

# TOUCHING TRIBUTES.

## LAWYERS SPEAK PRAISE OF VETERAN ASSOCIATES.

**Carers of Judge Levi Davis and Judge Henry S. Baker.**

When court reconvened at two o'clock yesterday afternoon W. P. Bradshaw rose and announced that Judge J. G. Irwin, of the committee selected by the bar, would read a memorial prepared by them. Judge Irwin thereupon presented the eloquent tribute to the two deceased pioneer citizens and lawyers, which is printed below, and on motion of E. B. Glass it was adopted and ordered spread of record.

Chas. P. Wise, who read law under instructions of Levi Davis, Sr., paid a magnificent testimonial to his tutor's worth as a judge, a lawyer, and as a man. He spoke in most feeling manner of the qualities of Judge Henry S. Baker. E. B. Glass, who also read law under Mr. Davis at Alton, told of his first meeting with him in 1869, and their subsequent relations. A. W. Metcalfe, who, since the death of these two distinguished lawyers, is the oldest member of the Madison county bar, spoke retrospectively and with emotion of the departed.

Judge Wall told of his acquaintance with the dead jurists and referred in eloquent language to the qualities and work of the lawyers of earlier days. He ordered that the memorial be spread on the

ers of equal eminence as lawyers, practiced in the same courts. Levi Davis was in intimate relations with them as long as he practiced law in Springfield. He was often associated with them, and as often their opponents in the trial of cases, and was the peer of any of them as a lawyer. After his removal to Alton he was for several years the attorney of the Chicago & Alton Railroad Company, and was also attorney of the St. Louis, Alton & Terre Haute Railroad Company, and was for a long time a director of the last named company. His connection with these roads brought him into intimate relations with business men, lawyers and capitalists who were among the foremost men of their times in business and political circles. One of these was Samuel J. Tilden, with whom Mr. Davis was associated for a number of years as a railroad director and counsellor. His advice and counsel was often sought by his associates in all business enterprises with which he was connected, and among them all there was none more sound or reliable, or who exercised or could exercise a clearer, wiser or better judgment than he, in the solution of complicated and difficult business and legal problems. In one respect he may justly be accorded pre-eminence among all his fellows, and that is for unselfishness, rectitude of purpose, and fidelity to all that is highest and best in the ethical standards of the legal profession. This disposition made him a peace maker. He probably made

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records of the court, and that an adjournment be taken for the day.

The memorial offered by Judge Irwin, and which contains much of historical interest, reads as follows:

A great poet has given credence to a belief which is a reality painfully obvious to us at the opening of the present term of this court. As expressed in verse by Longfellow it is this:

"Death never takes one alone, but two!  
Whenever he enters in at a door,  
Under roof of gold or roof of thatch,  
He always leaves it upon the latch,  
And comes again 'ere the year is o'er."

The ravages of a deadly plague, and the massacre of tens of thousands of human beings, in far away countries, are not the only reminders we have that the only certainty of a man's life is, that he must lose it.

"The air is full of farewells to the dying,  
And mornings for the dead."

Many more than the usual number of our friends and neighbors have lately joined the tribes that slumber in the bosom of mother earth, and among them are two of the most distinguished, honorable and honored members of this bar. They had both retired from practice, full of years and honors, and had reached that time in life when it was but natural that they should be gathered to their fathers. The lesson of their death is but the oft repeated one, that

"The will of God is all in all. He makes,  
Destroys, remakes for his own pleasure,  
all."

more amicable settlements of law suits than any of his contemporaries, and this was especially true of suits against the railroads which he represented. He could not tolerate, much less countenance or encourage trickery, deceit, meanness or corruption in the practice of law, or in the rivalries of business or politics. Every sort of professional misconduct and mal-practice which in his opinion tended to bring upon lawyers the reproach and stigma of allowing themselves to be used as agents for the perversion, instead of the promotion of justice, his righteous soul loathed and abhorred. When provoked by an encounter with professional dereliction of an aggravated nature, the rebuke administered never failed to exalt him, and often had a wholesome effect upon the offender.

An episode of his career which illustrates with emphasis the noble qualities of his nature, is well worthy of perpetuation on the records of this court. It is one of many soul-trying incidents which belong to the struggle between freedom and slavery in this country; one that should link the name of Davis with the names of Cole, Lovejoy and Lincoln, in the galaxy of conscientious, high-minded, heroic men who voiced the opposition to slavery in Illinois. Though born and reared in a slave state, until the defeat of Henry Clay as a candidate for president, he was an ardent supporter of all public measures which looked to the immediate

We are not here to bewail the fate that awaits us all, but to render the honors due to the departed, and record fitting testimonials to their memory.

The first of the two to go was the Hon. Levi Davis. His spirit returned to his Maker on the 18th day of the 7th month, of the 89th year of his age. He was a native of Cecil county, Maryland. He was born July 20th, 1808. His father was a Pennsylvanian of Welsh descent, his mother a native of Scotland and a descendant of Scotch ancestors. He was their tenth and youngest child. From infancy to manhood he was a fatherless orphan whose training and development was wholly under the guidance of his mother. He was educated at Newark Academy, Delaware, and Jefferson College, Pennsylvania. He obtained the degree of B. A. at graduation, when he was but twenty years old, and immediately began the study of law under Levine Gale at Elkton, Maryland. Two years later he was examined and licensed to practice law, at Baltimore, Maryland, and the following spring began his professional career at Vandalia, Illinois, then the capital of the state. An incident of his life while there was a short period of service as a volunteer in the Black Hawk war. In 1832 he was married to Miss Lucy Ann Staph, who died in 1860. Eight children were born to them, but three of whom survive the father. In 1835 a vacancy occurred in the office of auditor of public accounts. Governor Duncan ap-

restriction and ultimate extinction of slavery. When Clay was defeated he foreswore active participation in party politics for the rest of his days, and kept the vow. Doubtless his reason for this was dissatisfaction with the tendencies of the Whig party on the issues of the day concerning slavery. His sympathies were strongly with the anti-slavery element of his party; the element which formed the original nucleus, and finally became the dominating force in the republican party. It was as much as the consciences of the opponents of slavery could endure to yield passive obedience to the fugitive slave law, and more than they could stand to be called upon to take an active part in enforcing it. While Levi Davis held the office of United States Commissioner, a fugitive slave was brought before him on an application to have her restored to her master. The case stirred up abolition sentiment in Alton to a frenzy of excitement. The woman had lived in Illinois for years, and public clamor against sending her back to her owner became furious. Judge Davis was himself at heart an abolitionist, but he knew that when acting officially he was the mere agent of the law. His oath required obedience to the will of the law maker, and did not permit him to make his own will the law. Odious as the fugitive slave law was to him, it was clearly and plainly his official duty to enforce it in case the evidence proved the woman to be a fugitive slave. Though every impulse of his nature revolted,

pointed Mr. Davis to fill it, and he was twice elected to the same office by the general assembly. Upon removal of the capital to Springfield he became a resident of that place, and continued to reside there until 1846, when he removed to Alton, which was ever after that his home.

Before going to Springfield he had gained an enviable reputation as a lawyer. When he was succeeded in office by General James Shields he engaged in the practice of law in the State and United States courts at Springfield. At that time Lincoln, Browning, Butterfield, Norman B. Judd, David J. Baker, Stephen T. Logan, E. D. Baker and oth-

though friends importuned him and a mob threatened him in behalf of the fugitive, he was unyielding in the discharge of his official duty. Tradition says that nothing more dramatic than the delivery of his opinion in that case ever occurred in any court. He reviewed the evidence and found that it made out a case clearly within the provisions of the law. He then gave indignant expression to his abhorrence of slavery, and his detestation of laws that deprived human beings of God-given rights, and compelled the enemies of the slave power to become their instruments for enforcing them, and concluded by declaring that he would no

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longer hold an office under a government which compelled men to do violence to their consciences for such base purposes as the enforcement of the fugitive slave law. He at once sent in his resignation, and as if chiding himself for wrong doing said: "I appeal from my own decision to the judgment of a just God." Had William Lloyd Garrison occupied his position, it might have been held that the fugitive slave law violated higher law, and was therefore null and void. Had he been a Roger B Taney, his conscience would not have troubled him on account of what he had done. He was neither a Garrison nor a Taney. He believed as Lincoln did, that as the ultimate result of the irrepressible conflict between freedom and slavery, the higher law would prevail, and that submission to the law of the land until that should come to pass was even of higher importance than the extinction of slavery. As a private citizen he could submit passively to an evil he could not cure, and avoid doing

evil he could not cure, and avoid doing further violence to his conscience by aiding actively in the enforcement of an odious and wicked law, and he vindicated the claims of both the law and his conscience by the course he pursued.

The character of the man is revealed in this incident of his life. Honor and conscience ruled him and were conspicuous in every act of his life. He was so completely guided by them that he could have made no greater sacrifice than to have broken away from them in the pursuit of so-called political honors and rewards, or the sort of professional success that is measured solely by the size of a lawyer's pile at the end of a professional career. These never allured Levi Davis from the path of rectitude. His highest satisfaction was in the approval of his own conscience, the merited confidence and esteem of his clients and associates at the bar, the universal good will of his neighbors and friends, and home ties of the happiest sort. We shall always think of him as a genial, whole-souled man, who was a model of honor at the bar and in every relation of life, as a learned counsellor who could easily master any case, and who seldom erred in judgment, and as an advocate who was always strong and convincing in the presentation of a good case; and we shall always regret that when he was the first choice of the bar of his county and district for the bench, his pre-eminent fitness for that position was not recognized at the polls.

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