	J. C. ATKINSON,
“ A. T. DUDLEY,	J. P. BRECKINRIDGE.”

The annexed notice of the death of Governor POWELL was written by his old friend and school-fellow, the Hon. SAMUEL B. CHURCHILL, the present Secretary of State of Kentucky, and first appeared in the columns of the *Frankfort Yeoman* on the 9th day of July, 1867 :

GOVERNOR L. W. POWELL.

Kentucky has lost one of her brightest jewels. Gov. LAZARUS W. POWELL is no more, having breathed his last at Henderson at four o'clock on the evening of July the 3d. A wail of sorrow will come up from every county in the State, for he was honored and loved wherever known—and he was well known throughout the length and breadth of the entire Commonwealth. He leaves behind him a name as unsullied as the spotless snow, and Kentucky will engrave it upon the tablets which transmit to posterity the memory of her CLAYS and ROWANS, her BRECKINRIDGES and CRITTENDENS, and her illustrious host

of heroes and statesmen who have already passed "the slender bounds which separate time from eternity."

We knew Governor POWELL intimately, long, and well. We were school-boys together, and well do we recollect the first day he entered St. Joseph's College, at Bardstown. He came there in 1830, a tall, manly, energetic boy, full of life and pluck, eager after knowledge; and most rapid was his advancement. He came alone, without acquaintance or friend, and unknown to all; but his genial manners, his noble bearing, his bright intellect, and close application to study, soon won for him a host of friends. He not only won the friendship but the perfect confidence and esteem of all, and they felt that, when he went forth to the battle of life, he would not only leave behind him an unsullied name, but that he too, perchance, might leave his foot-prints on the sands of time. Many of those college boys have passed to the shadowy land; but there remains not one, wherever he may be, whose eyes will not be suffused with tears when he reads the sad announcement of his death.

In 1833 he took his degree of Bachelor of Arts, and then commenced the study of the law with the distinguished ROWAN. Judge ROWAN was not only one of the greatest orators, but one of the most thoroughly accomplished gentlemen of his day—the very soul of truth and honor; and, listening to the counsel and instruction which fell from the lips of this wise Gamaliel, Governor POWELL learned those lessons of truth, wisdom, and justice which he never forgot or cast aside throughout his whole brilliant career. Governor POWELL also attended the law lectures at Transylvania University, and was admitted to the bar in 1835.

Governor POWELL commenced the practice of his profession in the county of Henderson, where he was born October the 6th, 1812, and he soon took rank with the first lawyers of the State. He was not permitted, how-

ever, to devote his time entirely to his profession ; for, as early as 1836, he was elected a member of the House of Representatives, where he gave promise of that future which he so nobly redeemed in after years. In 1844 he canvassed a portion of the State as one of the electors for President POLK, and in 1848 he was the Democratic candidate for Governor. His opponent was the Hon. JOHN J. CRITTENDEN, who was the candidate of the Whigs, and who was one of the most popular and brilliant men that ever adorned the State. The Whigs at that time were in the ascendancy ; but in that heated contest Gov. POWELL exhibited such energy, eloquence, and talents, as made him then the acknowledged leader of the Democratic party.

In 1851 Governor POWELL was again the Democratic candidate, and was triumphantly elected. For twenty years before this the Whigs had entire control of the State, and when he came to Frankfort to administer the government he had much to encounter, both in the way of social and political prejudice. At that time partisan feeling ran high ; but no man in the whole State could have been elected Governor who was more fitted for the difficult position in which he was placed. Dignified and yet affable, manly and yet courteous, and dispensing a hospitality alike graceful, profuse, and heartfelt, he banished all political asperities from the social circle, whilst his administration of public affairs was marked by prudence and energy, purity and firmness, statesmanship and wisdom.

During his term of office there was no embezzlement of the public moneys, no fraud, no speculation, no oppression, but four years of uninterrupted confidence and quiet and happiness among the people. They knew that an honest man and able statesman was at the helm, and that the ship of State was moored in a safe harbor. In Frankfort Governor POWELL will be long remembered,

both as the eminent statesman and the gentleman, who made the Executive Mansion the home of elegance, hospitality, and refinement.

When we had the prospect of a Mormon war, Gov. POWELL was appointed by President BUCHANAN one of the Peace Commissioners to visit Utah, and, in compliance with instructions and the duties of his office, he proceeded to Salt Lake City in the spring of 1858. We met him in St. Louis on his way there, and found that he was filled with the hope that he would be able to give quiet to the country and prevent all unnecessary effusion of blood. That distinguished General, ALBERT SIDNEY JOHNSTON, was in command of the military, and, by the joint efforts of himself and the Commissioners, quiet and order was restored without the firing of a single gun.

Returning from this mission, where he had rendered such signal service to his country, he took his seat in the Senate of the United States on the 4th day of March, 1859, the Hon. JOHN J. CRITTENDEN being his colleague. At this time the political atmosphere looked darkly ominous of coming evils, and, in 1860, in a calamitous hour for the Republic, ABRAHAM LINCOLN was elected President. Most of the Southern States seceded, and many Senators retired from their places in the Senate. Gov. POWELL, however, retained his seat to the conclusion of his term, and his manly voice was constantly raised in behalf of the Constitution and civil liberty. Although threatened with imprisonment and exile, his brave heart was not daunted, and his eloquent denunciations of the usurpations of the Government were read throughout the land. Nobly did he vindicate the privileges of the writ of *habeas corpus*, and many a lonely prisoner, ruthlessly torn from his family and sent without trial or accusation to be immured in the gloom of loathsome bastiles, felt his heart cheered and his hopes revive when he heard how nobly and fearlessly the Kentucky

Senator stood forth in defense of the Constitution and the liberty of free speech and a free press.

His voice will be heard on earth no more, but his noble deeds will be remembered, and his memory will be cherished in the hearts of all true Kentuckians. Passion and prejudice will pass away, and coming generations will enshrine his name among the truest patriots of the land. When the base sycophants of power who are willing to degrade their own race, and "bend the supple hinges of the knee that thrift may follow fawning," have sunk into infamy, then will the name of LAZARUS POWELL shine forth as pure and bright as the stars of Heaven. Oh that he had lived to have seen restored the liberties of his country! How sadly do we miss him, and how much we need his counsel now. Kentucky would love so much to honor him and to show all the world how much she prized and valued and loved him; but, alas! he can receive no more honors, and can do the State no more service. He was one of the most sincere, candid, and upright men we ever knew, and no man ever confided in him in vain. Frank and open in the avowal of his principles, he was always ready to maintain what he believed to be truth, and was in its truest sense an honest man—that noblest work of God.

Let Kentucky, his native State, and the State he so much loved, guard well his name and fame, that, in the great Hereafter, it may shine forth as a beacon light to cheer on her sons who tread the paths of honesty and honor. Such men as LAZARUS W. POWELL are the brightest jewels of a State, and are the gems which glorify God, dignify man, and ennoble history.

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

On the 5th day of March, Mr. I. A. SPALDING, in the Senate, and Governor BERIAH MAGOFFIN, in the House of Representatives, reported the following resolutions from the several committees to whom had been referred that portion of the Governor's message which relates to the death of Governor L. W. POWELL:

WHEREAS, An inscrutable Providence has terminated the career of LAZARUS W. POWELL, in the prime of his manhood and in the maturity of his fame, it is deemed fitting and proper that the representatives of the people of his native State should pay a becoming tribute to his memory and give formal expression to their appreciation of his virtues. Nature had richly endowed him with all the nobler characteristics of the people among whom he was born and had lived, and these characteristics he illustrated in every relation of life. He was an indulgent yet watchful parent, a generous and exemplary citizen, a sincere and unfaltering friend, a sagacious and prudent statesman, a brave and incorruptible patriot, whose philanthropy embraced all his kind and all his country; therefore, be it

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That in the death of LAZARUS W. POWELL the State has lost one of her most cherished sons, the people one of their most trusted and valued friends, and the Republic a statesman whose wise counsels and lofty patriotism were never more needed than in the perils through which the country is now passing.

2. That we sincerely sympathize with his children and family in the irreparable loss they have sustained.

3. That, as a mark of respect to the memory of the deceased, we will wear the usual badge of mourning for thirty days, and that a copy of the foregoing resolutions be transmitted to his family.

Said resolutions were twice read and unanimously adopted.

REMARKS OF SENATORS.

REMARKS OF MR. I. A. SPALDING, OF UNION.

MR. SPEAKER: The resolutions just read recall to our minds a man whose life was the pride of the people of Kentucky, and whose death fills their hearts with sorrow. In adopting them, we propose not merely to observe a custom—not to offer a cold and formal tribute to departed greatness, nor to tender empty adulations to gilded and soulless glory—but we come, in obedience to the dictates of a generous affection, and as the representatives of a stricken Commonwealth, to render a mournful tribute to the name and memory of one of her most gifted and beloved sons.

No country has more glorious recollections than Kentucky, and no people cherish them with a deeper reverence than do her children.

The world always appreciates and honors true greatness. In all ages and among all peoples, the richest treasures of language and the best efforts of genius have been lavished in the attempt to honor the names and perpetuate the virtues of the great.

And should the benign genius of our Commonwealth—the nursing mother of us all—summon from her silent sepulchres those of her children who have best illustrated the virtues of true manhood and elevated statesmanship, prominent in their ranks would stand him whose loss we now deplore and whose name we here unite to honor.

Equal to the duties and responsibilities of every station to which he was called, Governor POWELL seemed pre-eminently endowed with the virtues appropriate to all the relations of life. The history of such a man is a

most useful study. In contemplating it we are impressed not more with the noble objects of his ambition and the splendid success achieved in their pursuit, than with the sublime and beautiful virtues that adorned his course. And we cannot fail to be impressed by its lessons with a higher regard for that truth and justice and patriotism which characterized his life.

LAZARUS W. POWELL was born in Henderson county, in this State, on the 6th day of October, 1812, and grew up to manhood amid the wild and rugged scenes of what was then a backwoods country. On this hardy theater he developed a form naturally good into the full proportions of a perfect manhood, and a disposition naturally frank, sincere, and kind into a perfect model of cordial and generous and manly character. At the age of nineteen he entered St. Joseph's College, at Bardstown, from which he carried, in 1833, the devoted love of professors and students, and the highest honors of the institution. On leaving college he read law with the accomplished, erudite, and chivalrous ROWAN, then in the front rank of a bar which could boast a HARDIN, a WICKLIFFE, and a CHAPEZE. From this great jurist and statesman young POWELL learned to understand, to admire, and to love not only the pure teachings of the law, but the great fundamental principles of Republican liberty as embodied in the doctrines of that noble party to which he so ably, so faithfully, and so successfully devoted his life.

In 1835 he attended the Law Department of Transylvania University, and soon afterwards began the practice of his profession at the county seat of his native county. Henderson county was at that time largely opposed to him in political sentiment, yet such was the influence of his mental and social worth that he was returned to the Legislature from that county in 1836, during that memorable national contest in which Democracy arrayed itself against the most powerful combination (that of Bank and State) which ever sought to rule a people.

In 1844, as Elector, he canvassed the State for POLK.

In 1848 he was the Democratic candidate for Governor against Mr. CRITTENDEN. His contest with that renowned man was marked with energy and ability; and though defeated at the election, his canvass was a most substantial triumph; for he spread broadcast the great truths of Jeffersonian Democracy, and reanimated the minds and hearts of the people with the recollection of the glorious traditions of that party. That policy culminated in the formation of the new Constitution.

In 1851 he again became a candidate for Governor, and gathering inspiration from the spirit which had presided over the Constitutional Convention, he canvassed and carried the State against one of the strongest and most gifted men that Kentucky has ever produced. His administration as Governor is a part of the history of the State. To it we can proudly look as an illustration of his political wisdom and as a monument of his surpassing statesmanship.

After his term expired, he was appointed, with Major BEN. McCULLOCH, to adjust our difficulties with the Mormons, and in this, as in every other public position, he discharged the duties of his office with eminent success.

He was elected Senator in Congress in 1858. His career upon that elevated theater was very marked. It was the most trying time that has ever fallen upon our country. The whole structure of our Government was shaken, and the wildest and bitterest passions of our nature aroused by the terrible civil war then raging. Amid the fierce excitement of this dark hour, Governor POWELL stood erect and firm. Adhering with death-like tenacity to the Constitution of his country, and with no stain on his official garments, he pursued, undismayed and unterrified, that policy which in his honest judgment was best calculated to uphold the liberty and preserve the civilization of his countrymen.

These events are too recent, and the feelings engendered by them still too fresh in our bosoms, to warrant an attempt at a judgment as to their true merits. We must leave it to time to set these, as all other things, right; and in doing this we commit the conduct of Governor POWELL to that inexorable tribunal, with the fullest confidence that reason will place her seal and sanction on it.

In summing up his character as a public man we are struck with the simplicity of his political creed, and with the beauty of the few plain rules which governed his life.

Politically he was a Democrat, because he believed the doctrines of that party to embody the great truths of republican liberty, and its teachings most nearly to conform to the genius of our people. For the Constitution he cherished a veneration almost religious, deeming its observance the sure and only guarantee of exact justice, undisturbed tranquility, a perpetual Union, and well regulated liberty. He entertained an unwavering confidence in the intelligence and integrity of the people, and it was a rule of his life never to avow before them anything he did not honestly believe, and never to conceal from them anything that he did believe. He never deceived either friend or foe—both always knew where to find him. Always a decided partisan, he was constantly engaged in heated contests with the enemies of his party. Yet a true courage and a generous courtesy so shed their blended influence over all he said and did that his adversaries were disarmed of their hostility, and his friends were drawn and bound more firmly to him. It is a sufficient eulogy of Governor POWELL, and one that should gratify the highest ambition, that he had no enemy to be gratified by his death, whilst the people of his State feel it both as a personal bereavement and an irreparable public loss.

Gentle in his strength, modest in his frankness, unobtrusive in his honesty, conciliatory yet firm in his sincer-

ity, LAZARUS W. POWELL stands forth prominently as one of the best models of a republican statesman, of whom it may well be said,

"A rarer spirit never did steer humanity."

Hitherto I have spoken of the public career of this great man. Our admiration of his character increases as we view him in the private walks of life. As a friend he was kind and true.

To the young especially he was a most wise and affectionate friend, ever ready to counsel what was right and assist in its achievement. It was his delight to take generous and aspiring youth by the hand, and to guide its footsteps along the pathway of preferment.

To his parents he was a model of filial piety, at once the pride and comfort of their declining years

For the children left him by the wife of his youth, too soon taken from him and them, he cherished the most tender affection, and to them alone, for her sake, he devoted the love of his manly and magnanimous heart.

As a member of society he was beloved by all. The social virtues reigned in his heart, and social pleasures environed his hearthstone.

In his native county, where death overtook him on the 3d day of July, 1867, he so lived that all revered and loved him; and when it was known that he was stricken by the destroyer, and was, perhaps, in his last struggle, the whole community was saddened and hushed as though the shadow of death had fallen upon every household; and when his death was announced, the common anguish was as though the first born of every family had been taken. And even yet they feel that there is in their community less of truth and justice and goodness and manly charity than before his sad decease.

REMARKS OF WM. J. WORTHINGTON, OF GREENUP.

MR. SPEAKER: It is not my purpose to attempt to deliver an eulogy upon the character of the distinguished deceased to whom the resolutions under consideration refer, to the performance of which I freely acknowledge my inability. Nor shall I attempt to take up his history as a public man, but simply to add my tribute of respect to the memory of Mr. POWELL as an humble citizen of the Commonwealth, that stands ready to-day to do honor to the memory of one of her most cherished sons. The sable drappings of this Chamber, sir, reminds us of the fact that another of Kentucky's honored sons has been taken from us by the ruthless hand of death.

Leaves have their time to fall,
And flowers to wither at the North Wind's breath,
And stars to set—but all,
Thou hast all seasons for thine own, oh Death!

It has been the custom, Mr. Speaker, from time immemorial, amongst all civilized nations, to pay a tribute of respect to the dead, and more especially to those who have been instrumental in conferring benefits upon their fellow-men. This, sir, is the duty that we are called upon to-day to perform—sad, yet pleasant. Death, sir, whether it is visited upon us in youth, in the vigor of manhood, or in the full fruition of years, is, nevertheless, accompanied with an inseparable gloom, which all of our philosophy cannot overcome. The stoicism of the ancients is no part of our inheritance; but, sir, we are here to-day, in the full possession of our natural sympathies, to mourn the loss of departed worth. We come not, sir, for the purpose of investigating the conduct of our departed statesman, and determine whether or not his name is entitled to be enrolled in the archives of the State as one of the good and great. This, sir, has already been done; every page of the history of our State for

the last thirty years bears the impress of his genius. His life, sir, was dedicated to the service of his country, not bounded by geographical lines or sectional divisions. His, sir, was a devotion commensurate and co-extensive with the vast domain which embraces the sisterhood of States which form our glorious Republic. Born to the inheritance of Republican and Democratic principles, their culture, dissemination, and perpetuation became the chief object of his noble and useful life. As to the measure of his success in his laudable work, we have only to refer to the proud Commonwealth during the time of his almost unexampled administration of public affairs for the attestation of the success which attended his labors as a statesman. Entering the political arena at a time when his party was in the minority and opposed by the ablest men of the age, such as CRITTENDEN, DIXON, WOLFE, and MOREHEAD, seconded by the influence of the great Commoner then in the nation's councils, whose political opinions were received as oracles, and under whose influence and guidance the Whigs had had control in the State for upward of twenty years—surrounded by difficulties of this character, the road to political preferment was uninviting, to say the least of it. But his, sir, was not the nature to be intimidated by the obstacles that loomed up before him. Girding himself for the contest, he entered the list as the champion of Democracy. Nerved to the conflict by a laudable and praiseworthy ambition, coupled with a zeal that knew not defeat, he pressed forward to the goal of success, and, by his indomitable perseverance, changed the political complexion of the State for the first time in twenty years. Though strictly partisan in his feelings, he possessed in an unequalled degree that rare but invaluable power of binding his friends with bonds that could not be broken, and, at the same time, conciliating his opponents and thereby relieving his contests from the asper-

ities that are usually engendered by political discussions. Kind, affable, and obliging in his manners—to know him was to love him. The aristocrat and the plebeian received the same cordial greeting at his threshold—none was turned away empty. His great heart was ever open to the plea of the poor and the unfortunate. His love and devotion for his own native Kentucky knew no bounds—her destiny was his. In her prosperity he rejoiced; in her adversity he mourned. Hence his solicitude for the State that he loved when the clouds of war were gathering thick and fast around her. Gladly would he have thrust himself into the breach and arrested the impending shock. The ties that had bound us together as one common family were in danger of being torn asunder. He hesitated—not that he loved the nation less, but Kentucky more. If in this there is error, Mr. Speaker, let us kindly cast over it the mantle of charity, and accord to our distinguished statesman the ruling motive of his life, namely, to do right in the sight of his God and his countrymen in all things. It is said, Mr. Speaker, that the good men do, is oft interred with their bones. Let it not be so with our distinguished and beloved countrymen; but let his many and exalted virtues be engraven upon our hearts as they are indelibly in the history of his country; as in life, so in death will his example stand out as a beacon light to encourage the youth of the land to press forward in the path of usefulness and honor.

But, sir, whilst we are here to-day to render this tribute to his memory, let us not forget that our loss is his gain, and that sooner or later we will all have to pass to that bourne from which no traveler returns. The contemplation of these things, sir, should enable us to bear with Christian fortitude the dispensations of an all-wise Providence, who does all things for the best. Let us for the time being lay aside our differences of opinion, and, as

one common brotherhood, meet at the shrine of our country and offer this tribute of respect to the memory of one whose fame has become the common inheritance of Kentuckians, and remember that

"The gloomiest day hath its gleams of light,
The darkest wave hath bright foam near it,
And twinkles through cloudiest night
Some solitary star to cheer it."

REMARKS OF BEN. J. WEBB, OF LOUISVILLE.

MR. SPEAKER: The name of LAZARUS W. POWELL has been familiar to me since we were boys together attending the same school. He was a leader from the time I first knew him up to the day of his death. He led in his classes at school and he led in the sports and pastimes that occupied, for himself and his fellow-students, the hours of recreation. He took the lead in forming for himself a distinctive character, and he took it also in the assertion and defense of distinctive principles. Open, manly, and generous by nature, he used his extraordinary gifts for the support of the weak, to curb license, and to incite emulation. Enemies he had none, for his motives, in whatever he did or said, shone forth transparent with candor and with good will toward all.

At the time of which I speak, from my place among the college juniors (he was two years my senior), I remember well to have been in the habit of looking up to the person of the future Governor of the Commonwealth with a feeling that was somewhat akin to envy, on account, as well of his manly bearing, as of his wonderful influence over the entire body of his fellow-students. Though he was himself a laborious student, and was always well up in his classes, he was no mere book-worm. He gave to both body and mind that relaxation

from toil which was necessary for their healthy development. Thus early in life did LAZARUS W. POWELL give evidence of his future greatness—of his ability to reach the goal of a just man's ambition. I left college long before Mr. POWELL's graduation in 1833, and had, unfortunately, few opportunities afterwards of renewing the relations of our early days. But never, up to the day of his death, had I ceased to feel the warmest interest in every thing that concerned him as a man, or that had reference to his fame as a political leader among the people. He became identified in my mind as something in which I had a part. I gloried in his successes and I shared the humiliation of his defeats.

I shall not pretend to follow him in his public career. His political history, and that of the times in which he acted, are familiar to all of you. But it has been said of me, as it has been said of thousands of better men, that I "must be either practical or nothing." In proof of this, and at the risk, possibly, of offending against good taste, I cannot permit this occasion to pass without attempting to apply, in a practical way, the lessons of his life for the benefit of those who are seeking a like path with that trod by the lamented dead, whose memory we would keep alive in the hearts of his countrymen. What were the means used by Governor POWELL to arrive at distinction in the councils of the nation? And how did he succeed in winning the love and confidence of his fellow-citizens? He was, it is very true, a man of genius, but there have been geniuses that we all have known, that received not, as they did not deserve to receive, either private respect or public confidence. They lacked the ballast of steady habits, of industry, of unselfish and patriotic purpose, of unswerving integrity, of modest candor and fidelity to principle. These were Governor POWELL's distinguishing characteristics, and it was through their possession that he became what he

was. Both in public and private life he gave assurance to all that he was simply and wholly a man, earnest in vindicating the right and fearless in condemning the wrong. He was no creature of impulse or passion, but he had regard, in his every public act, for those amenities of social life which forbid the introduction of irritating personalities into political controversy, and which are so characteristic of the true gentleman. He enforced the respect of his political foes as much by his courtesy as by his ability to defend his positions through the medium of unanswerable logic. He did not reach the position to which his talents and his exalted moral attributes enabled him to aspire without labor. He accepted this universal law of progress, and he bent all his energies to the acquirement of that sum of knowledge which is indispensable to success in every profession, and in every undertaking that is worthy of human effort. He cultivated his will, or his moral affections, together with his intellect, for he well knew that man's happiness here on earth is as the measure of his good deeds; that he owes to his neighbor not only justice but sympathy, and not only sympathy, but also practical aid in his troubles and miseries. He studied his country's history and the lives of her patriotic founders, in order that he might labor to subserve the true interests of the former, by founding himself in the principles of the latter. Finally, he lived to illustrate his love of country and the Democratic principles which he had inherited from the fathers of the Republic, on fields where, with the great body of the combatants engaged, reason was thrown to the winds, and where, aided by a few kindred spirits, he was to the last found battling for the right, and urging upon all counsels of moderation, in words whose echoes will only cease to ring in the ears of his countrymen when liberty shall have lost its meaning in their hearts.

The most glorious act in the public life of Governor POWELL was his defense of his colleague in the Senate of

the United States from the charge of constructive treason—a charge which involved expulsion from that body. It will be remembered that, early in the history of the late civil war, the Hon. GARRETT DAVIS, in his zeal for the preservation of the Union by making treason odious, as the phrase still runs, had his colleague, GOVERNOR POWELL, arraigned at the bar of the Senate on the charge of disloyalty. The charge was not sustained. At a later day, Senator DAVIS, having arrived at more just conclusions as to the purposes of the men in power, discarded the heresies of the party with which he had up to that time acted, and, on account of his change of views, was placed at the bar of the Senate to answer a charge similar to that which he had himself previously preferred against Gov. POWELL. What was our late Governor's action in the premises? Did he take advantage of his position to strike at the man who had before caused his own arraignment? Not at all; but with an eye single to principle, and with a zeal commensurate with the occasion, he entered the lists beside his former enemy, and manfully defended him on the floor of the Senate. I call this a glorious record—one that combines within its scope the love of truth for its own sake, and superiority to personal resentment on account of personal injury.

Truly, I know of no example more worthy of the imitation of the rising statesmen of our Commonwealth than that afforded them in the public life of LAZARUS W. POWELL. As it is on the basis of public virtue alone that we can hope to preserve the institutions of our fathers, so the student of statesmanship that would make himself worthy of the office of guardian over the liberties of the people, should prune his mind of all mere selfish aspirations, of party and personal spites, and arise to that height of patriotic devotion which looks beyond self to the welfare of the country and to the happiness of the people.

REMARKS OF REPRESENTATIVES.

REMARKS OF EX-GOVERNOR BERIAH MAGOFFIN.

· **Mr. SPEAKER:** Wearied and worn down, as I know we all are, by the arduous labors of a three-months' session of the Legislature, I would not say a word, under ordinary circumstances, upon the resolutions just read; but I hope I shall be pardoned by the House for asking its indulgence to drop a flower and a tear upon the grave of my departed friend. Neither my feelings nor my duty will permit me to remain silent. My relations with the late **LAZARUS W. POWELL**, in every regard, from my boyhood to the end of his life, were such as to forbid that, upon such an occasion as this, I should not bear willing testimony to his great worth while living. I know, sir, that no word of mine can add anything to the fame of the distinguished and departed statesman; I know that no praise, no eulogy that I could pronounce, will add one leaf to the evergreen laurel which he has twined around his brow by his many and noble services to his country; I know that no poor tribute that I can now pay to his sacred memory will brighten the halo which now surrounds his consecrated and immortal tomb; but it is meet for us to show a just appreciation of his great efforts for the good of his country, and to bear witness to the spotless purity of his private and public life. All enlightened people have been prompt to perpetuate the fame of their great and good men. All civilized nations know that their history is the sum of their glorious deeds, and it is well to inspire the ambitious and hopeful living to follow their example, by living just, generous, and grateful to the patriotic and illustrious dead.

Governor POWELL's active, laborious, and useful life is now the common property of the State and of the whole country. He has bequeathed to us some of the brightest pages in our history. We should show that we appreciate the noble legacy by imitating his example.

In all the social relations of life none knew him but to love him, few spoke of him but to praise. Kind, courteous, and frank in his winning manners, he was as genial as a bright May morning. His heart, his hand, and his purse were never closed to charities, and always open to his friends. Courteous, prudent, just, generous, brave, and magnanimous, he had the qualities that made him the very soul of honor. Truthfulness, honesty, frankness, and wisdom marked all his dealings with his fellow-men, and were, in fact, the most conspicuous traits in his thoroughly balanced character. In the nearer and more endearing relations of life—as a son, he was dutiful; as a husband, he was indulgent, tender, and affectionate; as a father, playful, kind, and gentle, almost as a loving, doating mother.

I knew him intimately well, for a long time, in all the relations of life, and it did seem to me that all the qualities which make up the highest type of a man were most harmoniously blended in him. As a business man, he was thoroughly honest, just, and prompt. As a lawyer, he had few superiors in the State; and no one was more respected, where he practiced, by the bench, the juries, or the bar. As a Representative in the Legislature, in early life, from the county of Henderson, he was ever vigilant, industrious, and attentive to the interests of his constituents. As a candidate for office and a public speaker, he was always popular with the people and pleasing on the stump. As Governor of Kentucky, no man ever discharged his duties with greater satisfaction to the whole people of the State. Firm in the execution of the laws, his ears were ever open to the tender and touching appeals of mercy; but, sir, it

was not until he was elected to the Senate of the United States that extraordinary circumstances displayed, in the highest degree, that power of intellect, patriotism, firmness, and great courage, that endeared him so much to the people.

Who, let me ask, ever served the people of this State with greater fidelity, under more trying circumstances? During the late horrid and never-to-be-forgotten war, in the darkest days of the bloody conflict, when passion ruled the hour, and bold men stood aghast—when the laws were silent, and military necessity was made the plea for every infraction of the Constitution and for every outrage which was perpetrated upon the rights of the States and the people—unseduced by flattery, unmoved by threats, and unawed by power, he boldly stood up on the Senate floor, almost alone, and defended with great ability every right dear to freemen and every principle of constitutional liberty. He won from his political opponents, by his honest and manly course, their admiration and respect, even in that fearful hour. I wish not to claim for him more than he deserves; but who, among our great statesmen, is deserving more of the gratitude of the people? We have had men of more genius—greater orators, scholars, and statesmen in Kentucky; but where was there ever a purer or a nobler patriot, or one who was a truer representative of the people of his native State? I claim not that he was a brilliant man, nor a man of genius, nor a finished scholar, in the highest sense of the word, nor a man greatly learned in the sciences, nor a man of very extraordinary or profound information. No one will claim that he was, as an orator, the equal of Mr. CLAY or Judge ROWAN or Mr. BARRY, of Judge HISE or Mr. CRITTENDEN. He had not some of the commanding traits in the characters of the lamented BOYD, the gallant CLARKE, or the gifted, dashing, and chivalrous O'HARA,

the remains of the last two of whom now sleep in a foreign land—

"Dante sleeps afar,
Like Scipio buried by the upbraiding shore;"

but whose sacred dust will soon be reclaimed by a grateful people, and brought back to mingle with their native soil. Unlike any of the persons alluded to in many particulars, he was emphatically an honest man of the strongest common sense, whose judgment seldom erred about men or measures. In solid judgment, in unswerving will, in firmness and fixedness of purpose, in devotion to principle, in understanding the wants and wishes of his constituents, and in the display of the highest moral and physical courage in acting for what he considered to be for their greatest good, their greatest prosperity and happiness, he was not inferior to the noblest Roman of them all. He was not less faithful in the discharge of his duties than any of them.

In my intercourse with public men, there was one thing most remarkable about the man. From the collisions which necessarily take place among politicians and statesmen, and others, perhaps, struggling for wealth, for place, position, and power, great antipathies and very bitter animosities are almost universally engendered, and from disappointment or some other cause they speak with great bitterness of each other, especially after they pass the meridian of life, and to its close. It was not so with Governor Powell. He seemed to have no unkind feeling toward any human being, always speaking charitably and respectfully of his political opponents or friends, even after they had done him injustice. When any wrong was acknowledged and atoned for, no man was more magnanimous, more free to forgive. When sufficient apologies were offered for injuries, they were remembered no more. A Kentuckian by birth and education, he shed

lustre upon every position, both public and private, he filled. Elected to fill the most exalted positions within our gift, he came up to the full measure of our highest expectations. The fame of some of our great men may be perpetuated in the marble column that towers to the skies, or in brass that dazzles in the sunlight—on the living canvass—in undying painting, story, and song, they may live as they deserve, but none of them will have, or deserve to have, a warmer place in the hearts of all true Kentuckians, or in the affections of his countrymen, than the late LAZARUS W. POWELL. Cut down by the fell Destroyer, who is no respecter of persons, but who, *cum equo pede*, knocks at the door alike of the rich and the poor, the high and the low, and will take no denial, he went down into the grave in the prime of life and the fullness of his usefulness, without a stain upon his name, without a breath of suspicion upon his character. He passed into the unknown future like the sun as it sinks in a clear sky without a shadow on its disc. Honored, trusted, beloved by the people, he died full of honors; but, alas! I fear too soon for the good of his country! He sunk to rest

“By all his country’s wishes blest.”

And he will be gratefully and affectionately remembered as long as truth, sincerity, friendship, talent, fidelity, generosity, magnanimity, justice, patriotism, and honor are duly appreciated among men. Surely, if the spirits of the just while on earth are made perfect in Heaven, he has his reward.

REMARKS OF R. M. SPALDING, OF MARION.

MR. SPEAKER: I arise to second the resolutions offered by the Committee, and in doing so desire to make a few remarks upon the character and services of the distinguished statesman who is the subject of them. The State of Kentucky has ever manifested a proper respect and veneration for the memory of her great men. She loves to nurture and encourage the aspirations of genius and talent employed in promoting the welfare and happiness of her people, in defending their rights and advancing their interests. After death, she generously erects over the remains of these suitable monuments, and with maternal tenderness wreathes them with the bright garland of her public approbation. This sentiment has caused the present Legislature to pass resolutions to remove the remains of two distinguished Kentuckians to our State cemetery—one who had died in a foreign State while employed in the service of the country, the other a man of genius and misfortune, whose short but brilliant and checkered career was closed by death in a neighboring State. Resolutions to honor the memory of the late lamented Gov. HELM have been passed by this House, a patriot whose name and fame will ever live green and fresh in the hearts and affections of all true Kentuckians.

But among the names of the public men of our State, that of LAZARUS W. POWELL will ever find a prominent place. Born and reared in our State, where he received his education, he early cultivated and ever retained the generous impulses and honest frankness of a true Kentuckian.

The pursuit of knowledge threw us both together in our youth, and I shall ever cherish a pleasing recollection of the years which I thus spent with him. In those days—from 1829 to 1833—there was no boy in Kentucky who

did not talk politics and have his own political opinions. POWELL and myself at that time differed on this subject. I was a Clay Whig, whilst he was even then the most staunch and consistent advocate of Jeffersonian Democracy.

He was bold and fearless in his opinions, and gave evidence of deep thinking upon the great principles of republican liberty, as contained in our mixed form of government. He was a Democrat, not from impulse, but from principle. He had accepted that doctrine from conviction; had made it his political faith; and even as a boy he evinced a resolution to remain faithful to it in good report and in evil report—in the bright day of victory and in the dark hour of defeat. While a student at college he applied himself assiduously to the pursuit of knowledge, and by his progress in science gave evidence of more than ordinary talent. He graduated with honor to himself and the institution in 1833.

On leaving St. Joseph's College he began the study of law in the office of Judge ROWAN, of Bardstown. Bardstown at that time was called the Athens of Kentucky, and certainly it then possessed some of Kentucky's greatest men. BEN. HARDIN was there. In original genius and natural reach of intellect, in perspicuity of thought and power of analysis, in wit, in bitter and withering sarcasm and invective, no man in the State was his superior. CHARLES A. WICKLIFFE, who still lives, almost the only survivor of a race of great men, distinguished at the bar and in the councils of the nation, was also there. Judge ROWAN, the able statesman and profound jurist, the accomplished gentleman and the erudite scholar, who was unequalled in conversational power and natural flow of eloquence, was also there. BEN. CHAPEZE, the peer of these, and a lawyer of distinguished ability, and JOHN HAYS, a prodigy of genius and eloquence, were likewise there.

Many young men of talent and ambition had gathered around these great names.

The lamented Governor HELM was studying there, and there also LAZARUS W. POWELL began the study of the law in 1832.

Governor POWELL was blessed with a warm and ardent nature, and when he resolved upon a thing he concentrated in it his heart and soul. He prosecuted the study of the law assiduously, knowing that labor is the only key to success, the only passport to distinction and honor. In his hours of social relaxation he was always gay and cheerful, and a most excellent companion; yet the attentive observer could easily perceive that his heart was bent on labor and progress, not on pleasure. After having passed through the usual course of study, he was admitted to the bar in 1835.

As a lawyer, Governor POWELL will never be classed among the great jurists of the nation. Nevertheless, during his life-time he held a high position at the bar. Early in life he entered the arena of politics, and it is as a statesman that he especially distinguished himself.

He passed through all the grades of political preferment, and reached the highest office in the gift of the people of Kentucky—that of Governor of his native State. I do not think that any of the many distinguished incumbents who have filled the gubernatorial chair of Kentucky ever left the office with greater popularity than Governor POWELL. In the legislative halls of the nation he stood prominent among the statesmen of the country, who, in whatever light they may have regarded his political views, never failed to esteem and admire the sterling worth and incorruptible honesty of the man.

In 1861, when party spirit was at its height, intensified by sectional hate and fanaticism, when the great principles of State rights and restricted Federal sovereignty, as

laid down in the Constitution, and illustrated by the practice and teaching of the fathers of the Republic, were involved, and in imminent danger of overthrow, Governor POWELL, then a Senator in Congress from Kentucky, stood firm and unshaken to the traditions of the Democratic faith. He invoked the spirit of peace and compromise upon the troubled waters of party strife. He urged, with patriotic ardor, the adoption of measures which would harmonize sectional interests and the war of sectional animosity, and save the vital principles of liberty to the people. He labored long and ardently to compromise conflicting policies and to avert the impending storm of war from his country. He early, and then clearly, saw the aims and purposes of the revolutionary party which then held in their hands the destiny of the country. He opposed persistently every attempt they made at usurpation of power, whether urged under the plea of State or military necessity. He contended that the life of the Government depended upon adhering to the principles and spirit of the organic law. At that time—the most trying period of his public life—he was denounced everywhere as disloyal to the Government; he was abandoned by his own State, and declared unfit to represent its people in the councils of the nation. A resolution of expulsion from the Senate was introduced into that body. POWELL felt and knew the importance of the occasion—the truth of the political faith of his life was on trial—and he was nerved with the energy and strength of the patriot to meet with defiance the unjust charges.

In a speech—the most elaborate, logical, and eloquent of his life—he conclusively vindicated the truth and loyalty of his public acts, the consistency and constitutionality of his opposition to the war, and he overwhelmed with defeat his enemies and the enemies of his country's liberty. This was, perhaps, the most glorious of his life; it gave him a national reputation, and endeared his name to the friends of constitutional freedom over all this land.

Consistency is very rarely found in the political lives of the public men of our day and country. Politics and policy are too often confounded. Principle is sacrificed to interest, lasting honor to the vulgar success of the passing hour. In our day, especially, we find few statesmen of stern convictions and unshaken integrity—few men who seem to consider the general weal of the nation rather than the petty interests of party—few men who seem willing to love their country's permanent good, even though that love bring upon them unpopularity for the time, and the odium of party and of faction.

The men who framed our Constitution, and who gave to the country the blessings of free institutions, were not of this character. They were unselfish and self-sacrificing in advancing the public good. The same patriotic devotion, and the same honesty of purpose have distinguished the men who were intrusted with the administration of the Government from the days of Washington down to 1861. These men maintained that instrument as the paramount law of the land, to which every citizen owed obedience and fidelity. Oaths to support the Constitution in these palmy days of the Republic were respected by all classes of officials. This character of statesmen must be again placed in power if the people desire to perpetuate for themselves and their posterity the inheritance of free government, and save the country from tyrants and despots.

Such a man was LAZARUS W. POWELL, and his death was not only a loss to his friends and to his State, but a loss also to the nation.

In person, he was a man of fine appearance, above medium height, and of full habit. His high and ample forehead gave evidence of the noble and exalted ideas which guided him in all his actions. His expressive blue eye told of restless activity, of lofty aspirations, and of a generous, kindly heart. In his personal friendships and

attachments he was warm and sincere. He loved to retire from the eager strife of political life to the genial and more peaceable enjoyments of social friendship.

As a man, as a statesman, and as a patriot, he was an honor to his native State, and the people of Kentucky will ever hold his name in veneration.

REMARKS OF MR. LILLARD, OF OWEN.

I will not trespass upon the time or patience of the House by any extended remarks on the life, character, and distinguished services of Gov. POWELL, whose untimely death we all mourn.

All that could be said on this melancholy occasion has been well and eloquently said by the distinguished gentlemen who have preceded me. But, sir, I cannot remain utterly silent. I feel that I must say something as a slight tribute of respect to one who in life I loved and whose memory I hold sacred and dear.

I had been from early manhood an admirer of Governor POWELL, not alone for his intellectual worth, but for his virtues, his goodness of disposition, and kindness of heart.

His noble, generous, unselfish nature gained for him the admiration of all with whom he came in contact. No man within the State of Kentucky had as strong a hold on the affections of the people as he, save Kentucky's illustrious exiled statesman, Mr. BRECKINRIDGE; and when the unexpected intelligence was heralded throughout the Commonwealth that LAZARUS POWELL was no more; that he had passed from this earthly stage on which he had acted so prominent and useful a part to that "bourn from whence no traveler returns," every patriot's heart was filled with gloom and sadness.

He had in every position in life to which he had been elevated by the voice of his countrymen, whether as leg-

islator in the councils of the State, as Chief Executive of the Commonwealth, or as her representative in the Senate Chamber of the United States, ably and fearlessly discharged his duty and faithfully performed the duty confided to him.

As a lawyer, he had attained a high and eminent position at the bar; as a statesman, he had few equals and no superiors; as a politician, he was firm, unwavering, and incorruptible, and as a private citizen, his character was as pure and spotless as the untrodden snow.

During the Senatorial contest last winter, I, as one of his friends, had a favorable opportunity of learning the true nature of the man. We had been balloting unsuccessfully for weeks, and it was evident that we could not secure votes sufficient to elect him; but some of us were averse to withdrawing his name, preferring to leave the responsibility of the election of United States Senator to the present Legislature.

In this condition of affairs Gov. POWELL urged the withdrawal of his name, remarking that he was satisfied, from the formidable opposition waged against him, that his election could not be secured, and that, owing to the proposed impeachment of the President of the United States by Congress, for the discharge of his sworn duty to protect and defend the Constitution of the country, he deemed the election of a Senator then a necessity. His name was of course withdrawn, and the result the House is familiar with.

Mr. Speaker, Gov. POWELL was ardently attached to the State of his birth and to the section of country in which he lived; but his patriotism was bounded by no contracted limits; it embraced the whole country, from the lake shore to the Mexican Gulf, from the Pacific to the waters of the Atlantic.

In every position he assumed he was actuated by patriotic impulses.

In the early part of 1861, when the dark clouds of civil strife were just beginning to cast their gloomy shadows over the land, his eloquent voice and masterly statesmanship were brought to bear to avert the threatened storm and prevent the carnival of blood which succeeded it; but his warning and advice were unheeded; fanaticism ruled the hour, and the country was plunged into the dark vortex of civil war, which resulted in the destruction of Republican Government and the establishment of a military despotism in eleven States of this Union.

Sir, I indorse every sentiment embodied in these resolutions, and will vote for the appropriation proposed to erect a monument to POWELL; but it requires no marble shaft to perpetuate the memory of such a man—he will live forever in history and in the hearts of Kentuckians, and in the hearts of lovers of Republican Government and civil liberty everywhere.

REMARKS OF MR. ROBERT T. GLASS.

The Representative from Henderson county (Mr. ROBT. T. GLASS) having been called home, the following remarks of his were read from manuscript by the Clerk of the House:

As it is my fortune to represent that constituency by whom the honored dead was so cherished, and from whom is taken not only the statesman whose fame is co-extensive with the country and whose services are a part of its valued history, but also the public-spirited citizen, the beloved friend, the sympathizing neighbor, and generous benefactor—as I represent that bereaved people among whom Governor POWELL was born and lived and gave up his life, it is proper, perhaps, I should say something on this occasion for them and in their

name of their sense of the great loss the country and State has sustained in his death, and their appreciation of his many and eminent virtues.

You, gentlemen, have seen one of the pillars from the temple that supports the national arch of the unity of the States rent from its base, and prone headlong on the alien ground; but over *us* it is the roof-tree of our home has fallen. *You* miss the profound student of political history and the skilled controller of political events, and are appalled that one so able and useful stands dumb in the presence of the great master and teacher, Death. *We* are bowed in sorrow that the patient friend and counselor of our daily lives, by a higher election, has entered into a diviner council than any earthly assembly, leaving us no discipline but the unutterable pathos and instruction of his pure example. It is proper that a constituency so nearly afflicted should seek an expression of its pervading sorrow as dumb but eloquent nature, in unsyllabled measure, strikes deep the common chord of grief, and that I, perhaps, should be the instrument—imperfect and tuneless, it may be—to respond to the touched and trembling keys of a people's lamentation.

If, from the remarks which fall from the lips of speakers to-day, and your knowledge of the universal sorrow which pervades the State, you can judge the magnitude of the common deprivation, let your own full hearts recognize and appreciate *our* peculiar unlanguageed grief.

As the time fixed for the offering of these resolutions drew near, I cheerfully acceded to a delay that gave an opportunity to the once coadjutors of the illustrious dead to bring their worthy and graceful offerings to this social shrine. So delaying, that more honor be done to the memory of him whom in life "all delighted to honor," the earnest call of duties at my home leaves me no other means of expression than this written rendering of a wail of mourning. In the wreath of immortelles now made

by loving hands to grace his political fame and perpetuate its memory, let these dark leaves of neighborhood regret and personal sorrow be wrought into a background to bring into more prominent relief the nobility of his life and the virtues of his private character.

LAZARUS W. POWELL was born in Henderson county, Kentucky, and nurtured in the generous traits and impulses which are the birthright of the people of his native State. Adopting the law as his profession, his legal training became the pathway to a position of political eminence in the ranks of a generous Democracy. Trusted and admired by the people of his county, he was, in early life, elected to the State Legislature, and in that wider field made known his talents and worth to the people of the State. Honored for his talents, and respected for his character, a few years later, the discriminating judgment of his party chose him from a noble list of rivals, the Agamemnon, beseiging a political and hitherto invincible Troy of Kentucky, to lead their forces in the gubernatorial contest of 1848. A Hector in all that constitutes genius and chivalry headed the resisting battalions in the person of the brilliant, high-hearted CRITTENDEN, called home from clustering honors at Washington to rescue the declining fortunes of his party, wounded deeply in the neglect of Mr. CLAY. In a canvass exceedingly arduous, Mr. POWELL met the accomplished athlete, practiced in the giant arena of the Federal Senate of that day, and everywhere was shown the elastic muscle and steely tendon of this David from the brooks and fields. Comparatively unknown, and jeered at by the opposition press as one dragged from obscurity only to be offered up on the altar of a necessary party organization, he responded to the marching cry of "Lazarus, come forth!" and stood a defiant champion and brave defender of popular rights and State integrity. A new Lazarus had arisen, indeed, around whose advocacy

of the true theory of governmental affairs lived an elder faith, now for the first time for years renewed and revived in Democratic sentiment; and beneath him the seared and unfruitful abstractions of a mistaken creed broke and shivered into dust. It compelled all his rival's surpassing eloquence, the power of the prestige of his unsullied reputation, and the strong sympathies of a past of unbroken victory, to resist the desperate energy of this unheralded reformer, tearing to pieces with relentless hand plausible sophistries and extinct precedents. He stamped the serpent of prejudice in its native mud, and throttled the old lion of Federal power in his chosen cave, until, step by step, forced through the rugged undergrowth of old habit and custom, he brought his adversary back to the common birth-place of a people's freedom—the true sovereignty of confederated States. He lost at last, but wrested victory from defeat, for POWELL, vanquished, stood on a field victorious. The traces of that mighty struggle remained ineradicable and potent in their influence upon the political issues of the next four years. And now, when the prize for which these intellectual athletes contended again glittered before the eyes of party leaders; when the period for a second struggle came, who so fit as he to champion the confident hosts of Democracy? The Democracy of Kentucky, now no longer divided by the claims of rival aspirants for political leadership, set its all upon the vigorous nerve and unflinching courage of this greenwood and Green River trained rustic, fresh from the buxom air and healthy embrace of independent popular life. Again, as before, the noble Whig party, strained to the utmost by the hardy fight, and warned beforehand of the pith and marrow of this vigorous rival, chose their most illustrious victor in many a scarred arena, in the person of Hon. ARCHIE DIXON. But the struggle was no longer equal. The Whig party was like a stately man-

hood, healthy and kindly, whose youth had been inaugurated with the robust juices and strong sinews of a nervous life, and still stood erect, a symbol of athletic vigor. Yet it was but a symbol. Age had sapped the secret sources of its strength, robbed its blood of the iron, and bones of healthy lime, and no more was the name of the Great Commoner an ever-renewing wine of life to it, and vain the efforts of its gallant leader to restore to it its pristine strength and spirit. Against this young Orson from the woods, with every nerve and muscle full of life—the embodiment and exponent of that pure Democracy, which, born in the country and nurtured in the hearts of a patriotic yeomanry, sought only the greatest good to the greatest number by a strict conformity to the Constitution and laws, by protection to property and industry, and by its advocacy of the doctrine of State rights as taught by the fathers of the country—the splendid externals of a show of strength were as nothing. None could have fought braver, or as well, or put in play the moral and physical energies, and even the petty nerves and arteries of Whiggery, as vigorously as did DIXON, this mental master of its being; but it fell, and POWELL stood over it master of the field, and master of a gallant force in the Whig party—that party that had fallen, alas! to rise no more.

It is not my purpose to touch upon what will be so much better done by others of your number—the political life and services of Gov. POWELL. As a Representative in this body, as Governor of the State, as United States Senator, and as Commissioner to pacify the Utah troubles, rising into threatened war in the dim obscurity of the Rocky Mountains, he proved himself courageous, able, and patriotic, knowing no master but duty, and cheerfully obeying its behests.

On all these he left the impressible elements of his character and the enduring marks of his fame, and no

wave of popular opinion or prejudice, however constant or violent, can wear them from the face of the rock on which public events are inscribed. Others, by age and association better fitted to interpret these scrolls, may explain and elucidate from them the strong, earnest life of this great-hearted, generous, noble nature.

The gubernatorial victory of 1851 I have tried faintly to depict, and you can realize, for the hard breathings of the desperate conflict have hardly yet ceased, though one of the gallant combatants breathes no more. This victory, with the consequences which followed it, broke the wand of the opposition power in this State, and made Kentucky, in heart and sympathy, a Democratic State, ranked with the true friends of civil order in a just distribution of the powers of government. In some sense, POWELL'S victory of 1851 made possible the Legislature of 1867, and compelled and consolidated Kentucky into the position of a besieged citadel, the last stronghold of civil liberty, under a white man's government, on the Western continent. Let me leave the political to other hands, and view this great eventful nature by a nearer observation—this man, as he stood in the perfect plenitude of matured powers, in his daily life. An attribute greater, perhaps, than those that lent commanding fame to his memory, in that it was of the germ from which it sprung, was that quality of kindness, so earnest, simple, and sincere, that attracted friends to him from every quarter and all parties—the great pervasive and reciprocal tie of humanity. None were more true, faithful, and tender in their friendships, more firm and resolute, more amiable and forgiving. Always prompt in response to the cry of suffering, he made the sorrows of others all his own. Want was his mother, in the noblest sense, in that the wants of others commanded him to give, by nature's signet of their common humanity. Benevolence flowed from the deep, rich fountains of his heart, and, like the rivers of a continent,

left untold treasures everywhere—not only in contributions to public benefactions and institutions to mitigate the sufferings of mankind, but in that humble charity wherein the right knows not what the left hand gives. Humble, did I say? Aye, by the tests of men; but, tried in a truer scale, as much higher as his general philanthropy exceeded the narrower meaning of the word and deed of charity. To the young he was fostering, gentle, and kind—a pleasant monitor, a priceless, sympathetic friend. The inexperienced lawyer was cheerfully assisted in his cases; principles were elucidated, precedents and decisions searched out, technicalities made plain in usefulness, and all as simply and naturally done as by a fellow-student, working steadily on a common footing in a common class. So in his domestic life: his house stood with hospitable gates ajar, welcoming the stranger and the friend, the wayfarer and the distressed. No cloistral quiet there, with grave and irksome duties, where life was treated as a great sorrow to be borne in peace, but a genial, home-like pleasantness, rife with joyous sounds, and echoing with contagious laughter from its open windows and light-inviting chambers. Little children loved and came to him. Their intuitions, wiser than our skill, recognized his kindly, generous nature, and they climbed about his knees, roguishly and confidingly, at once companions, playmates, and friends.

In some things this nature was too perfect to err; he could sympathize with the child over its broken doll, as well as with a great people borne to the earth with sorrow for its national sins; the young maiden strange with the new love springing in her innocent heart, and wondering over the prize, found in this plain and simple man the tenderest adviser and friend—a confidant more true than her old school-mate, to whom she planned a future in the soft brilliance of their moon-lit chamber, as sweet and warm and rosy as the coming day itself.

This enlarged charity—for charity as God made the word, and not narrowly as man uses it, is the correct description—was one of the qualities and attributes of power of this pre-eminent man. In it and of it, drawing its sympathies and love, he grew into larger proportions before us, and greater in our hearts. All shared in it, all felt and acknowledged its influence. It is no more possible to resist a kindly nature shining from a noble heart, than for earth to turn ungrateful to the sun, and refuse its plants and flowers to his generous kiss. It softened the asperities of life; plucked thorns of rivalry from the rich roses of success, and toned in a responsive chime the alien feelings of political opponents. It became an impossibility to know the man with his approachableness and familiarity of manner—his love and kindness—and be able to resist or distrust him. His open nature was but a consequence of his loving and tender sensibilities, and drew to him confidence from quarters unexpected—a striking example of which I will relate.

In the spring of 1864 I went to Washington City to obtain a passport to Virginia, that I might bring to Kentucky, her native State, a lady relative and friend, who was then within the Confederate lines. This I obtained from President Lincoln, with some difficulty, after a personal interview. The lines on both sides were at the time closed and carefully guarded, for Gen. LEE occupied a defiant attitude, and GRANT was about to enter upon his celebrated advance and campaign upon the Rapidan. A close espionage upon all going to or coming from Virginia was maintained, and it was difficult to escape arrest and imprisonment, even when passes legitimately obtained and properly authenticated were in the possession of parties seeking to enter the lines. Gen. BUTLER was then in command at Fortress Monroe, at which point I expected to meet the flag-of-truce boat, and commu-

nicate with the Commissioners of Exchange in regard to the object of my mission. It was thought better by my friends in Washington City that letters of introduction to the Commandant at Fortress Monroe should be procured, as he could greatly facilitate my business, and, in case of difficulty or detention by subordinates, would extend to myself and friend that protection and aid which civilians so frequently required during the late war. These letters Gov. POWELL undertook to procure. Taking me into the Senate Chamber just before the opening of the morning session, he introduced me to various Republican Senators, and of the most prominent and influential of these—men whose names, then and now, were and are distinguished in their party—he requested letters of introduction to Gen. BUTLER in my behalf. To each one he undertook to explain who I was and why I desired to obtain the letters; but the same unvarying answer was returned: "*It is enough for us to know, Governor, that he is a friend of yours. We are satisfied you would not recommend any one who was not, in your opinion, honorable, and every way worthy of confidence.*" Thus, at a period when the national existence was thought to be imperiled; when grand armies were marching and preparing for the greatest and most decisive campaign of that sanguinary war, and a necessarily strict surveillance on all who were not known to be in full accord with the Government was maintained—the personal respect and regard entertained for the distinguished gentleman whose memory we seek to honor to-day, induced Senators who differed with him as widely in political views as in sympathies, to trust a friend of his of whose opinions and antecedents they knew nothing nor sought to know at the most vital crisis of the nation's life.

It was a striking mark of confidence in the man, and singular in the occasion and circumstances; but it illus-

trates the power and influence of that extraordinary quality of kindness and generosity in his nature, and I offer it as explanatory not only of his great success in life, but as a key to that success itself.

We never know how much a single kind word may do; how much less, then, can we estimate the measure of a life filled to the brim, as was Governor POWELL'S, with words and deeds of kindness? Thus the amiability of his character and mind was promotive of harmony and concord, as, on the other hand, the tendency of some sharp incisive natures is to intensify differences and develop prejudice. That these two are constantly at war, and mingle in general political divisions, often to the detriment of the public interest, no one will deny. He sought diligently to promote the one and subdue into silence and harmlessness the other; and his efforts, in conjunction with those of other able men of the party in the State, were successful in bringing into something of organization the elements of conservatism, which, for a brief time after the war closed, could find no nucleus about which they were inclined to gather. But gather they did at last—Federal and Confederate—blue-coat and gray—Whig and Democrat—forgetting past differences in a common interest for a common cause and country, and striking hands across the bloody graves of comrades and friends, as they pledged to each other political and personal faith for all time to come. Thus the canvass of 1865 was inaugurated; thus a Democratic Legislature—our immediate predecessors—was elected; thus, and by these elements and agencies, was formed the great Democratic party which dominates Kentucky to-day. This and such like actions harmonized with his life and character. The aim was high and patriotic, and it was loftily and gloriously achieved; for he sought to twine the various strands of public sentiment into a single cable, to hold firmly forever to the rock of the

Constitution his loved native State—that Kentucky in which is preserved now, as in the ark which arose over the desolate waters of the deluge, all the good in government and civil liberty left out of the terror of revolution and rebellion.

Courteous, amiable, and polite, he was withal cool, decided, and courageous. He adopted no opinions hastily and without deliberation; but when fully matured, and he convinced of their correctness, he adhered to them with tenacity, and defended them with skill and ability. When, in the Senate, during an exciting period of the late war, an apparent majority of the people of the country, and a large portion of the people of his own State, were wildly striking at and assailing him for the entertainment of certain opinions inimical to their peculiar views, and the cry arose, “expel him from the seat he disgraces,” he stood, his head high lifted in the eternal sunshine of truth and conscious rectitude, unmoved like Atlas, and as calm 'mid the storm of popular fury, and smiled as it crashed so threateningly but harmlessly by. A short time thereafter, and in the kind words and approving smiles of enlightened conservatives all over the land, he received the reward of his constancy and devotion to principle.

“Assailed by scandal and the tongue of strife,
His chiefest answer was a blameless life;
And he that forged, and he that threw the dart,
Had each a brother's interest in his heart.”

It was this quality of firmness and decision which peculiarly illustrated his administration as chief executive officer of the State and his career as a Senator in Congress, and which rendered him so eminent and successful as the leader of his party in the State.

In the character of the man, we may well differ as to the causes of his elevation. One may compare him to a mountain whose rocky base is ever lashed by the turbu-

lent waters and blasted by the hurricane, yet upon whose higher slopes the peasant pastures his peaceful flock, and everlasting sunshine crowns its head. But POWELL's was not the deep-seated indifference of a cool phlegmatic nature, cautious per force. Another may see in his forecast and seemingly wonderful political prescience the workings of an intellect lifted into serenity by lofty abilities, rivaling the star whose placid splendor adorns the riven earth, yet in its glorious beauty ever lifted above and detached from the world it brightens. But his was none of this. He was true to human nature by every fibre of his heart. From it he drew his strength and elevated his stature; for never were his brains and sympathies an idle gold. If he wore some of the brilliance of the star, the radiance was won from elements which belong to earth; if he was calm amid turbulence, it was not from the hard impassiveness of a stern and unimpressible nature. He was to us and our common human nature rather like the tree, which, first a slender shoot, peers up into the air, and drawing life and nutriment from its native soil, new strength enters its stalk, and it bursts into leaves and branches: so, year by year, growing and strengthening in root, fibre, and branch, spreading its gnarled and mossy limbs, and lifting itself higher against the sky it almost touches, we sit under its shelter and are safe. Every breath of Heaven stirs its leaves; the imperceptible wandering air moves it; the shock of earth, in its motion, is acknowledged; yet, steady in its rugged bark and heart of oak, it defies the whirlwind and the storm, and shakes off the tears of rain in flashing rainbows of supernal light. Thus was the lamented dead. So he grew from our human nature; our sympathies in common were the fibres, our breath of favor the healthful air. He was strong only as he drew strength in the nourishment afforded by nature, and in giving back his love in return, as the healthful sap follows the beckon of spring and fall. It was his humani-

ty which, like earth to the oak, gave impulse, strength, and success; the firmer and stronger he grew the more gently, and, as the leaves to the winds of heaven, he yielded to the sympathies and love of his fellow-men.

Under the green shadow we have rested for the last time, and now the fallen oak needs but these tender mosses to grow over it, watered by our tears, and becoming greener year by year over the grave of the statesman, patriot, and gentleman—LAZARUS W. POWELL.

MONUMENT TO GOV. L. W. POWELL.

On the 6th of March, 1868, ex-Gov. BERIAH MAGOFFIN, from a Select Committee, reported to the House of Representatives the following bill, which was passed unanimously; and being reported to the Senate on the same day, it was also passed by that body without a dissenting vote, and approved by the Governor on the 9th of the same month:

An Act to erect a Monument over the Grave of the late Governor LAZARUS
W. POWELL.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Acting Governor of this Commonwealth, JOHN W. STEVENSON, be, and the same is hereby, authorized to contract for the erection of a monument over or near the grave of the late Gov. LAZARUS W. POWELL; and, before contracting for said monument, he shall advertise for proposals and plans for the same.

§ 2. That when said monument shall have been erected according to contract, and the same certified to the Auditor of Public Accounts, it shall be his duty to issue his warrant on the Treasurer for an amount not exceeding fifteen hundred dollars, which amount is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated..

§ 3. This act shall take effect from its passage.