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GEORGE DAVIS

ATTORNEY-GENERAL
OF THE
CONFEDERATE STATES



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ATTORNEY-GENERAL
OF THE CONFEDERATE STATES

AN ADDRESS

DELIVERED BEFORE THE
SUPREME COURT OF NORTH CAROLINA
OCTOBER 19, 1915

BY
SAMUEL A'COURT ASHE

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PRESENTATION OF THE PORTRAIT
OF
HON. GEORGE DAVIS
TO THE
SUPREME COURT OF NORTH CAROLINA
BY
SAMUEL A' COURT ASHE

Captain ASHE said:

I have been asked by the family of George Davis to present his portrait to the Supreme Court and to request that it may take its place on your walls in company with those of the other distinguished men who have adorned the Bench and Bar of this high Court. As great as the honor is to have one's portrait preserved here, but few have been more worthy of it than the most illustrious son of the Cape Fear, whose memory is an inheritance of the State and whose career and walk in life present a study at once attractive and profitable. Mr. Davis was a thorough Carolinian—the evolution of conditions on the Cape Fear River.

While the southern part of North Carolina was an unbroken wilderness, the Davises, the Moores, and his other progenitors made the first clearings on the lower reaches of that broad and noble stream. But, although the first to settle, they did not suffer the hardships that usually attend those who venture to subdue the primeval forests. They were not denied the companionship of friends, or social enjoyments, or the comforts that wealth affords. There were four of the Davis brothers in the original settlement; and one of them, Jehu, the forefather of George Davis, in reply to the complaint of the Royal Governor that they had taken up too much land, represented that he and half a dozen other proprietors held only 75,000 acres of land, while they owned 1,200 slaves, and were entitled to more land. They were a company of friends and kinspeople, accustomed to affluence, removing from Albemarle and South Carolina to a better location.

In the maternal line, Mr. Davis was descended from William Swann, who settled Swann's Point opposite Jamestown in Virginia, and died there in 1638, and from Major Alexander Lillington, who in 1676, along with George Durant and others, turned out the Governor appointed by the Lords Proprietors, and established a free parliament in Albemarle; and in every succeeding generation his forbears and kinsmen were concerned in the administration of public affairs.

The names of Roger Moore, of Maurice Moore, of Edward Moseley, and Sam Swann were still familiar in the households of New Hanover when on 1 March, 1826, at Porter's Neck, overlooking the ocean, George Davis was born to his parents, Thomas Frederick Davis and his wife, Sarah Isabella Eagles. He was their youngest child, the eldest, Thomas, born in 1804, being then a student at the University, Junius coming next, and then Ann, afterwards Mrs. Poisson, endowed with unusual intellectual gifts and one of the most charming of her sex. Joseph Eagles, the father of Sarah Isabella, was a gentleman of elegant culture, and she herself was beautifully accomplished, and her children received from her many lovely characteristics.

It was thus amid the best social surroundings that the youth of George Davis was passed; nor were the elements of a sturdy patriotism lacking. He himself has drawn this picture:

"In my early youth I remember an old man, bowed by age and infirmities, but of noble front and most commanding presence. Old and young gathered around him in love and veneration to listen to his stories of the olden times; and as he spoke of his country's trials, and of the deeds and sufferings of her sons, his eyes flashed with the ardor of youth and his voice rang like the battle charge of a bugle."

Impressions such as these, received in boyhood, necessarily left a deep mark on the individuality of George Davis.

After being taught by excellent instructors, he was finally prepared for college by Moses A. Curtis, later the distinguished minister and botanist, who was then employed by Governor Dudley as a tutor for his children. How diligent he was as a boy is attested by his entering the University when fourteen and graduating in 1838, having just passed his eighteenth birthday. He shared the first honors of his class with Mr. Cuthbert, and delivered the valedictory. In that address he gave evidence of thought and scholarship. Speaking of the departure of his classmates from the University, he indulged the hope that "we will leave behind us a not unremembered name"; and, doubtless, afterwards that thought was broadened, and the hope became interwoven with his life's work.

His brother, Thomas Frederick Davis, was practicing law at Wilmington, and, on graduating, George Davis entered his office and applied himself to the study of the law with the earnest purpose to excel in his profession. Notwithstanding the social allurements of those halcyon days on the Cape Fear, he never abandoned the habit of diligent study formed in youth, but sought to win professional rewards by close application and painstaking preparation, seldom equaled among the lawyers of North Carolina. First and last, he was a student of the law; but he did not neglect that literary culture that contributed to make him an ornament of his profession. While striving to become well versed in every

department of legal learning, he also maintained a familiar acquaintance with the classics and was an appreciative reader of general literature. He thus developed not only into the learned lawyer, but into the man of letters, the polished gentleman, and, withal, the eloquent advocate. In those early years—perhaps it was—when his brother abandoned the law to enter the ministry, Mr. Davis, in reply to a remark of a kinswoman, said that his own purpose was to pursue the law and attain the head of his profession. He possessed not only hope, but confidence.

The Wilmington Bar, from the days of Hooper and Machone, had ever been strong, with memories of the great equity lawyer, Samuel R. Jocelyn; of the accomplished William H. Hill and erudite William K. Halsey; of Joseph Alston Hill, the superb orator, and William B. Meares, of acknowledged eminence; of Owen Holmes, of Judge Strange and Judge Toomer; but it never had been stronger than during the period of Mr. Davis's career, when, adorned by William A. Wright, famed as a draughtsman of pleadings and as a conveyancer; by Joshua G. Wright, who added eloquence to his brother's learning; by Lucien Holmes, who had drunk deep at the well of the common law; by Mauger London and Adam Empe, versed in commercial law; by Duncan K. MacRae, the Meareses, the Waddells, the Devanes, and others learned and astute; and particularly by Robert Strange and Samuel J. Person, who took rank with Mr. Davis as an advocate and shared with him the high honors of the profession. Those, indeed, were competitors, magnificent in their equipment, strenuous in the contest, and calling for the exercise of the highest powers, if victory were to be won. But by diligence and careful preparation, Mr. Davis successfully coped on many a field with the ablest of his adversaries.

Two years after he came to the bar, his future being assured, Mr. Davis had the good fortune to win the heart and hand of Miss Mary A. Polk, a daughter of Thomas G. Polk and a descendant of Colonel Tom Polk, immortal as the patriot leader who proclaimed independence in Mecklenburg in May, 1775—herself a lady of rare loveliness of character and of person, whose gentleness and refinement drew the heart of every associate to her, and who was in full sympathy with the elegant tastes of her husband. A delightful atmosphere pervaded their home. Mr. Davis himself had a charming personality; was dark rather than blond, carried his head with an easy poise, was gracious in his manner, and possessed the art of pleasing to a remarkable degree. Full of information, quick, and with a ready mind, he excelled in conversation and was a delightful companion. With all the manliness of his race, he was bold and courageous when need be, but was ever the courtly gentleman. Like his brother, the saintly bishop, he was pure in thought and action, and a devout Christian. Familiar with the trend of scientific thought, he was never shaken in the belief he learned at his mother's knee, but all

hard matters of religious import that passed his comprehension he humbly relegated to the realm of faith, and he accepted with a clear conscience what was hidden in obscurity or was beyond his understanding.

Writing of him after his death, Mrs. Jefferson Davis said:

"He was one of the most exquisitely proportioned of men. His mind dominated his body, but his heart drew him near to all that was honorable and tender, as well as patriotic and faithful, in mankind. His literary tastes were diverse and catholic, and his anxious mind found relaxation in studying the literary confidences of others in a greater degree than I have ever known in any public man except Mr. Benjamin. One of the few hard things I ever heard him say was when some one asked him if he had read Swinburne's *Laus Veneris*, and added, 'You know it is printed on wrapping paper and bound in wall-paper,' he replied: 'I have never thought wall-paper wholesome, and am sorry to know there is enough wrapping paper on which to print it.'"

Tolerant of human infirmities, Mr. Davis pursued the tenor of his life so evenly as never to have excited animosities; but he so despised ignoble conduct that it aroused his wrathful indignation, and he could neither spare a miscreant nor refrain from denouncing any departure from fair dealing.

Such was the man, himself of a tender and affectionate nature, a polished, courtly gentleman, loyal and steadfast in his friendships, with high ideals and lofty purposes. His motto seems to have been *Thoroughness*, and his guiding star *Truth*.

He was always at home among his books, and he made friends of the choicest authors, and thus he was enabled to give an elevated tone to his addresses—even those hastily delivered, on a sudden occasion, in the courthouse—and his reputation grew as an elegant as well as an eloquent orator.

On the occasion of the death of Henry Clay he made an address that serves at once to illustrate the power of his imagination, his sentiment, and the simplicity of his style. I quote a paragraph:

"He who has watched the sun in its bright course through the firmament and seen it gradually decline, until it went down in darkness beneath the horizon, may turn from the contemplation with no feeling of sorrow or regret, for he knows that the period of its absence is mercifully ordained as a season of necessary repose to him and all, and that the morrow will restore its beams to revive and reanimate all nature. But if the last declining ray which struck upon his eyelids had brought to him the conviction that he had gazed for the last time upon the sun in the heaven—that henceforward there was to be no more rising nor setting, no morning nor evening, nor light, nor heat; no effulgent day, with all its glorious beauties and excellencies, but night and darkness, unrelieved save by the twinkling stars, were to be the law of the earth forever—with what sensations would the poor wanderer view the last setting of the sun!

"With feelings somewhat akin to those I have imagined, we behold the death of the great and good whom we love and reverence. But now they were

here, with all the generous impulses and excelling virtues that dignify and adorn humanity clustering thickly around them. We rejoiced in their presence, we were better under their benignant influence, we were happy in their smiles—we felt that it was day, and looked not into the future. They are gone! The places of earth shall know them no more forever. The mysterious law which loosens the silver cord and breaks the pitcher at the fountain penetrates the heart. The darkness and the thick night of desolation are upon us. But we have more than the pale rays of the twinkling stars still left to guide and cheer. By the light of their lofty deeds and kindly virtues memory gazes back into the past, and is content. By the light of Revelation Hope looks beyond the grave into the bright day of immortality, and is happy. So with the consolation of memory and hope, let us take the lesson of the great calamity which has befallen our country."

One observes here the simple diction of Swift, and the elevated sentiment of Addison, and particularly a play of the fancy that has not often been found in the writings of a Carolinian. It has these characteristics that have distinguished Mr. Davis, whether as an author or orator.

At the Commencement of 1855 Mr. Davis was the orator at the University, and choosing for his subject *The Men of the Cape Fear in the Olden Time*, he delivered an address that Dr. Battle in his *History of the University* mentions as an "extraordinary address," and the historian adds that "the interest was enhanced by the excellent delivery." Mr. Davis had familiarized himself with the history of the Cape Fear from original sources, and in a series of bold outlines he presented views of men and events so skillfully, so masterfully, so eloquently, that his address was an epic in prose, abounding in lofty flights, and, withal, casting such a halo of romance about his subject that it served at once to enlighten the State on Cape Fear history and to awaken an interest that still survives.

The next year, at the Greensboro Female College, he voiced his appreciation of a liberal education in the following notable sentences:

"A rich and well-stored mind is the only true philosopher's stone, extracting pure gold from all the base material around. It can create its own beauty, wealth, power, happiness. It has no dreary solitudes. The past ages are its possession, and the long line of the illustrious dead are its friends. Whatever the world has seen of brave and noble, beautiful and good, it can command. It mingles in all the grand and solemn scenes of history, and is an actor in every great and stirring event. It is by the side of Bayard as he stands alone upon the bridge and saves the army. It weeps over the true heart of chivalry, the gallant Sidney, as with dying hand he puts away the cup from his parched and fevered lips. It leaps into the yawning gulf with Curtius; follows the white plume of Navarre at Ivry; rides with Hampden; mounts the scaffold with Russell, and catches the dying prayer of the noble Sir Harry Vane. It fights for glory at the Granicus, for fame at Agincourt, for empire at Waterloo, for power on the Ganges; for religion in Palestine, for country at Thermopylæ, and for freedom at Bunker Hill. It marches with Alexander, reigns with Augustus, sings with Homer, teaches with Plato, pleads with Demosthenes, loves with Petrarch; is imprisoned with Paul, suf-

fers with Stephen, and dies with Christ. It feels no tyranny, and knows no subjection. Misfortune cannot subdue it, power cannot crush it, unjust laws cannot oppress it. Ever steady, faithful, and true, shining by night as by day, it abides with you always and everywhere."

In the years that were to come, when vicissitudes overtook him, and overwhelming calamity oppressed him, Mr. Davis doubtless found comfort and strength in similar thoughts, and met the storm with a calmer soul because of them.

While a student of history and of general literature, Mr. Davis was more particularly interested in the story of his own people, and from time to time he embodied his thoughts in addresses that were always cast with the skill of an orator and that contain many passages of singular merit, inflaming the imagination and fastening on the memory the pictures he so masterfully presented. Indeed, among the public men of the State he stands almost alone as a master in the field of literary endeavor.

In the third volume of *Southern Literature*, Dr. Alphonso C. Smith, a competent and severe critic, accords to Mr. Davis deserved praise for excellence in literary attainment and literary accomplishment. He properly attributes to him the rare power of the

"Choice word and measured phrase above the reach
Of ordinary men."

Besides emphasizing that Mr. Davis possessed the most important quality of the trained historian, he says that he brought an interpretative imagination to bear upon every subject that he discussed; that he visualized the scenes and vitalized the events that he sought to portray. "It is this quality of mind," continues Dr. Smith, "that gives color, locale, and atmosphere to what would otherwise be mere abstract statement or unrelated fact. This vivifying power is not the exclusive dowry of the poet, but distinguishes equally the orator from the mere talker, the historian from the mere annalist." And then Mr. Davis "had that rarest of gifts, the feeling for the right word in the right place. There was no straining after effect, but his style was always clear, strong, and flexible. He could be dignified without being heavy, and playful without being light." According to his great power as an orator, Dr. Smith adds: "His power over an audience did not rest merely on oratorical gifts, but rather upon the high moral, social, and civic ideals which he exemplified in his daily life."

Never seeking political honors, never a candidate for public place, Mr. Davis was still highly esteemed by the Whig Party as in thorough accord with its policies. Indeed, in 1848, without his knowledge, he was voted for in the Whig Convention for the nomination of Governor, and came within one vote of being nominated. At length the troubles of 1860 came to disturb the placid course of events. In the campaign

of that year his full influence was given to the Constitutional Union Party, and he warmly supported John Pool for Governor and John Bell for the Presidency.

In the dark hours of January, 1861, when the Cotton States were withdrawing from the Union, the eyes of many turned to him for inspiration and guidance; and when the North Carolina Assembly appointed delegates to a National Convention, seeking some settlement of the sectional issues that would restore and preserve the Union, Mr. Davis was selected as one of them, his associates being Chief Justice Ruffin, Governor Morehead, Governor Reid, and Daniel M. Barringer.

The Convention met at Washington February 4th, and was attended by delegates from nearly every State except those on the Pacific, and those that had seceded. At the outset, however, Salmon P. Chase negatived the idea that the North would make any concession, declaring that "the election must be regarded as a triumph of principles cherished in the hearts of the people of the Free States," while Mr. Lincoln urged his friends, "No step backward."

All resolutions were referred to a grand committee. Nine days passed with no report. At length, on the tenth day, the committee reported a proposition for a constitutional amendment composed of seven sections. Two weeks elapsed in secret session, the South awaiting the result of its appeal to the Union sentiment of the North—in anxious suspense.

On the 27th Mr. Davis telegraphed: "The Convention has just adjourned. North Carolina voted against every article except one." In the Convention each State had a single vote, cast by a majority of its delegates. Davis, Reid, and Barringer determined the action of North Carolina, Ruffin and Morehead accepting the propositions, not because they were at all satisfactory, but with the hope of preventing war.

The Republicans in Congress, however, had no mind to prevent war. Chandler, of Michigan, gave voice to their purposes when he declared in the Senate: "No concession; no compromise; aye! give us strife, even blood, before a yielding to the demands of traitorous insolence!"

Union sentiment was in the ascendant in North Carolina; but among the people of the Cape Fear section the hope of an amicable adjustment had almost faded away. On the return of Mr. Davis the citizens of Wilmington invited him to address them, and he immediately complied. He declared that he had gone to the Peace Convention determined to exhaust every honorable means to obtain a fair, honorable, and final settlement of existing difficulties. He had striven to that end, to the best of his abilities, but had been unsuccessful, for he "could never accept the plan adopted by the Convention as consistent with the rights, the interests, or the dignity of North Carolina." It was a masterly address, and the people were profoundly impressed.

From that time the Cape Fear was entirely united. It followed Mr. Davis.

The recommendation of the Peace Convention, as favorable as it was to the North, however, was not accepted by the malignants in Congress.

President Buchanan had declared that he would never embroe his hands in the blood of his countrymen; but after a fortnight of vacillation, war was determined on by Mr. Lincoln and his cabinet; and it opened at Charleston on April 12th. When it came—when the only question presented was whether we should fight with or against the South—all differences among our people ceased.

The State Convention on June 18th chose delegates to the Confederate Congress, two for the State at large and one for each district. Mr. Davis received the highest vote given for those presented for the State at large, and on July 20th took his seat in the Provisional Congress of the Confederacy.

At the following session of the General Assembly there were a dozen distinguished men proposed for Senators, and several days were passed in unsuccessful balloting; but eventually those who had been former Whigs—the former Union element—gave Mr. Davis and Mr. Dortch enough support to elect them over all others.

In the Senate Mr. Davis took high position. As Jackson, Lee, and Bishop-General Polk—the uncle of his wife—bore themselves in the field, so did he bear himself in the Senate. He was steadfast and determined. The sword being drawn, his country at war, the independence of the Southern people at stake, he knew nothing but to foster the Cause, to strengthen the army, and to make every exertion to attain victory.

Unhappily in North Carolina all were not of that mind. At the August election, 1862, a faction in the State, calling themselves Conservatives, dominated the Legislature; and, in turn, it was measurably dominated then by William W. Holden, the editor of *The Standard*, who, however, had not yet gone to the full length of his subsequent career. But every Conservative who gave aid and comfort to a “Destructive,” as Holden called the Confederates, was stigmatized as guilty of a breach of faith.

As mentioned by Dr. Hamilton in his *Reconstruction in North Carolina*, when the Legislature met, “it proceeded to oust the Secretary of State and the State Treasurer, the beginning of the execution of the policy Holden had mapped out.” “And in further pursuance of this plan,” says Dr. Hamilton, “Mr. Davis was not reelected to the Confederate Senate.” His term was to expire on 17 February, 1864, and his superior excellence was so apparent that, in January, 1864, the President invited him to accept the position of Attorney-General in his cabinet, the post previously held by Governor Bragg. Then ensued a period of close intimacy between these two great men, animated by the same holy patriotism, in which they became endeared to each other.

In those troublous times, when a faction was intent on criticising the President and others were throwing impediments in the pathway of the

Administration, when at every turn some malecontent stood ready to denounce the measures taken to secure victory as oppressive and tending to despotism, there were necessarily many delicate questions to be considered by the Attorney-General. It has been said that Mr. Davis was a "strict constructionist," meaning that he maintained the rights of the States where power had not been delegated to Congress. In his opinions he was independent, and it was not always that he agreed with the President. But he brought to the consideration of all subjects an unbiased mind and profound reflection, and doubtless the weight of his argument often carried conviction and determined the action of the cabinet. Of his colleagues, Benjamin alone was of equal excellence, and while Benjamin possessed a master mind, he probably was not more conversant with constitutional or international law than Mr. Davis was. Of his relations with the President, it is only needful to quote from a letter written by Mrs. Jefferson Davis to Dr. James Sprunt:

"Mr. Davis's public life was as irreproachable as his private course. Once when my husband came home weary with the divergences of opinion in his cabinet, he said: 'Davis does not always agree with me; but I generally find he was right at last.' My husband felt for him the most sincere friendship, as well as confidence and esteem, and I think there was never the slightest shadow intervened between them."

During the year 1863 Mr. Davis suffered a severe bereavement in the death of his beloved wife, who left several children of tender age to his care. The oldest child, Junius, just seventeen, had already abandoned his studies, and had enlisted as a private in Moore's Light Battery at the front in Virginia. The home had to be broken up.

Meeting at Richmond Miss Nominia Fairfax of Virginia, Mr. Davis was drawn to her by her loveliness and her gentleness, and he found her a woman of fine accomplishments, with sympathies and tastes in thorough accord with his own. Their intercourse ripened into affection, and eventually they became engaged to be married. Shortly afterward Wilmington fell, General Lee was forced to evacuate Petersburg, and Richmond was hastily abandoned.

Mr. Davis accompanied the President to Charlotte, where for a few days the Confederate Government survived.

It is beyond my capabilities to adequately describe conditions during those historic days when the light of the Confederacy was being extinguished; when the star of hope faded away; gloom gave place to despair, and black night overcast our lives. It was the occasion imagined by Mr. Davis years before—when one gazed for the last time upon the sun in the heavens, when henceforth there was to be no more rising nor setting, no morning nor evening, nor light nor heat, no effulgent day, but only darkness and night. Each somber hour brought us step by step to the final catastrophe.

The sudden proximity of a division of Federal cavalry, as if it had dropped from the clouds that hung so low and heavily over us; the attack of a disorganized regiment on a Government storehouse to possess themselves of its contents; the assassination of President Lincoln, and the startling information that the murder was attributed to the machinations of President Davis and other Confederate leaders; the refusal of General Johnston to prolong the struggle, and the surrender of the Confederate forces under his command; the downfall of the Confederacy and the dissolution of government; the chaos that ruled amid the calamity and wreck of all of our hopes—these heart-rending events came in quick succession, utterly overwhelming us. My own orders to report across the Mississippi were annulled, with a suggestion to go home. Necessity led me to take thought for the morrow. Hearing that there was some specie in a train, I asked Mr. George Davis about it, saying that I had no money. With an expression of great pain, betokening that his own situation was felt most sorely, he replied that he knew nothing of it; that he himself had not a dollar, and knew not what to do. As Confederate money fell with the Confederacy, there was no longer any currency. There was no money. One could not pay for anything, for there was no currency. Mr. Davis, like every one else, was penniless.

The President proposed to pass on to the South. Mr. Davis, oppressed not only by the common calamity, but by his personal situation—with thoughts, first, of his obligations to his country, and, then, of his duties of manhood, anxious for his scattered children, and solicitous for her to whom he was affianced—applied to the President to know if his services as Attorney-General were longer required, and received a reply in the negative. The President added:

“It is gratifying to me to be assured that you are willing, at any personal sacrifice, to share my fortunes when they are least promising, and that you only desire to know whether you can aid me, in this perilous hour, to overcome surrounding difficulties. It is due to such generous friendship that I should candidly say to you that it is not probable for some time to come your services will be needful. It is with sincere regret that I look forward to being separated from you. Your advice has been to me both useful and cheering. The Christian spirit which has ever pervaded your suggestions, no less than the patriotism which has marked your conduct, will be remembered by me when in future trials I may have need for both.”

On the next day, the 26th of April, his resignation having been accepted, Mr. Davis bade farewell to the President, who with an escort departed for the South.

In that dire hour, when black night came, with no hope of dawn, the friends separated—each to face perils, to bear calamity, to undergo fearful experiences—but to meet once more on an historic occasion, amid great anxiety, which, happily, gave place to rejoicing, in which the entire South had its share.

Fortunate was it for the human race that when Pandora's box was closed there must have remained in it not only hope, but fortitude—such fortitude as made many an ancient famous; such fortitude as has been the noblest attribute of man in all ages, and has not been wanting in our own times—such as was displayed by the men of the *Titanic* when the waters of oblivion were ready to receive them. With equal manhood and fortitude Mr. Davis stood prepared for the ordeals that awaited him. He took his way to the home of his brother, the venerable Bishop of South Carolina, and in its seclusion, in its atmosphere of piety and resignation, he found needed rest and repose; and there, doubtless, passed between these distinguished men, mingled with brotherly affection, confidences of their pains, their griefs and sorrows, and of their duties to themselves and others. While there, as yet undetermined as to his future, Mr. Davis learned of the order for his arrest and the arrest of all the Confederate cabinet, and of the proclamation issued by President Johnson offering a reward of one hundred thousand dollars for the capture of President Davis.

He felt that it was his duty to preserve his life and liberty, and to seek to provide for his children; and his only hope lay in escaping from the country and reaching England. About the middle of May, then, he left his brother's and sought a way to the coast. Some account of what befell him is contained in a letter to his son, Junius Davis, who fortunately survived the perils of the retreat from Petersburg, and of Appomattox, and after an adventurous career had returned to Wilmington:

ON BOARD U. S. S. MEMPHIS,
AT SEA, 14th November, 1865.

MY DEAR SON:—After numberless anxieties, difficulties, troubles, hardships and dangers, I find myself a prisoner of war on board this ship on my way to New York to await the action of the Government.

My life for the past six months has been so sadly painful that I hate to recall it. But I must give you an outline. Some day before very long I hope to be able to tell you all the incidents of my long wanderings. I arrived in Florida on the 3d of June at Cousin Sophie Lane's, not far from Lake City, and stayed there two days; then to Mr. Chestnut's near Gainesville, where I stayed ten days; then to a gentleman's near Ocala, where I stayed six days longer, and then went down into Sumter County—on the very verge of civilization and clean beyond good morals and religions—where I remained near three months, waiting in vain for a chance to get abroad. At length, I heard of a gentleman about to sail from Smyrna, on the east coast, for Nassau, and going there, he kindly offered me a passage. But when I saw the craft in which he proposed to make the voyage, I was amazed at the rashness of the undertaking. The Gulf Stream between Florida and the Bahamas is notoriously the most dangerous navigation on the whole coast; and fancy the attempt to cross it during the equinox in a little boat about twenty feet long and seven wide, with rotten sails and a leaky hull! But the gentleman was determined to go, and I wouldn't be left behind. We sailed from Smyrna on the 15th of September, and the calculation was that, with good luck, we would reach Nassau in five or six days. Instead of that, we were thirty-three days

beating about the coast, sometimes on the open sea and sometimes in the bays and among the reefs and keys—often straitened for food, and repeatedly in such imminent peril that nothing but God's Providence saved us from destruction. At length, being far down the coast, and finding it impossible to reach Nassau, we bore away for Key West, where we arrived on the thirty-third day. There I learned the action of the Government in releasing the other members of the Cabinet, and I immediately determined to return and surrender myself. But while awaiting the arrival of a vessel in which I might take passage, I was arrested. I have no idea what my destination will be—probably Fort LaFayette and solitary confinement; but if they let me communicate with and see my friends, even that will be preferable to the life I have been leading. When I know what is to be done with me, I will write you again, and you must write me as soon as you ascertain where I am.

Happily the frenzy that once possessed the North had spent somewhat of its virulence, and, despite the bitterness that rankled in the hearts of the irreconcilable malignants, moderate counsels prevailed.

After some months of confinement at Fort Hamilton, Mr. Davis was released on parole, to remain within the State of North Carolina, and to report his residence monthly to the military authorities.

Returning to Wilmington, he gathered his children around him, and opened his office for the practice of his profession.

As soon as circumstances admitted, he sought the fulfillment of the promise given him by Miss Fairfax, who was persuaded to come to North Carolina, and they were married at Weldon on the 9th day of May, 1866, and Mr. Davis entered again on domestic life, made still dearer by its added cares, by the quietude that succeeded the storms and trials of the past, and by his entire participation in the sorrows and griefs, in the hopes and apprehensions of his community.

And he met the new conditions with an admirable philosophy.

"During the years that remained to him," remarks Dr. Smith, "he threw his influence in favor of complete reconciliation and readjustment. There was no weak plaint over an irrevocable past, but only brave words and high courage for the new duties that the new régime imposed."

To the people his manly acceptance of the misfortune that had overtaken him, his uncomplaining endurance of the ills that had to be borne, were object-lessons of great value. And true it is that the greatest service one renders his community is in times of adversity rather than in the days of their prosperity. The force of his example, like that of Lee, was not without its effect, and vain repinings faded away in the new life of the community.

His home was a delight. It was a privilege to enter there and share in its enjoyments: light and sweetness mingled with dignity and repose. Especially was it attractive to his young kinsmen, whom both Mrs. Davis and he received with warm affection, giving them sympathy and love, and imparting strength and fostering right living and unselfish action.

Mr. Davis had never sought popular applause; had never been a candidate for public favor. His inclinations led him otherwise. But he valued the esteem and regard of his friends and was deeply interested in whatever affected the life and fortunes of the people.

Pardoned by President Johnson in June, 1866, he was once more a citizen; and he became the wise counselor, the prudent adviser of those who blazed the way out of the difficult wilderness of those evil times. And he constantly grew in personal influence.

In the spring of 1870 General Lee, being in failing health, made a visit to Florida. In returning, he and his daughter stopped for some days with Mr. Davis, and the community paid their respects to him. It was an occasion that touched the hearts of the people, for they still lived in a Confederate atmosphere, and their reverence for General Lee was unbounded. They had never seen him before, and now they almost worshiped him. It was an especial gratification that the revered hero of the Confederacy, whom they esteemed the first man of the world since the days of Washington, should be the guest of their own beloved citizen, and the community felt honored by his presence and more drawn to Mr. Davis than ever. Two months later General Lee passed away, and when the people had assembled in the city hall, Mr. Davis, clad in black, with bowed head and every feature, as well as his posture, betokening grief, delivered an address that in conception and execution has rarely been equaled. By the modulation of his voice and his simple words of grief, he so moved the audience that in every part of the hall men wept, and there was an exhibition of public woe such as has seldom been witnessed.

During the Reconstruction period, when the White people were making a heroic effort to maintain and preserve their civilization, Mr. Davis delivered an address in the opera house that was perhaps the most admirable political effort ever made in America. He rose to the full height of the occasion, and gave free rein to his native eloquence. In the midst of it, a stranger, some Northern man, carried away with excitement and enthusiasm, exclaimed to me: "Good heavens! who is that man? That speech delivered in New York would be worth a hundred thousand dollars to any man." More—it would have immortalized him.

Again, in the great campaign of 1876, when every true son of Carolina put his shoulder to the wheel to make sure of the election of Vance as Governor, Mr. Davis electrified great audiences with his splendid oratory. The learned and critical Dr. Kingsbury, whose elegant taste and discriminating judgment give particular value to his opinion, said of that speech in the *Wilmington Star*, of which he was the editor:

"The speech to which we listened is a very memorable one. It will long abide with us as one of those felicitous, rounded, finished efforts of a highly endowed and noble intellect that will be a memory and a joy forever.

"As a composition the effort of Mr. Davis was very admirable. There was humor, there was sarcasm, there was an exquisite irony, there were flashes of

wit, there was an outburst of corrosive scorn and indignation, that were wonderfully artistic and effective. At times a felicity of illustration would arrest your attention, and a grand outburst of high and ennobling eloquence would thrill you with the most pleasurable emotions. The taste was exceedingly fine, and, from beginning to end, the workings of a highly cultured, refined, graceful, and elegant mind were manifest. There were passages delivered with high dramatic art that would have electrified any audience on earth. If that speech had been delivered before an Athenian audience in the days of Pericles, or in Rome when Cicero thundered forth his burning and sonorous eloquence, or in Westminster Hall, with Burke, and Fox, and Sheridan among the auditors, he would have received their loudest acclaims, and his fame would have gone down the ages as one of those rarely gifted men who knew well how to use his native speech and to play with the touch of a master on that grand instrument, the human heart!

"We could refer at length, if opportunity allowed, to the scheme of his argument, to his magnificent peroration, in which passion and imagination swept the audience and led them captive at the will of the magician; to the exquisitely apposite illustrations, now quaint and humorous and then delicate and pathetic, drawn with admirable art from history and poetry and the sacred Truth—to these and other points we might refer.

"How can words, empty words, reproduce the glowing eloquence and entrancing power of the human voice, when that voice is one while soft as Apollo's lute, or resonant as the blast of a bugle under the influence of deep passion? How can human language bring back a forgotten strain or convey an exact impression made by the tongue of fire when burdened with a majestic eloquence?"

Mr. Davis continued for several years to make addresses, political, literary, and historical—all *con amore*, and therefore well done.

His last public appearance was on the occasion of the death of President Davis, in 1889, when he addressed a great assemblage in the opera house at Wilmington. He was already in feeble health and he spoke with unusual tenderness of his departed friend.

President Davis, after their leave-taking at Charlotte, had been arrested in May, 1865, and confined in Fortress Monroe as a military prisoner, and had been indicted for treason and charged with complicity in the assassination of President Lincoln. Shackled in his casemate, and with a sentry passing momentarily at his door, his health gave way, and the South, regarding that he was suffering a vicarious punishment, felt for him the utmost sympathy and anxiety. The cruelty he endured made the people sore at heart. At the end of two years, on application, the Circuit Court at Richmond issued a writ of *habeas corpus*, and, by order of the President, it was obeyed, and he was surrendered by the military to the Federal court. A motion was made for bail, and all the South held its breath in suspense, hoping that the tyranny would be overpast. The wife of President Davis and many anxious friends attended, awaiting the decision of the court. Among them was George Davis, who had sought his friend for consultation, for support, and to cheer him in this momentous ordeal.

Referring to that occasion, Mr. Davis, in his address, said:

"I promised Mrs. Davis, as soon as I had any intimation of what the court was going to do, to come and report. I never knew how I got out of that courthouse, or through the crowd that lined the streets, but I found myself in Mrs. Davis's room, and reported. In a little while I looked out of the window and saw that the streets were lined with thousands and thousands of the people of Richmond, and scarcely passage was there for the carriage, in which Mr. Davis rode at a funeral gait. And as he rode every head was bared, not a sound was heard, except now and then a lone sigh. And so he ascended to his wife's chamber. That room was crowded with friends, male and female. As Mr. Davis entered, they rushed to him and threw their arms around him. They embraced each other; old soldiers, men of tried daring, cried like infants. Dear old Dr. Minnegerode lifted up his hands, with big tears rolling down his cheeks, and the assembled company knelt down while he offered up thanksgiving to God for having restored to us our beloved chieftain."

Such was the reunion two years after the fateful parting at Charlotte on the dissolution of the Confederacy.

Six years later, Mr. Davis having gone to join his friend in the spirit land, a memorial of him was prepared by James Sprunt, from which I quote a reference to a passage in this last address:

"In the concluding passage, in which he spoke of the President's religious faith, he unconsciously reflected his own simple and abiding trust in God; and we can find no words which more fittingly describe the Christian life of OUR Mr. Davis than those he uttered of his dead chieftain:

"He was a high-souled, true-hearted Christian gentleman. And if our poor humanity has any higher form than that, I know not what it is. His great and active intellect never exercised itself with questioning the being of God or the truth of His revelation to man. Where he understood, he admired, worshiped, adored. Where he could not understand, he rested unquestioningly upon a faith that was the faith of a little child—a faith that never wavered, and that made him look always undoubtingly, fearlessly, through life, through death, to life again."

Likewise, by way of presenting the man himself, I quote another passage:

"I have often thought what was it that the Southern people had to be most proud of in all the proud things of their record. Not the achievements of our arms. No man is more proud of them than I; no man rejoices more in Manassas, Chancellorsville, and in Richmond; but all nations have their victories. There is something I think better than that, and it was this: that through all the bitterness of that time, and throughout all the heat of that fierce contest, Jefferson Davis and Robert E. Lee never spoke a word, never wrote a line, that the whole neutral world did not accept as the very indisputable truth. Upon that my memory rests more proudly than upon anything else. It is a monument better than marble, more durable than brass."

Again, in *An Episode in Cape Fear History*, one of Mr. Davis's historical addresses, occurs this passage:

"Slavery is in its grave, and nothing can disturb its eternal rest. I would not, if I could, raise it from the dead. The slave is free. God speed him in

his freedom and make him worthy of it. The slaveholder has passed into history at the cannon's mouth. His future life must be there, and there he will live forever. He did the State some service; was great in council and in action, clear in honor and in truth, and always a man whenever true manhood was wanted. He knew how to compel the love of his friends and the respect of his enemies, and how to build his proudest monument in his country's greatness. But there are those who never loved him, and whose fashion still it is to make him the embodiment of evil, the moral scarecrow of the times. True, he ended well. True, that as he stood and died by his hearthstone, fighting, as he believed, for God and country, he was something for gods and men to behold. And do they think that the spirit which brought this Republic out of chaos, and directed it for the fifty years of its truest greatness and purity, can be annihilated by a proclamation? And do they believe that Washington and Jefferson and Jackson and Clay and Stonewall and Lee and all the long roll of our heroes and patriots and statesmen are but dead names, pale ghosts that can but squeak and gibber at their fallen greatness? That they have left no living memories in their children's hearts, no sacred seed that can once more burgeon and bloom for our country's honor? Oh, no! That spirit is not dead. It will rise again. Not in its old likeness, for old things have passed away. But transformed and quickened into a new life. Once more it will make itself a name for the Nation to sound. Once again it will step to the front and pass first in fight as it was wont to do whenever great opinions are clashing or a great cause imperiled. Once again to the front, whenever and wherever freedom's battle is to be fought. Once again to the front, no more to contend with brethren in arms, but only in generous strife for the glory and honor of a common country."

First, truth and honor—then a just pride in a glorious past, with a confident reliance on manhood for the future—such sentiments were inbred in the very fiber of Mr. Davis, and were the foundation stones on which rested the superstructure of his sentient life.

As a statesman Mr. Davis was guided by the interests and honor of his State and people. In his early years he espoused the doctrines of the political party that stood for improvement. He ranged himself alongside of Dr. Frederick Hill, known locally as the Father of the Public School System, whose bill to establish public schools was incorporated into the act that the Assembly passed inaugurating the school system. He embraced the policy of Dudley, the apostle of internal improvement. He realized that the law of existence is constant change, and that the object of one's endeavors should be progress and betterment. While holding fast to what was admirable in existing conditions, he advocated such changes as offered a hope of promoting the welfare of the State and the elevation, happiness, and prosperity of the people. He was in sympathy with those who sought the amelioration of the hardships of the old law. Nearly fifty years have passed, and in my memory is still an echo of his powerful pleading for the dissenting opinion of Judge Battle in *State against Barfield*, and his earnest presentation of the opinion in *State against Wills* as an enlightened view of the law.

In his profession he was master of the principles, and he kept abreast of the Court by faithfully studying every adjudicated case. He prepared his cases with the utmost pains, and fathomed them to the depths, so that he was ready at every point.

While he was engaged in nearly every important case on the Cape Fear, there is one I must advert to.

In October, 1869, a vessel entered the harbor of Wilmington, claiming to be a man of war fitted out to aid the insurrectionists in Cuba. Among her officers were several ex-Confederate naval officers, who had the sympathy of the community. The vessel was seized by the Government, as operating in violation of our neutrality laws. The proceedings in court were novel and the law obscure.

Mr. Davis represented the Cuban Junta in New York, and was retained in their behalf by one of the most prominent and able members of the New York bar, their general counsel, who may be called Mr. L. He was at that time, also, general counsel for the Western Union Telegraph Company and many other large concerns. Mr. L. came to Wilmington several times to confer with Mr. Davis about the trial. In one of their first conferences Mr. Davis suggested that the most serious question in the case, and the one that caused him the greatest anxiety, was the standing in court of the claimant of the vessel. The Cuban Junta represented the insurgents, and the insurgents had no legal entity, and their government was not recognized as lawful. Mr. L. at first was disposed to pooh-pooch the suggestion; but Mr. Davis persisted in it with such earnestness that when Mr. L. returned to New York he took it into special consideration. He eventually became of the same opinion as Mr. Davis, and wrote to him, frankly acknowledging his own error, and saying that Mr. Davis was entirely right, and that he knew more about the law of the case than he (Mr. L.) did. In that case Mr. Davis displayed an extensive and erudite acquaintance with a branch of jurisprudence developed from the civil law and not within the sphere of the ordinary practitioner; but as Attorney-General of the Confederate States he had sounded all the shoals and knew the quicksands of international law. The trial of the case was a hard and protracted struggle, and told severely on the attorneys engaged in it. Indeed, Judge Person did not survive it, but expired with his harness on. Mr. Davis likewise suffered. He was attacked during the close of the proceedings with fatty degeneration of the heart, and for a long period was most desperately ill—indeed, at one time all hope of recovery was abandoned; but his life had been so temperate, his vitality so unimpaired, that he stood the strain, and finally passed successfully through the crisis.

On the organization of the Wilmington and Manchester Railroad he became general counsel for that company. As a result of the war, the property of that company had to be sold under a decree, at the instance of bondholders, represented by a great firm of New York lawyers. When

the time came for the decree to be drawn, the New York attorneys confessed that they could not draw it to meet the involved equities and the difficult requirements of the case, and they were driven to the necessity of asking Mr. Davis to render them that service. But that was hardly singular, for many North Carolina lawyers have certainly been superior to Northern lawyers of the highest reputation.

The Manchester road was incorporated in 1847, and Mr. Davis continued as its general counsel during its existence, and when it was merged in the Atlantic Coast Line he became counsel of that company and so remained until his death, in 1896.

As general counsel of the parent road, developed into the great system of the Atlantic Coast Line, the service rendered by him was of the highest order; and so masterful was he in dealing with the novel questions that necessarily arose in adjusting equities in the successive steps of that complicated business, that in a measure there has been no litigation by that company.

So entirely satisfactory was Mr. Davis's service that the Atlantic Coast Line valued him most highly, appreciating not only his learning and the soundness of his legal opinions, but his excellence and sterling characteristics; and, in association with him as adviser, the management of that great system has ever worthily received and enjoyed a public confidence that has been accorded to but few others in the history of railroads.

After Mr. Davis's son, Junius Davis, came to the bar, in due course, he was admitted as a partner, and when Mr. Davis died his mantle was worthily worn by Junius Davis; and in recent years Thomas W. Davis has been associated with his father, Junius Davis, the firm still maintaining its former prestige. Thus beginning with George Davis, and then he in association with his son, and then the son in association with a grandson, covering a period of sixty-eight years, the Davises have continued without interruption to be attorneys and counsel for some constituent railroad of the Atlantic Coast Line.

This is a record of long and continuous service without an equal, as far as I know, in our country. It speaks in trumpet tongue of superior excellence, and, under the known conditions, reflects credit on the management of the corporations, while it is a mark of honorable service and of high capabilities on the part of the attorneys.

In 1879, when the Western North Carolina Railroad, which the State then entirely owned, met with difficulties in crossing the mountains, and private parties made a proposition to buy it and complete it, Governor Jarvis became convinced that the proposition should be accepted, and after conference with many of the public men of the State, who assented, he asked the advice of Mr. Davis and Judge Ruffin, and they recommended it. He thereupon requested them to act as special counsel of the State in the matter.

Governor Jarvis convened the Legislature in extra session, and Judge Ruffin and Mr. Davis addressed the Legislature and explained the proposition.

Years afterwards Governor Jarvis thus mentioned Mr. Davis's effort on that occasion:

"It was a great speech, of great sweep and power. His diction was perfect and his manner faultless. Some of his periods, describing the beauty and grandeur of our mountain section and its prosperity under the new State policy, were beautiful in the extreme. His speech swept away all opposition, and when the vote was taken, but few in either House voted against authorizing the sale. After the adjournment of the Legislature, Mr. Davis and Judge Ruffin prepared the deed for the sale of the road and the contract for its completion. For all their valuable service they declined to receive a penny. No two men ever served the State more faithfully, more efficiently, or more unselfishly."

Mr. Davis was particularly noted for his precision in statement and the clearness of his legal instruments. Indeed, his very handwriting was an index of that characteristic, every letter being perfectly formed, and his writing without blemish.

Judge Connor, in an extended address on the life and career of Mr. Davis, said:

"Mr. Davis was one of the great lawyers—the great advocates—of the State for more than a third of a century; he was profound in the learning of the law."

Again:

"One who for many years practiced at the same bar, and whose opinion is of value and judgment is just, says: 'He loved the science of the law, and to it he gave the most devoted study and unremitting toil, forcibly illustrating, by the care and completeness with which he prepared his cases, the amplitude of his researches and his wide survey and scope of knowledge—all combined by consummate skill into clear, cogent, and convincing argument, perfect in its construction.' Among his best and finest arguments, now recalled, are those of *Jaffray v. Bear*, 93 N. C. Rep.; *Williams v. Bank*, 79th; *London v. R. R.*, 88th. These cases are all familiar to the bar as involving new and difficult questions of law."

"A gentleman of fine discrimination and severe standards" is quoted by Judge Connor as saying:

"One of the most beautiful arguments, as well as the most persuasive and convincing, I have ever heard, was made by Mr. Davis while too feeble to stand in court, and speaking, by permission, from his chair."

Judge Connor adds his own appreciation:

"His kind consideration, his courtly bearing, and his charming manner relieved in a very large degree the embarrassment of a young judge presiding over a court with a bar of recognized ability. He argued several causes, in one of which was involved a number of difficult questions, regarding the always difficult question of the contractual liability of married women. Aided

by his learning, I was enabled to steer clear of error—at least, it was so held by the Supreme Court. I recall that he expressed regret that we had not given full force and effect to the constitutional and statutory changes in the law in this respect.”

In criminal cases Mr. Davis was strong and effective, and whenever he was to speak the courtroom was always crowded to overflowing. The general outpouring of the people on such occasions was a tribute to his oratory and to his powers as an advocate that was accorded to no competitor.

And, indeed, in a particular manner, if your Honors please, did the people of the State manifest their appreciation of Mr. Davis's excellence as a jurist and as a citizen. When the term for which the Chief Justice elected in 1868 was approaching its end, and the time was ripe for nominations, he was generally thought of in connection with the office of Chief Justice. On 23 December, 1877, *The Raleigh Observer*, then edited by Peter M. Hale and William L. Saunders, contained the following editorial:

“As was natural, when the time came to look around for men to put upon the highest judicial tribunal in the State, and people everywhere began to seek out the ablest and the best, the people of North Carolina instinctively and, we may say, almost with one consent cast their eyes upon Mr. George Davis of Wilmington. As pure as he is able, and as able as he is true and devoted to the land that gave him birth, North Carolina never had a more worthy, a more brilliant, or more devoted son than he, nor one better fitted in all the qualities of head and heart for the high position to which people everywhere expected him to be called. It is with unfeigned regret, therefore, that we publish the following letter to a gentleman in this city announcing Mr. Davis's purpose not to allow his name to be used in connection with the nomination for the Supreme Court bench, and giving his reason therefor.”

In this letter Mr. Davis said:

“No man can hold in higher estimation than I do the dignity of such a position. To fill it worthily would be my highest ambition. But in this thing, as in so many others, I am obedient to necessity. I cannot live upon the salary. And barely to live is not all my need. One of my first duties in life now is to endeavor to make some provision for the little children that have come to me in my age. At the bar such an expectation may not be unreasonable when better times shall come. But upon the Bench I should be compelled to abandon such a hope forever. I must, therefore, decline to permit my name to go before the Convention of the Democratic Party in connection with such a nomination.”

Hardly had that announcement been made when Chief Justice Pearson suddenly died. There was “a universal manifestation of opinion that Mr. Davis was the first man in the State to whom the position should be offered.” Governor Vance was at Charlotte, and, returning to Raleigh, told Colonel Saunders that “the universal expression was

that Mr. Davis was the person to whom the people were looking to be made Chief Justice, and that aside from his desire to meet the expectations of the people, and to make a good appointment, he desired Mr. Davis to accept the position, as it would relieve him from embarrassment in choosing from between others. He was satisfied that his appointment would not give offense to any aspirant not appointed."

As Colonel Saunders said, "To relieve that embarrassment it was necessary that the new Chief Justice should be *facile princeps*." And this was the recognized position of Mr. Davis. Governor Vance tendered the appointment to Mr. Davis, who declined it, for the reason previously given in declining to allow his name to be considered by the convention when it should meet.

Governor Vance some days later, in a letter to Mr. Davis, said:

"I desire to avail myself of this opportunity to say to you, in person, what I have often said and always thought in your absence, that you are one of the men who have steadily pursued principle for its own sake, spurning alike the temptations of office and the lures of ambition when they came not strictly within the utmost requirements of dignity and manly honor. As such there has come to me, as the result of my position, no greater happiness than the ability to testify my appreciation of your character and worth, and of the great service your example has been in shaping and toning the political ethics of our society. In attempting to honor you by the bestowal of that great office I have also attempted to show what is my own sense of State honor as well as to give expression to the general voice of our people."

I am sure that Mr. Davis wished that he could have accepted the office. It would have given him the greatest satisfaction to have worn the ermine here. Indeed, it was the only official station that could have tempted him to forego the pleasures of private life, but it would have gratified his ambition and he would have prized the honor and would have found happiness in association with his fellow members of the Court.

The passing years left their impress upon him, and, somewhat enfeebled, he retired from the exacting duties of his profession, still, however, continuing as the adviser of the great companies he had formerly served so well.

Eventually, on 23 February, 1896, having lived more than three-quarters of a century, Mr. Davis was gathered to his fathers.

The people of his community were profoundly moved. No other man had ever been so revered on the Cape Fear.

The Chamber of Commerce appointed James Sprunt, William Calder, and William R. Kenan a committee to prepare a suitable memorial and record of his life. The memoir presented to the Chamber of Commerce on 5 March, 1896, and published by it, is a masterful presentation of the characteristics, the attainments, and the literary accomplishments and of the surpassing worth of Mr. Davis. In it I find an estimate of Mr.

Davis by Warren G. Eliot, himself a distinguished North Carolinian, from which I quote:

"Mr. Davis gave to us a splendid illustration of every manly virtue. He was a good man, a just man, a strong man, a patriotic citizen, full of love and affection for his native State; a lovable, companionable friend; affectionate and tender in his domestic relations; a brave and fearless man, with a love for the right and a scorn for the wrong; chivalrous and honorable; a true type of the Olden School—the type that never had a superior, and never will. His life was a lofty ideal, a standard to be lived up to, and worthy to be followed.

"He has laid down his armor when the tide was at its ebb, after having enjoyed, during a long and eventful life, the greatest riches that this world can bestow—the genuine love, reverence, respect, and admiration of his fellow-man, with his integrity unstained, and without a whisper of detraction against his motives, his character, or his purposes. And the Christian grace and dignity with which he met the final summons was but the crowning glory of an honorable and exemplary career."

Later, the people of Wilmington, desiring to give a more substantial expression of their estimate of their beloved and revered fellow-citizen, acting through the Daughters of the Confederacy, erected a monument to his memory, in the heart of the city, and placed upon it an imperishable statue of his person, the first statue erected in North Carolina to a private citizen by the community in which he lived.

Truly Mr. Davis's early hope was realized—he did not "leave an unremembered name."

This statue was unveiled 20 April, 1911, and on that occasion Honorable Henry G. Connor delivered a comprehensive address commemorative of Mr. Davis, that was worthy of the great man who was the subject, and that reflects the high ideals, the sterling patriotism, and the literary excellence of the accomplished author.

To that address and to the admirable memoir prepared by Dr. James Sprunt, I am indebted for much material that I have used.

May I say, in conclusion, that in my early manhood it was my good fortune to have known Mr. Davis well, to have sat at his feet, and to have learned there much that I hope entered into my life; and that I have never ceased to be grateful that he accorded me his affectionate friendship. It was a privilege to know him, and an honor to have enjoyed his esteem.

I have had some acquaintance by intercourse and by study with the public men of North Carolina. It has seemed to me that in some respects Mr. Davis and Judge Gaston approached each other. Mr. Davis was apparently the more accomplished and, perhaps, was more richly endowed by nature, and was the more studious to excel, doing superbly whatever he undertook. Judge Gaston had perhaps the more incisive mind, and was more given to reflection.

They were each, alike, crowned by virtue and may justly be regarded as among the most illustrious of North Carolinians; but a parallel can not well be drawn between them. Except the slight disturbance of 1812-11, and the internal differences that were cured in 1835, Judge Gaston's voyage of life was through placid waters; while Mr. Davis lived through a period of storm, of heroic struggle, of calamity, when devotion exalted the soul of the patriot, and the iron in a true man, by the alchemy of a fiery furnace, was turned to burnished steel and became resplendent in the sunlight of heaven.

It is the portrait of this Carolinian, eminent for his virtues and for his learning, lofty in his ideals, of high merit in the field of literature, magnificent in oratory, great in his thoughts, and great in his performance, who filled his appropriate place among the chiefest men of the Confederacy, and was so schooled to duty that he could, at its call, relinquish a noble ambition—to sit here, in the seat of the mighty, and write his name imperishably in the jurisprudence of his native State— it is the portrait of this illustrious man and distinguished member of the bar of this Court that I am commissioned to ask your Honors to accept.

It was painted by Mr. Bushce of this city; and those who have seen it agree with me that it is a good representation of Mr. Davis, lacking, perhaps, in some lights, a certain sweetness of expression that I used to find in his kindly face, but certainly worthy of admiration for its excellence.

I beg that your Honors will accept it and will order that it be preserved on your walls, in association with the portraits of the other eminent men that are so worthily preserved here.

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