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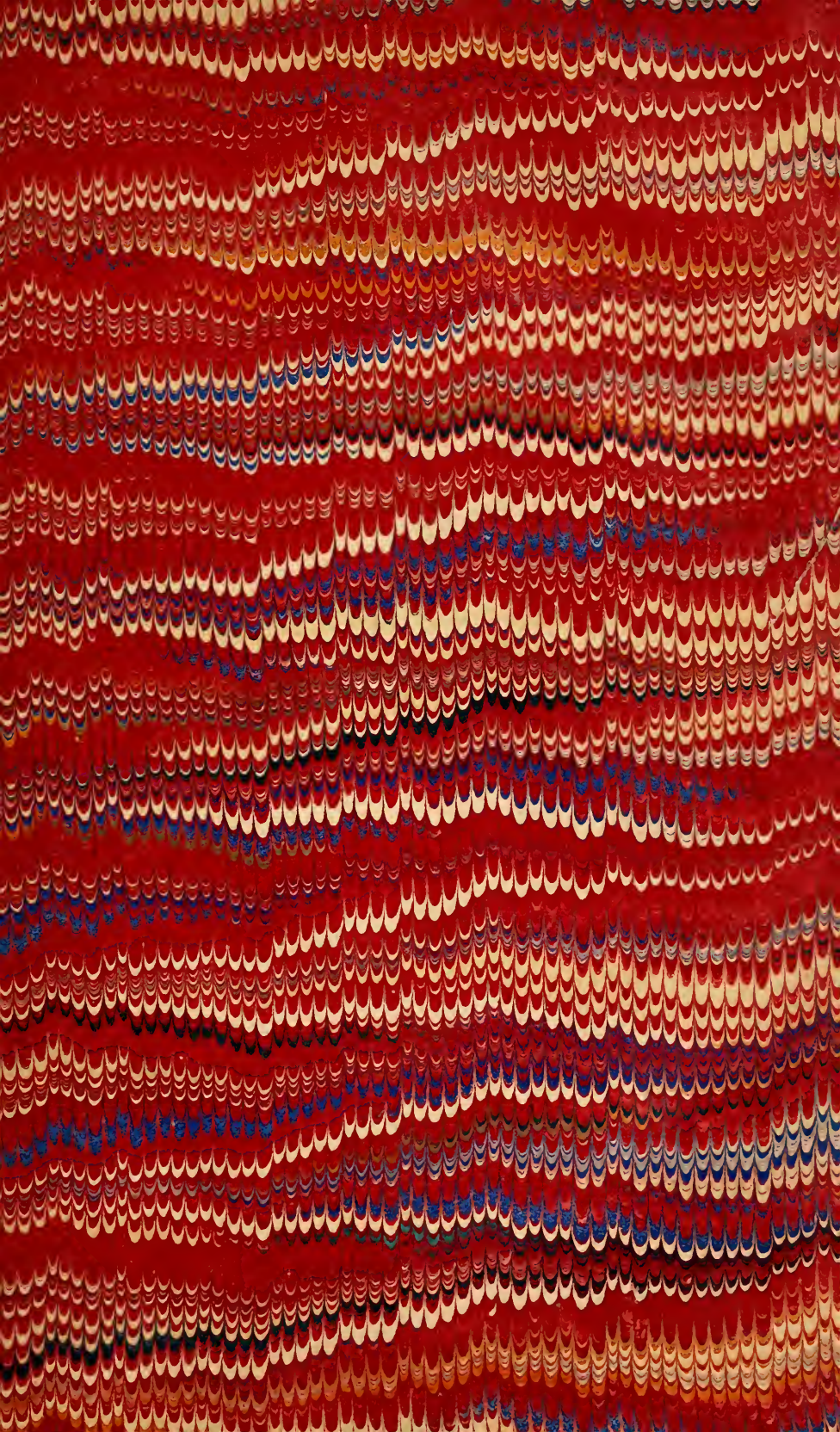
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UNITED STATES OF AMERICA.





NOTICE

OF

THE LIFE AND CHARACTER

OF

HON. JOHN DAVIS,

READ BEFORE THE

AMERICAN ANTIQUARIAN SOCIETY,

AT ITS MEETING HELD IN BOSTON

ON THE 26TH OF APRIL, 1854.

BY HON. THOMAS KINNICUTT,
OF WORCESTER.

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THE following notice of the life and character of the Hon. JOHN DAVIS formed a part of the Report of the Council of the AMERICAN ANTIQUARIAN SOCIETY, made to a meeting of the Society held in Boston on the 26th of April, 1854; and is published in this form by direction of the Society.

N O T I C E.

WITHIN a few days, death has again invaded our ranks. The President of this Society, the Hon. JOHN DAVIS, died at his residence in Worcester, on Wednesday, the nineteenth instant.

It would be departing from the custom of the Council, as well as doing injustice to their own feelings and the character of the deceased, if they were to close this report without a tribute to his memory.

For the last quarter of a century, the name of John Davis has been intimately associated with the councils of his native State or with those of the Union. During that period, he has borne a part in public affairs which will identify him with the history of his times, and give to him a position among the wise and patriotic statesmen of his country. Of such a one, when enrolled among our members, and holding as he did the position of our presiding officer, it is, though a sad, yet not an ungrateful duty to inscribe a brief

notice upon the pages of our records, and thus to testify to our successors and to posterity the estimate which we entertain of his services and his character.

John Davis was born on the thirteenth day of January, 1787, in the town of Northborough, in the county of Worcester. Of a parentage neither affluent nor poor, it was his good fortune to feel the necessity of that personal effort and persevering industry which lie at the foundation of all success in life. Like most of the distinguished men of New England, his early training was upon his paternal farm and in the common schools of his native town, where he acquired that hardihood of physical constitution, which, in after years, bore him through many an hour of suffering from acute disease, and, with the rudiments of education, those traits of character which contributed essentially to his success in the rough contests of his subsequent career.

After the usual preparation, a part of which was made at Leicester Academy, he entered the Freshman class of Yale College in the year 1808, and graduated in course with honor in 1812.

Having selected the law for his profession, he entered upon its study in the office of the Hon. Francis Blake of Worcester, who then stood unrivalled at the Bar of that county, and was admitted as an attorney in 1815. Just ten years from that time, in December, 1825, he took his seat in the Congress of

the United States, as the representative of the Worcester South District. In that position he continued eight years, until January, 1834, when, having been elected Governor of the Commonwealth, he entered upon the duties of that office, in the discharge of which he continued until March, 1835, when he took his seat in the Senate of the United States, to which he had been elected by the Legislature then in session. He remained a member of the Senate until January, 1841, when he reassumed the office of Governor of the State, having been elected in the autumn of 1840, and continued to discharge its duties until January, 1843, when, having been defeated in the previous Gubernatorial canvas, he remained in private life until March, 1845. In that year, upon the death of the Hon. Isaac C. Bates, then a Senator from Massachusetts, he was elected his successor by the Legislature, and continued to represent the State until the 4th of March, 1853, when, upon the expiration of his term, he finally retired to private life.

It will be seen by these dates, that he was eight years and a fraction of a year a representative in Congress, three years and a fraction Governor of the Commonwealth, and nearly fourteen years a member of the Senate of the United States; making twenty-five years, or more than half of his entire manhood, spent in the public service.

The success of Mr. Davis in his profession was remarkable. He has been known to say, that his dif-

fidence was so great in early life, that, for years after he had acquired some reputation at the Bar, he never rose to address the court or jury without embarrassment; yet, at the end of ten years after his admission to practice, upon the elevation of Governor Lincoln to the Bench, he was the acknowledged head of his profession in a county of wide extent, and always distinguished for the ability of its Bar. As an advocate, he had few superiors in Massachusetts. Others there were more eloquent, possessed of more genius, capable of producing more thrilling effect by impassioned declamation and beautiful imagery; but there were few, if any, possessed of more power to convince or persuade a New England jury. His imagination was always subordinate to his judgment; perhaps he had too little of the former faculty. He seldom indulged in declamation. His strength lay in the clearness of his statement, in logical arrangement, in a facility of grouping the evidence bearing upon a given point, in a sagacity that never failed him in the selection of the topics and illustrations suited to the tribunal he addressed, with which his mind was stored by extensive reading and wide observation; and, added to this, a sincerity of manner so perfect that it could not be counterfeit. It is not strange, that, with such endowments, he should be successful with a jury composed of men distinguished, as most New England juries are, for their common sense, earnest to discover the truth, and suspicious of all attempts

to lead their judgment astray by appeals to their feelings or imagination.

As a lawyer, Mr. Davis was not remarkable for extensive reading. In this, his maxim was, "*Multum, non multa.*" His mind was well stored with legal principles, and he seldom failed of making a just application of them in practice. His arguments addressed to the court were always characterized by this habit of his mind; and, though he never permitted himself to be surprised by the citation of cases which he had not seen, he relied more upon well-settled principles, and the deductions logically made from them by his own mind, than by the citation of any number of analogous authorities. He was always listened to by the court with attention, as one who had something to say, and from whom something might be learned, a fact which means something more than a compliment in the Supreme Court of Massachusetts.

But it was as a statesman that Governor Davis was most distinguished, and upon his character in this capacity will rest his chief claim to an enduring reputation. He had not long been a member of the House of Representatives before he became distinguished. The system of protection to American industry was then just assuming a decided character, and he at once gave to it the aid of his intellect, his industry, and experience. His opinions upon all questions connected with it were highly respected; and it was in no small degree under his auspices, as a leader in

the House, that the system was finally perfected. In the contests growing out of this policy, he encountered the most distinguished of its opponents in that body, and, in the opinion of its friends at least, achieved a decided triumph. When it is remembered that Mr. McDuffie of South Carolina was then the leading supporter of the opposite side of the question, this is no light distinction. The weapons which win success in such a warfare must have no ordinary temper, and be wielded with no want of strength or skill.

It was in the latter part of his service in the House, that South Carolina took her position on the subject of a practical nullification of the tariff laws, in the enactment of which he had taken so conspicuous a part; and that the integrity of the Union was directly and imminently threatened. It will be recollected by many with what equanimity and firmness he bore himself through all that trying period, yielding to no unmanly fears, but possessing his spirit calmly in the conviction of a just cause, and reassuring others by his confidence in the strength of the constitution to carry itself safely through the crisis.

Upon his elevation to the Senate, he entered upon an arena in which it was still more difficult to acquire and sustain a reputation of a high order; for there, in addition to a host of other able men, stood, in the full strength of their manhood, with every muscle and sinew and nerve in vigorous action, that great trio of intellectual champions, around whose contests of

almost superhuman power already tradition is casting the halo of an heroic age. It is not, of course, in a comparison with these, in their peculiar characteristics, that Governor Davis is to find his true position as a debater or a statesman. The matchless manner and the "voice divine" of Henry Clay never yet fell to other mortal lot. Mr. Calhoun's remorseless logic and metaphysical skill were pre-eminently his own. And Mr. Webster's grasp of intellect and sublime imagination were as unequalled as the brow which foreshadowed them. Into this arena, Governor Davis brought that admirable temper, that sagacity, that dispassionate wisdom, which had distinguished him in the House, and which had now culminated to their zenith; and he soon took a rank, which never deserted him, among the wisest and most able members of that remarkable body.

There he renewed his efforts in support of the protection of American industry, and for many years defended the policy whenever it needed defence. His speech in 1840, in reply to Mr. Buchanan of Pennsylvania, will be remembered as one of his most successful efforts, and as having had probably more influence among the masses, in the unparalleled political contest of that year, than any other document that issued from the press.

For many years he was the Chairman of the Committee on Commerce in the Senate; and, though the duties of that Committee were foreign from his early

pursuits and studies, he applied himself to the discharge of them with such energy and devotion, that he soon mastered the principles and details of the subjects referred to him. As a branch of commerce, his attention was early attracted to the fisheries, in which his own constituents were largely and successfully engaged; a department of industry, which, whether we consider its importance to the national wealth and national defence, or the fearless hardihood with which it is pursued in every climate and sea, justifies the magnificent and prophetic eulogium of Burke, who saw in it the promise of the future greatness of a people then but in the "gristle of manhood." The prophecy has become history; and however some may have been disposed to disparage this element of national prosperity and honor, Mr. Davis claimed for it the fostering care and protection of the government, and on all occasions gave to the brave mariners employed in it his steadfast support. Many a bold seaman, as he pursued his prey on the stormy banks of Newfoundland, amid the icebergs of the polar sea, or beneath the burning sun of the torrid zone, has had reason to bless the vigilant care of the fearless senator, who never forgot or failed him when his rights needed a defender.

When he left the chair of the Committee on Commerce, it was admitted by common consent, that it had never been filled with more fidelity, or with greater usefulness to the country. One of his last

labors as a member of the Senate was the framing and perfecting a bill for the regulation of steam navigation, with the object of diminishing the immense hazard to life with which it had been attended; and, though opposed by adverse interests, and thwarted by all the arts of which parliamentary skill is master, he succeeded in establishing a code of regulations whose beneficial effects have already been widely felt, and which is destined in the future, in no small degree, to ensure safety in the use of that fearful power which we have harnessed to our commerce, and have hitherto left almost without control.

But it was not to such special subjects as the tariff and commerce, large though they are, and comprehensive enough to monopolize the labors of a life, that he limited his attention. His was a mind which could not content itself with specialties, however useful or absorbing. He surveyed the whole map of statesmanship, and was satisfied to leave no part of it unexplored. The principles of international law, of diplomatic intercourse, of constitutional law as applied to the States and the general government, and the conflicts between them, our systems of finance and public domain, our foreign and our domestic relations, the great questions of peace and war, of international duties and international rights; — all these, and many more, he made his study; and upon them all, whoever has read the debates of the Senate through the period of his membership, during which all of them

have been discussed, and still more those who have enjoyed the privilege of his conversation, must have been impressed with the great extent of his knowledge, the comprehensiveness of his intellectual vision, and the high character of his practical wisdom.

On the agitating questions of a domestic character which have been discussed during his connection with the Senate, while he steadily maintained the rights and defended the interests of the North, Mr. Davis was always ready to do justice to the South. With him her constitutional rights were sacred; for to the constitution he acknowledged no divided allegiance. Whatever provisions were found clearly set down in that instrument were fundamental articles in his political creed. He never complained of them or attempted to evade them. He was accustomed to take enlarged views of the various and diversified interests of the country, as forming in combination the strength of a great and united empire, destined in its integrity to advance the civilization of the world beyond any experience in its history, and by its dissolution, if dissolved it should be, to retard it by fearful and undefined perils and disasters. He regarded the union of the States, therefore, as a priceless blessing, to be maintained only by a faithful adherence to the compromises of the constitution. But, while he was ever ready to respect the rights of other sections of the Union, he firmly insisted upon those of his own; and upon all questions on which he was to act, involving

either, he claimed, what he freely conceded to others, the right to be guided by his own independent judgment. This he followed, on more than one occasion, with a fearlessness which dared to obey conscience and duty, regardless of personal hazard or popular reproach.

On the subject of international relations and duties, Mr. Davis held sacred the obligation of treaties, and the still higher obligation of dealing justly, under all circumstances, with other nations, whether bound by treaties or not. His mind revolted from all attempts to wrest from the weak their rights or their territory, either by encouraging lawless individual enterprises, or by seeking occasions to involve them in national quarrels. The doctrine of a manifest destiny, in accordance with which we are to extend our republican empire, by right or by wrong, over the whole continent, found no lodgment in his mind. He adhered to that safer, that more benignant policy, which seeks to cultivate, to civilize, and adorn the vast empire which we already possess, rather than that which covets new provinces at the expense of national honor, and it may be of national security.

In regard to the question of intervention in European politics, which so much excited the country during the visit of that extraordinary and erratic genius, the distinguished Hungarian exile, he quietly reposed upon the great doctrine of the father of his country, and lived to see the storm of popular enthu-

siasm subside into the calm of a conservative public opinion ; a result for which, in the closing days of his life, in view of the events transpiring upon the continent of Europe, he had reason to be grateful, as a lover of the peace and prosperity of his country.

Neither the limited time for the preparation of this notice, nor the occasion itself, admits of an extended review of Mr. Davis's opinions upon subjects of public policy, or of greater detail in regard to his senatorial career. His personal influence in that body, during the latter part of his connection with it, and up to the hour he left it, was probably unsurpassed by that of any other member. The sober thoughtfulness and spotless integrity of his life, his freedom from extravagance of manner or expression, his extensive and accurate information on subjects the most diverse, his ability to grapple with and master both principles and details, his readiness to impart knowledge, his long experience in public affairs, his reputation for solid judgment, his wisdom in council and firmness in time of trial, united to give him a position in the Senate, which any who sat there might well be content to occupy. It may safely be said of him, that few men have at any time belonged to that august body who have possessed greater capacity for the service of the country, few who have exerted their talents with more fidelity, and fewer still who have accomplished more beneficial results.

When Governor Davis was first elected to the

office of Chief Magistrate of the Commonwealth, he had never been connected with the State Government. His public life had been confined to Congress, as the representative of his district. His reputation acquired there was the basis of his popularity at home. Succeeding one of the most popular and efficient chief magistrates the State had ever had, the post was a difficult one to fill, without suffering by the comparison which would be sure to be instituted. It is praise enough to say of him, that he filled it without a diminution in the amount of public regard which his predecessor had won. He remained in the office of Governor at this time but little more than a year, when he was transferred to the Senate. His selection a second time as the candidate of his party for the executive office was in 1840, when the political control of the State had passed into the hands of its opponents, and when it was deemed necessary to put in nomination the strongest man in the popular favor whom the party possessed within its ranks. There was no doubt in the minds of any who that man was; and the result, in his election by a popular majority of nearly twenty thousand votes, showed the wisdom of the selection. His executive administrations were characterized by a careful and conscientious attention to every department of duty, by a strict regard to the constitutional limitations upon his authority, by a jealous guardianship of the rights of the State in her relations with the General Government and her sister

States, and by a watchful concern in all her industrial interests, in her educational system, and her charitable institutions.

But the executive department of government was not that which was best suited to his tastes, or the character of his mind. He liked better the larger questions and broader field of contemplation opened to the statesman in the national legislature, and he returned to the Senate with no wish again to assume the responsibilities and duties of executive station. Here he remained until within little more than a year of his death, when he returned to his home, with the intention of never again leaving it for public life. And there, his labors ended, and his work all done, he died, —

“ Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.”

Massachusetts mourns his death as a public loss. Well she may. She never had a wiser, a more faithful, or a more useful statesman. Long will she hold his services in grateful remembrance. Numerous as have been her distinguished men, and proud as she has reason to be of the long line of patriots who have illustrated her annals and adorned her councils, none have left to her the legacy of a nobler or a purer public life.

Distinguished as Governor Davis was in public, it was in the relations of private life that the true

worth of his character was best known and appreciated. Unostentatious in his manners, simple to a remarkable degree in his tastes, steadfast in his integrity under all circumstances, easy to be approached by the humble, always ready to listen to the weak and the friendless, stern and uncompromising in his resistance to wrong, social in his habits, genial in his disposition, and constant in his friendships, he was peculiarly fitted to adorn a private station, and to make happy the narrow circle of home and neighborhood and friends. These genial and agreeable qualities accompanied him in his intercourse with public men; and, above all, his allegiance to truth followed him wherever he went, and whatever he did. In private and in public life, the "*incorrupta fides*" of the man and the statesman never deserted him. It was the pole-star of his life, and, like the "*in hoc^{Signo} vinces*" of Constantine, always flamed on the sky before him.

Governor Davis was a man of large reading, and of wide and minute observation. His knowledge was extensive and various. It was difficult to suggest a subject on which something could not be learned from him. He had devoted much time to the reading of history, both ancient and modern; and few persons were so thoroughly instructed in the details of our own colonial and national history. In the later years of his life, he resumed the reading of ancient classic authors, among whom Cæsar, Tacitus, and Livy accorded best with his tastes.

In conversation he possessed remarkable power. Few men equalled him as a talker. His resources seemed to be never-failing. It was delightful to listen to him, as he sat in his own house, surrounded by his friends, pouring forth instruction by the hour, from lips that never tired, and from a mind never exhausted of its treasures, upon themes of the most varied character, social, political, historical, moral, — rising from those of ordinary interest, up to those which deal with the highest questions of human life and human destiny. Had Governor Davis's lot been cast in a different sphere, had he occupied the chair of history or moral philosophy in a university, there can be little doubt that he would have achieved a fame as honorable, if not as distinguished, as that which crowned his political career.

Though deeply engrossed with the cares and duties of political station, he yet found time to interest himself in those benevolent enterprises which have for their object the improvement of the world in civilization, in morals, and religion. In the proceedings of the American Bible Society he felt a warm interest, and consented for a number of years to act as the President of the Worcester County Auxiliary Bible Society, in which capacity he afforded efficient aid to the parent association. Penetrated himself with a conviction of the inspiration of the Scriptures, and of the truth of the great and beneficent doctrines of the Christian religion, he regarded their circulation, in

every tongue and in every land, as the means of the moral elevation, and the general and permanent civilization of the human race.

Of the interest which he felt in this institution, and the attention which he devoted to its concerns, the reports of the council from year to year will testify. As its friend and constant benefactor, he bestowed upon it many and valuable favors; and, as its President, he conferred upon it honor, and devoted to it the last services of his life.

But it is time to bring this notice to a close. Again we are reminded by this event of the fearful havoc which death has made among us within the last three years, —

“ The great are falling from us ; ”

Calhoun, Clay, Webster, — all within so short a space, that, as each departed, he seems to have been calling to the next to follow him. And now Davis has joined them, may we not believe, to unite with their spirits in that higher council, around the throne of the Most High.

RESOLUTIONS.

After the preceding report was read, Hon. ROBERT C. WINTHROP rose, and spoke as follows: —

I pray leave, Mr. Vice-President, to present to the Society a resolution or two, for the purpose of placing formally upon the records of this meeting the views which have been already expressed on all sides of the hall. They relate, I need not say, to our lamented President, whose death has been so fitly and feelingly announced to us in the Report of the Council.

It has been my good fortune to know Governor Davis long and well. It is twenty years this very month, since I entered his military family (as it is sometimes called) as his senior aide-de-camp, upon his first election to the office of Governor of Massachusetts. From that time to this, hardly a year has elapsed in which I have not been associated with him in some sphere or other of the public service. I have known him, for years together, in the intimacies of a Congressional mess, where all that is peculiar in private character is sure to make itself known. And it has been my privilege, too, to serve at his side in the Senate Chamber of the United States, during a brief,

but crowded and momentous, period in the history of our national legislation. I desire, under these circumstances, sir, to bear my humble testimony to the many excellent and noble qualities, both of head and of heart, which distinguished him everywhere alike. No better or worthier senator, in my humble judgment, was ever sent to the Capitol from Massachusetts, or from any other State, than John Davis; none more intelligent, more industrious, more faithful, more useful, more pure, disinterested, and patriotic.

His physical health and vigor were, it is true, not always equal to the demands which were made upon him. He had, too, a natural repugnance to every thing in the nature of ostentation or personal display. But he had a word ably and fitly and eloquently spoken for every occasion where it was called for; and he had, what is better than a whole volume of words, a quick eye, a listening ear, an attentive and thoroughly informed mind, and a punctual personal presence, for the daily and practical proceedings of Congress. No man took a more active interest, and no man exerted a more valuable influence, in regard to the real business of the country. Though born and bred in the interior of the State, and educated to the profession of the Bar, his mind seemed to have a natural facility for grappling with the difficult questions of trade and currency and tariffs, which belong more peculiarly to those who have their homes upon the sea-board, and who are personally engaged in com-

mercial affairs. Upon questions of this sort, his opinion was often appealed to, almost as law. More than one occasion might be cited, where that opinion was deferred to implicitly, as an all-sufficient authority to govern the action of the Senate, even by those least inclined and least accustomed to waive any views of their own. The labor of the country, and the commerce and navigation of the country, owe him a debt which could not easily have been paid, had he lived; and which now, alas! can only be the subject of empty and formal recognition.

Above all, sir, he was a just and virtuous man, whose daily life was without spot or blemish, and whose example may be commended, without qualification, to the imitation of both young and old. As such, his name belongs to the treasures of our State and nation, and his memory can never fail to be cherished by all who appreciate the value of virtuous and Christian statesmen.

I ought to apologize, Mr. Vice-President, for having added a syllable to the able and admirable tributes to which we have just listened, in the Reports of my friend Judge Kinnicutt, and of our devoted Librarian; and I will only trespass further upon your time by submitting the following resolutions:—

Resolved, That we have learned with unfeigned sensibility and sorrow the sudden death of our distinguished and excellent President, and that this Society will ever cherish his memory with the warmest regard and respect.

Resolved, That the President's chair, in the Society's hall at Worcester, be shrouded with black until the next annual meeting; and that the Council be requested to take measures for adding a portrait of Governor Davis to the Society's gallery.

Resolved, That the thanks of the Society be presented to the Council for the admirable memoir of our lamented President which they have presented in their Report, and that they be instructed to prepare it for the press in a form in which it may have general circulation.

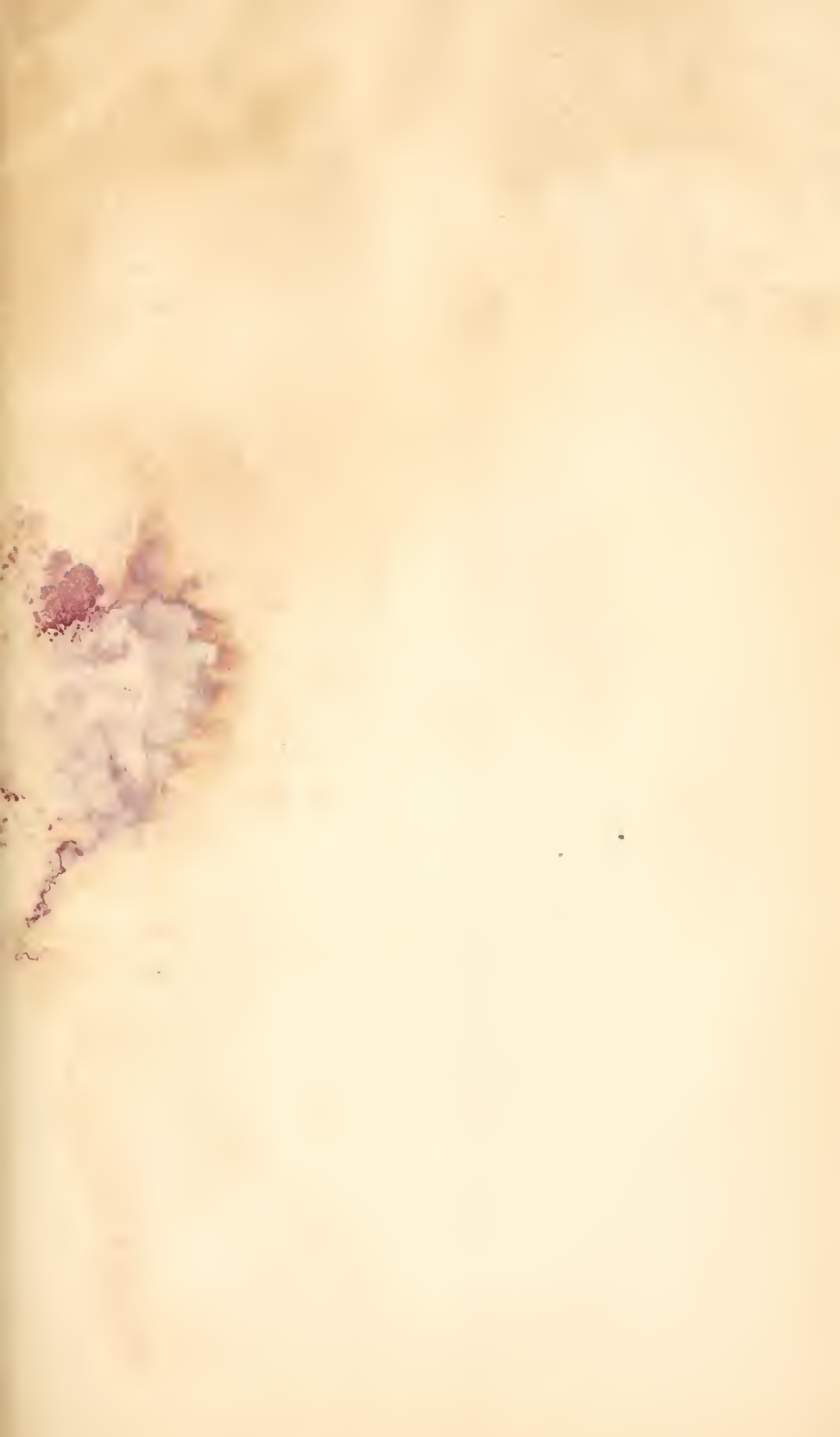
Resolved, That a copy of these resolutions be communicated to the widow and family of Governor Davis, with an assurance of the sincere sympathy of the Society in their afflicting bereavement.

The Honorable ABBOTT LAWRENCE arose to second the resolutions, which, he said, would unquestionably receive an affirmative response from every member of the Society. They indeed required no advocacy from him, or any other person, to secure their passage; but he felt it due to the relations he had sustained to the deceased, of a public and private nature, that he should not permit the question to be taken until he had tendered his humble tribute to exalted virtues, the memory of which is so dear to us all.

It had been the happy privilege of the speaker to be associated with Governor Davis in bonds of social intimacy for a long series of years; he had also been connected with him in the care or arrangement of many important matters of general interest. He could say of Governor Davis, that no one could be a more

true and judicious friend; no one more devoted to the faithful discharge of delegated power; no one in whose bosom glowed a more pure or ardent patriotism; no one whose moral character was more free from blemish. Governor Davis possessed extraordinary sagacity, incorruptible integrity, and industry which never flinched in the face of arduous labor. These qualities, backed by the results of close observation of men, and extensive researches in books, enabled him to take and retain a position in our national councils which it has fallen to the lot of few men to achieve. They were qualities which even political hostility has neither depreciated nor denied, and whose beneficial effects illuminate the pages of our nation's legislative history.

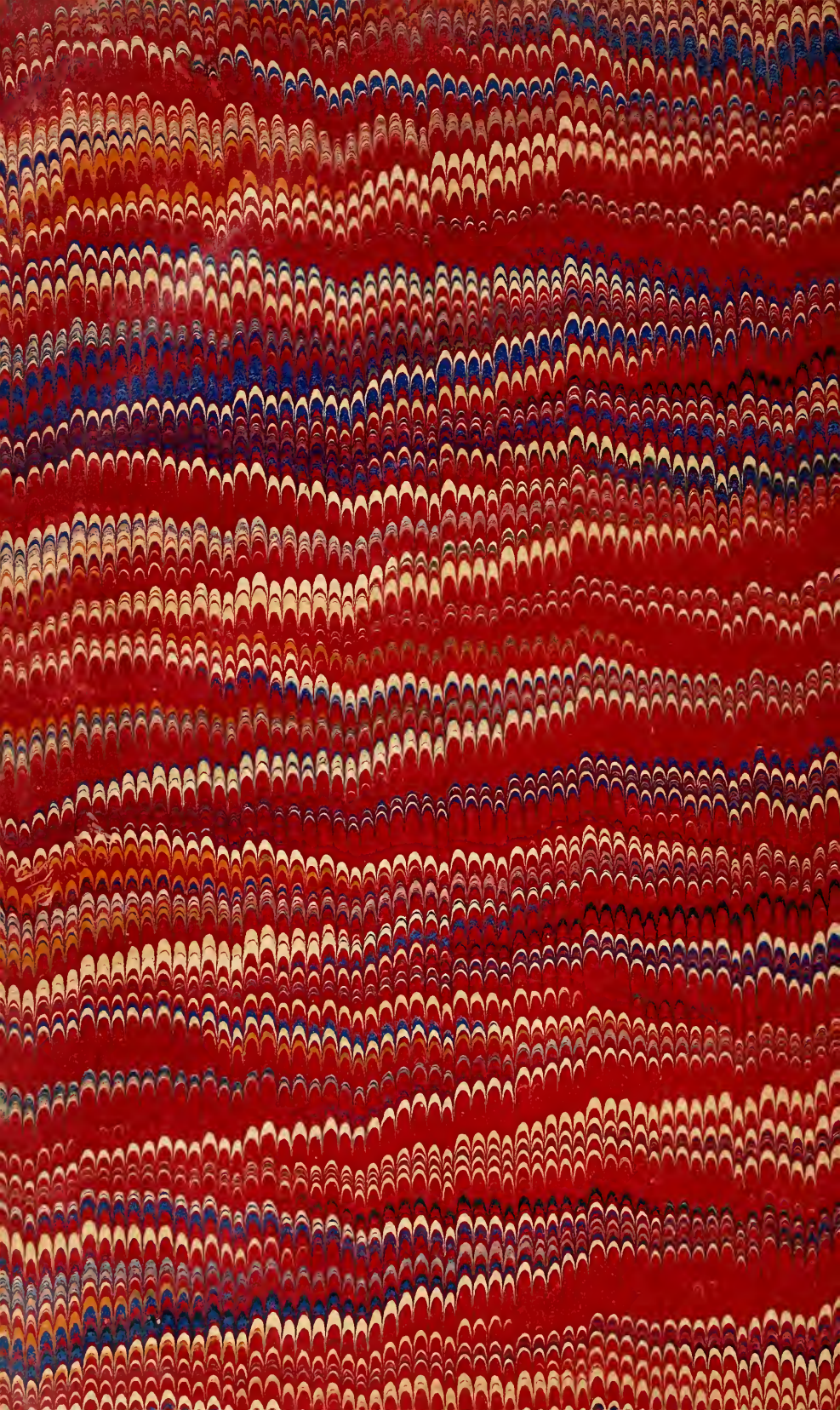
Mr. Lawrence said it would be superfluous for him to specify the many and noble results of Governor Davis's public labors. They were on record, and had already been ably and eloquently set forth in the Reports which had just been laid before the Society. The good which he has done "is not interred with the bones" of the great man who has fallen: the State and the nation have been made happier and better by his life. Mr. Lawrence (of whose remarks the above is but an outline) concluded by an affecting allusion to the beauty of the character of the deceased in his domestic relations.

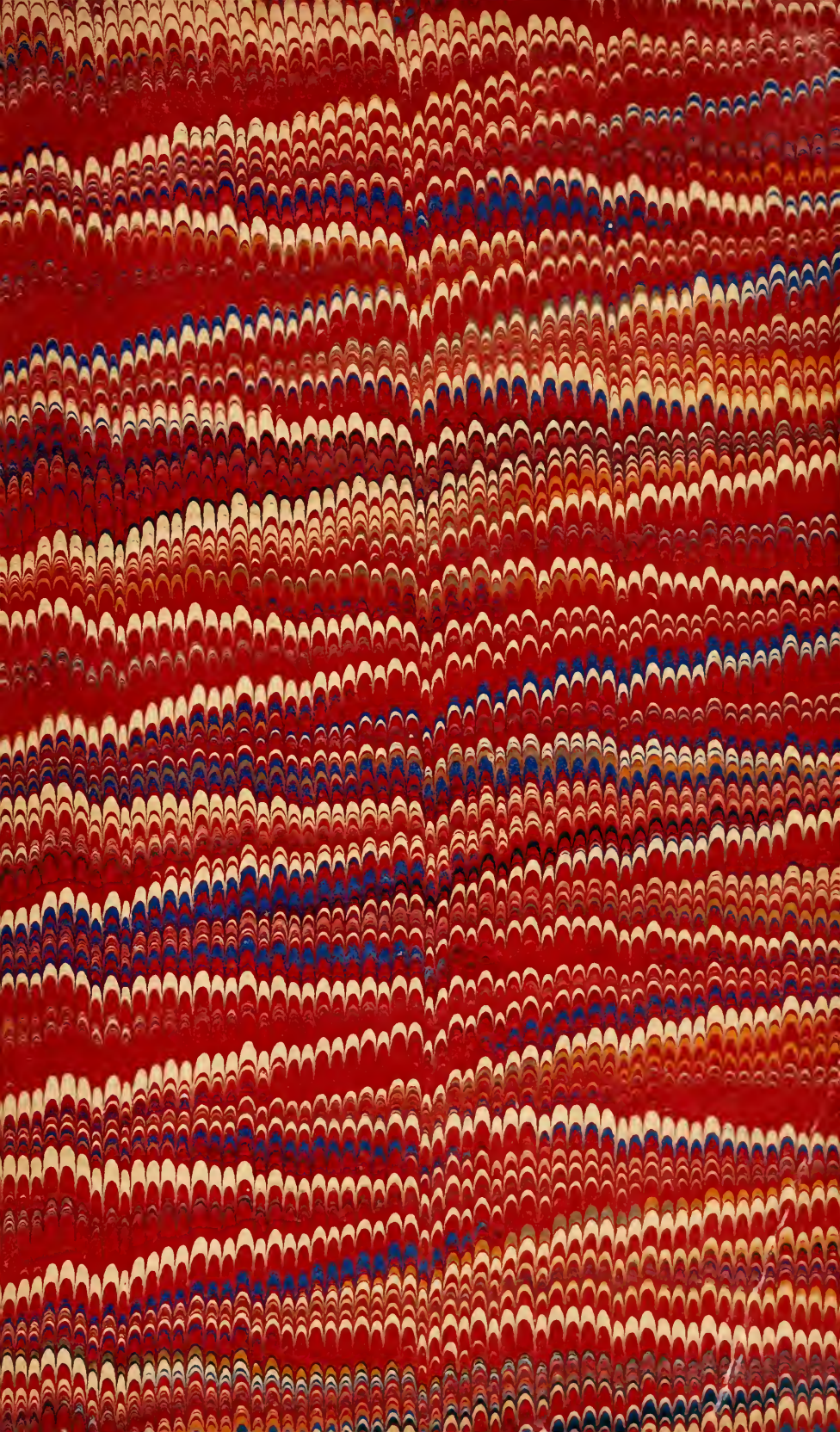












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