

**MEMORIAL ADDRESSES ON THE
LIFE AND CHARACTER OF
GARRETT DAVIS, (A SENATOR
FROM KENTUCKY) DECEMBER
18, 1872**

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Memorial addresses on the life and character of Garrett Davis, (a senator from Kentucky)
December 18, 1872 by Various

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VARIOUS

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MEMORIAL ADDRESSES
ON THE
LIFE AND CHARACTER
OF
GARRETT DAVIS,
(A SENATOR FROM KENTUCKY,)

DELIVERED IN THE
SENATE AND HOUSE OF REPRESENTATIVES,

FORTY-SECOND CONGRESS, THIRD SESSION,

DECEMBER 18, 1872.

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GARRETT DAVIS.

PROCEEDINGS IN THE SENATE.

REMARKS BY MR. STEVENSON, OF KENTUCKY.

Mr. PRESIDENT: I rise to announce an event which will be received by the Senate, I am sure, with profound regret and the sincerest sorrow.

Hon. GARRETT DAVIS, late a Senator from the Commonwealth of Kentucky, in the Congress of the United States, is no more! Upon the 22d of September last, at his own home near Paris, Kentucky, he passed quietly away, cheered by the presence of his sorrowing children and surrounded by devoted personal friends.

It is sad to realize that his long life of faithful public service is ended. We grieve that those earnest, fearless utterances in the support of whatever he deemed right, those fierce and impassioned denunciations of whatever he believed to be wrong, so often heard in this Chamber, are hushed forever.

Although the rapidly declining health of the departed Senator during our last session rendered the sad event which we are now called upon to deplore not improbable, still every heart in the Chamber is deeply touched by its reality. Full of years and full of honors, GARRETT DAVIS has passed away. All that is left to us is the memory of his virtues and the remembrance of his exalted patriotism.

This is not the place, nor the present the time, for any eulogium or lengthened sketch of the life and public services of my late colleague and friend. And yet, Mr. President, my sad trust would seem to me

but half discharged, were I to omit all reference to some of the salient and striking traits which marked his life.

GARRETT DAVIS was a native of Kentucky. He was born in Mount Sterling on the 10th of September, 1801. His father and mother emigrated from Montgomery County, Maryland, to the county of the same name in Kentucky. His mother was a Miss Garrett, a family still well and widely known in Maryland, and it was from his mother's family that he derived his own baptismal name. His father was a man of marked character. To energy and industry, he added strong will and great personal popularity. He was for many years the sheriff of his adopted county, and represented it several times in the lower branch of the General Assembly of Kentucky. The strongly marked character of the parents was deeply impressed upon their children. Mr. DAVIS was one of three brothers. The brilliant talents of two of them, Amos and Singleton Davis, long since dead, are still remembered in Kentucky, while the long and distinguished public service of him whom we to-day mourn, is imperishably interwoven with the public annals of an entire country.

Mr. DAVIS enjoyed the advantages of what we know in Kentucky as a common country school. At the early period when his father left Maryland to find a new home in the wild and sparsely settled portion of Kentucky where he settled, the means of instruction were extremely limited. Mr. DAVIS applied himself diligently, and soon acquired a good English education, with some knowledge of the Latin and Greek languages. At an early age he determined to study law. With a view of practical knowledge he sought employment as a deputy in the circuit court clerk's office of Montgomery County. In 1823 he removed to Bourbon County, where he continued to prosecute his legal studies, and at the same time to write in the circuit court clerk's office of that county. About the year 1824 he commenced the practice of his profession at Paris, and to it he consecrated the earlier years of life with enthusiastic devotion.

In 1825 he married the daughter of Robert Trimble, a distinguished jurist, who became subsequently a judge of the Supreme Court of the United States. This accomplished woman died in Washington in 1842, leaving a son and two daughters, who survive their father. In 1845 Mr. DAVIS married the widow of Thomas Elliott, a prominent lawyer at the Paris bar. She died in October, 1868, leaving one son, who is living.

Mr. DAVIS was indefatigable and laborious in his legal studies. "Such industry produced its fruits." His business increased, and he rapidly rose to a high position at a bar which then numbered some of the most prominent lawyers in the Commonwealth. He regarded the law as the noblest science of intellectual triumph. He loved the administration of justice. It challenged his admiration and stimulated his professional aspirations. All who have encountered him as an opponent in the trial of an important cause, as it has been my experience occasionally to have done, will bear willing testimony to his high qualities as an able and strong lawyer. His last argument but one in the Supreme Court of the United States, in the reported case of *Missouri vs. Kentucky*, is a lasting memorial of his legal learning and professional power. Had his whole life been devoted exclusively to professional labor, none who knew him could doubt, that he would have reached the summit of professional eminence, and have become an acknowledged leader before any court.

Mr. DAVIS took an active and prominent part in the political contests of Kentucky from his earliest manhood. Always an ardent Whig, and frequently the selected standard-bearer of his party in its most excited struggles, his clarion voice rang throughout the Commonwealth in defense of the principles of that patriotic and gallant organization. He was the trusted and tried friend of Henry Clay, and enjoyed, to a pre-eminent degree, his confidence and regard.

He represented Bourbon County in the lower branch of the General Assembly of Kentucky for many years. Always conservative in

his views, he took a prominent and successful part in shaping the legislation of the State. For eight consecutive years, he was chosen over able and distinguished competitors, by the electors of the Ashland district, their representative to the House of Representatives of the United States, and then voluntarily retired. The debates in that body during that period attest his power and strength as a ready and skillful debater.

He was nominated as lieutenant-governor on the gubernatorial ticket with John J. Crittenden, but at his earnest request was excused by the convention.

In 1861, amid perils and dangers of a revolutionary struggle, he was elected as an old-line Union Whig, to succeed John C. Breckinridge in the Senate of the United States. He was the strong opponent of secession, and was at the period of his election an earnest advocate for the rigid prosecution of the war to restore the Union.

In 1867 he was re-elected to the Senate, a proud tribute to his fidelity and zeal in upholding the honor and guarding the interests of his State. Had he lived, his senatorial term would have expired on the 3d of March, 1873.

Mr. DAVIS and myself, until some time after the commencement of the late war, had been always political opponents. We had both been reared in opposing political schools, and differed widely in our views as to the powers and policy of the Federal Government. Still we were warm friends. I became associated with him in the public service for the first time in October, 1849. He, my present colleague, and myself met as members of the convention which framed and adopted the present constitution of Kentucky. It was at that period, in a daily intercourse of several months, that I formed an opinion of GARRETT DAVIS which I have never had occasion to change. I thought then, as I think now, that he was a strong and in many respects a most remarkable man. His character was cast in a mould of striking antagonisms. Its strong element rested in that moral

power, which brought to its aid a concentrated will and a conscious rectitude that challenged and alike defied opposition. His heart knew no fear. Popular opinion had no terror for him in the advocacy of measures he believed to be right.

I recall a striking incident: During the session of our constitutional convention, Mr. DAVIS, at that time a sincere advocate of the principles of a then existing political organization, known as the American party, introduced into that body a series of resolutions, proposing, by constitutional enactments, to exclude from the right to hold office, in the future, all Roman Catholics, and requiring on the part of all foreign-born citizens a residence of twenty-one years as a prerequisite on their part to the enjoyment of the right of suffrage.

The resolutions were opposed with singular unanimity by four-fifths of the convention, and by none more sternly than by myself. I know, or rather I have good reason to believe, that many party friends of Mr. DAVIS went to him privately and urged their withdrawal. They insisted that his advocacy and vote for the proposed measures would not only lead to his downfall, but bring down the party with him. He replied, that he knew no party call when his duty commanded him to serve his State by the enactment of measures he believed to be right. For several days he stood almost alone, as the earnest, bold, and fearless advocate of his resolutions, repelling every assault, and supporting them with a zeal I have rarely seen surpassed. Out of the body, composed of one hundred members, my recollection now is, that his proposition received, on the call of the ayes and noes, but seven votes besides his own. Still he believed himself right, and his spirit never quailed before any majority.

Senators, another high quality of the dead statesman was, his innate desire to be right in all that he said and in all that he did in this Chamber. Pride and self-consistency always gave way, by prompt acknowledgment, whenever he believed himself wrong in speech or vote.

I have before me a striking illustration: On the 18th day of May,

1871, while we were discussing a violation of the rules of the Senate by an improper promulgation of the then recently negotiated treaty with Great Britain, Mr. DAVIS took an active part, as you all remember, in that debate. He made an able and lengthy speech on some of the questions involved. A few days afterward he came to my chair and said, "I wish to see you." We retired into the cloak-room, as I remember, when he said, "Do you think my argument consistent and sound?" I said, "I do not." Said he, "I do not, either." And what, sir, did he do? I read from the Globe what then occurred:

"Mr. DAVIS, of Kentucky. Mr. President: In the remarks that I submitted to the Senate some time since, I assumed the position that if a Senator received from the State Department or from any other source a copy of the treaty, and after the Senate had received the treaty from the Executive, communicated that State Department copy, it would not be a violation of the secrecy of the Senate. I have further considered that position, and I am satisfied that it is erroneous, and I finally withdraw from it." [*Congressional Globe, part 2, Forty-second Congress, first session, page 876.*]

The traits in Mr. DAVIS's character made a strong impress on friends and foes alike. He was positive, bold, and impassioned. He could do nothing by halves. Often, very often, erroneous, he did injustice occasionally both to friends and foes. He possessed, however, that higher, godlike attribute, a generous magnanimity to acknowledge his wrong and publicly to make a ready and prompt *amende*.

Senators, for almost twelve years he was your constant associate in this Chamber. His service for a greater portion of that time was in a very small political minority. Constitutional questions, novel and startling in their character, deemed dangerous to constitutional liberty, have during his term been discussed and adopted. Was GARRETT DAVIS ever silent when duty prompted him to speak? Did he ever quail before the power of an overwhelming political majority in this Senate-Chamber? Amid your bitterest party con-