

# THE LATE HON. HENRY WINTER DAVIS,

[Reported for the Baltimore Sun.]

## Meeting of Members of the Bar—Action of the Courts—The Funeral—Incidents in his Life, &c.

A large meeting of the members of the Bench and the Bar of this city was held in the Superior Court room yesterday, to take action relative to the death of the Hon. Henry Winter Davis. On motion of Hon. Wm. Fell Giles, Hon. R. N. Martin was called to the chair, and Reverdy Johnson, Jr., Esq., was appointed secretary. On motion of Mr. Schley, Esq., the chair appointed Wm. Schley, Esq., Judges Giles, Bond and King, and A. Stirling, Jr., Wm. Daniel, R. S. Matthews, J. Morrison Harris and C. J. M. Gwinu, Esqs., a committee to prepare resolutions expressive of the sense of the meeting. After a short absence, the following resolutions were reported by the chairman of the committee, Wm. Schley, Esq.:

*Whereas*, In the Providence of God our distinguished brother, Henry Winter Davis, has been suddenly taken from us in the very midst of life; and

*Whereas*, The Bench and Bar of Baltimore desire to testify in a becoming manner their high appreciation of the merits of their deceased brother and their sincere sorrow at his death; therefore

*Resolved*, 1st. That in the death of Henry Winter Davis the Maryland Bar has lost one of its brightest ornaments—an able lawyer and an honorable and dignified practitioner.

2d. That in his death Maryland has lost one of her most distinguished sons, of whom her citizens had cause to be justly proud, and of whose future eminence as a statesman they have good reason to cherish the most confident expectations.

3d. That in his death the nation has lost a statesman of enlarged and comprehensive views, which were maintained so resolutely under all circumstances throughout his political life, that even those who differed from him, however widely, freely swarded to him the praise of political consistency and political honesty.

4th. That we deeply sympathize with his bereaved family in their affliction, and respectfully tender to them our sincere condolence.

5th. That these resolutions be published in the several papers of Baltimore city, and, by permission of the court, be entered on the minutes of proceedings of the Superior Court of Baltimore city.

6th. That a copy of the proceedings of this meeting, signed by the chairman and secretary, be transmitted to the family of the deceased.

### REMARKS OF MR. SCHLEY.

After the reading of the resolutions, Mr. Schley spoke as follows:

Mr. Chairman—Whilst heartily concurring in the resolutions which have just been read, I should, nevertheless, do violence to my own individual feelings—feelings of real sorrow and sincere regret at the death of our distinguished brother—if I contented myself with the performance of the cold duty of reporting these resolutions, without adding my personal tribute of respect to his memory.

Although our intercourse was but occasional, and by no means frequent, yet it was always friendly; and although it never led to especial intimacy, it established between us the relations of mutual good-will and mutual respect. But notwithstanding that our intercourse, professional and social, was thus limited, full opportunities, nevertheless, were afforded to me to form, as I believe, a just judgment of his character as a lawyer, and of his qualities as a man.

I shall, in the first place, speak of him in his professional capacity. From conferences in consultations; from my observations at the trial table, when we have happened to be there, as colleagues or as opponents, I discovered that he was deeply grounded in the elements of law, and that he had great ability in conducting the heavy causes to which I refer. He was in fact an able lawyer; and if he had given his powerful mind, entirely, or even in a large degree, to his profession, he would undoubtedly have attained a position in the rank of the foremost lawyers of our country. But I am apt to think that he took no delight in the practice of his profession. His taste was for other books than Coke upon Littleton, and Fearne on Contingent Remainders. His mind was disinclined, as I thought, to the investigation of individual controversies—to the settlement of questions of mere *meum* and *tuum*. It delighted in the eager questions which concern the public. Nature designed him for a statesman.

It is not my purpose to speak of the political life of the deceased. ~~It would be out of place to do so here, or at this time.~~ It is, however, a gratifying fact, that at an age, comparatively early, he had, by common consent, attained a position of distinguished eminence amongst the statesmen of the country, and was confessedly one of the foremost leaders of the political party to which he was attached.

In private life, our deceased brother was a refined and courteous gentleman. He was a man of rare acquirements, and of a highly cultivated taste. His disposition was genial and social; although I have heard it said, and not unfrequently, that he was reserved and haughty in his bearing. This may have been so latterly; but, if so, it was the result, in a large degree, I am sure, of the disagreements, misunderstandings, and animosities, inseparable from political troubles. Our deceased brother was not a man to bend the knee to any man—not even to his constituency. Feeling that he was acting as he thought his duty required him to act, he would not humble himself to justify his conduct, even to his friends, much less to those who were unfriendly. He was not a man to abandon his convictions. He was stern and uncompromising and fearless in the discharge of what he considered his duties.

### REMARKS OF HON. J. MORRISON HARRIS.

Mr. Chairman—I rise to second the

to which he was attached.

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REMARKS OF HON. J. MORRISON HARRIS.

Mr. Chairman.—I rise to second the resolutions just submitted to the meeting, well impressed by the shock which the announcement of the event to which they refer made upon me. It met me on my return to the city after a week's absence, ignorant even of his sickness, with the startling force of the unexpected and the terrible. Within a week I had met him in the full enjoyment of his usual vigorous health, and had I been called upon to speculate upon the probable duration of his life, knowing, as I did, his regular habits and physical vigor, I should have assigned to him many coming years of activity and labor. Little did I dream that in one brief week the shadows of the valley would enfold him, and the grave bar the prosecution of those plans of future life to which his ambitious and earnest nature looked forward, that all earthly aspirations would be checked, all human hopes blighted, and that in the prime and roundness of his life he would so soon pass from us forever. Complying with the request of the committee just made to me, to speak to these resolutions, I come with no studied eulogy, but to utter my honestly entertained views of his character and abilities. My service with him in Congress gave me six years of opportunity to judge him, and I know that I but echo the opinions of his peers in that arena when I style him a great man. The ordeal through which he passed to his high position was a sharp one. Circumstances had given to it elements of unusual and marked bitterness, and yet so unquestionable was his ability, so large his information, so bold and striking his views, so evident his earnest and clear convictions, and so irresistible the power of his eloquence, that, however men differed with or censured him, he never rose to address the House that its members did not throng around him, and friend and foe alike accord to him frank and liberal praise. In all his relations to the House he occupied a high position, and while in both in the committee room and upon the floor, he made himself felt. I can say with great satisfaction, that never in the fiercest rage and bitterness of the Congresses in which he served, did I ever hear him accused of anything beyond the erroneous opinions which his opponents conceived him to entertain. His more important speeches were the products of a full mind, and its stores of acquisition were fused with a freshness of handling that was always novel, and applied with an earnest vigor that commanded willing audience even where it failed to enforce conviction. His arguments were close, compact and terse—reasoning strictly, he never stopped short of logical sequences, and bold and self-poised, he did not pause to estimate probable censure, or hold back from fear of consequences. He appeared to have an intuitive and unfaltering faith in his own convictions, and he wrought courageously for their realization. His fluency was wonderful, and his style of speaking carried his hearers with him by the very rash and impetus of the vigorous earnestness that marked it. He was undoubtedly an orator of rare ability, and those skillful to judge assigned him a foremost rank among the eloquent speakers of the country.

Having achieved such a reputation, sir, in the national councils, I feel that the regret at the decease of Mr. Davis will be wide-spread, and that the grief of his friends will be shared by many thousands in other parts of the land, for he had reached a distinction among the leading minds of the country more rapid in its attainment and distinctive in its character, than has been won by any other of his age in our recent political history. Upon his standing and ability as a lawyer I will not enlarge, for reference has already been made to it, and those who are to follow me will doubtless allude to it. I will only say that his cogent mode of arguing his causes, and the breadth and comprehensiveness of his arguments, have won him unstinted praise in all the courts in which he practiced, and that in the Supreme Court he had gained the position of a counsel of commanding abilities.

Others, sir, his more intimate personal friends, who saw more of him than I have lately done in the familiar associations of life, will speak of his social qualities and estimable character. Proud and self-contained in the matters that pressed upon him sharply in the rough conflicts of public life, I know that he was genial, vivacious and singularly agreeable in his private intercourse. Extensive reading, large observation, literary taste and a wonderful memory made him a most attractive and pleasant companion; and while his earnest nature attached his friends most strongly to him, they felt that differences of opinion did not beget in him any personal littlenesses, and that he was to be fully and frankly relied upon in all the professions of his friendships.

Mr. Chairman, I will not longer occupy time others will use to better purpose, but as I look around this room and recall the many similar gatherings I have seen here in my own connection with the bar, when I remember the many gifted and beloved men whose presence has been lost to us forever—when I think of those who,

in the maturity of learning and the fullness of honors, have descended from that Bench which you, sir, adorn, to the repose of the tomb—of the eloquent advocates whose thrilling words we shall hear no more—the kindly natures to the memory of whose virtues we continue to cling, and now close my weak tribute of respect to the memory of him who has just passed with such startling swiftness into the land of the departed, and know that dearer to those whose grief our poor sympathy cannot lessen than all the praise he may have won in public life, is, and will continue to be, the knowledge that he died in the firm faith of a Christian man, I cannot but feel the solemnity of the warning this event gives to us, who, now surviving him, are no less liable than he to such swift and unlooked-for death, and feel the silent eloquence with which the occasion suggests that we, too, may be standing on the brink of the unseen and the eternal.

REMARKS OF MR. GWINN.

Mr. Chairman—I cannot but remember how often, in late years, we have met to pay this tribute to the memory of our dead. The days are not distant when those who survive will assemble to render the same sad offices to many who are here present. Some may perish in youth, some in mature life, and some in old age. Whenever we may depart, it is a consolation to know that kindly memories will alone survive us, and that the old and the young will mourn as brethren around our graves. With this feeling we have met here to-day. It was not my fortune to have held any intimate relations with our deceased brother. But I know that he was qualified, both by application and capacity, to have attained the highest honors of our profession.—I know that in the House of Representatives he had earned, in the conflict of debate, a reputation seldom surpassed, and that he well deserved the high praise which men were accustomed to pay to his eloquence and ability. I know that he had those rarer and more precious qualities which drew closely to him, in youth and manhood, very many friends; and that these qualities were signally illustrated in his private life. In thus recalling him to your recollection I have sought, Mr. Chairman, to speak the plain and simple words of truth. His untimely death and the sorrow of those who were nearest to him may well awaken deep regret and sympathy among his brethren of the bar. As one member of your committee, I beg leave to lay this tribute on his grave.

REMARKS OF R. S. MATHEWS, ESQ.

Mr. Matthews paid an extended tribute to the merits of the deceased, from which the following paragraphs are extracted:

In the death of Henry Winter Davis, the law has lost one of its ablest and most ingenious interpreters, in whom the rarest gifts of nature were united with ripe scholarship, and copious and accurate legal learning—

“But since he had

*The genius to be loved—why let him have  
The justice to be honored in his grave.”*

He was peculiarly fitted for the highest tasks of forensic labor, and brought to the discharge of the trusts committed to his management a profound appreciation of the responsibilities of an advocate. In small, as in great cases, he was painstaking and exact, never trusting to the chances of the trial table interests which could be best promoted by faithful study and preparation. No question was so complicated as to baffle his powers of subtle analysis, and the most abstruse principles were simplified by the force of his clear logic. He was a rapid, keen and exhaustive thinker—not less eminent for the quickness of his perceptions than for the copious logic with which he illustrated every subject upon which his mind was brought to bear. Although it was easy, at all times, to recognize in his diction and in his varied style the cultivation of a scholar of widely diversified attainments, yet his arguments in the courts were *sui generis*, exhibitions of processes of pure reasoning, the creations of his own intellect; they were terse, vigorous, compact and lucid, and their unity was seldom marred by the interpolation of decided cases.

For some years Mr. Davis has been seldom seen and seldom heard in our courts. Appearing only when retained in cases of unusual magnitude and interest, he leaves behind him few records of professional success in our midst; but he was for years a distinguished practitioner in Alexandria, and has left imperishable evidence of his abilities on the pages of the reports of the highest tribunal of the country. While he was thoroughly a lawyer in the conventional and honorable sense in which that term is applied to those who “practice the law,” he rose above the narrowing influences of mere professional training, and was capable of mastering the larger questions of public import, with which, during the last ten years, he has been almost exclusively occupied. His reputation was not secured upon his reputation earned as the representative of a portion of the people during four sessions of the Congress of the United States.—He was the most self-reliant and self-poised man in the national councils. When once satisfied that a certain course was to be pursued, he walked through it to the end, and never asked himself how many or how few would follow him. Dreading alone the condemnation of his own conscience, he neither omitted to do what it dictated, nor dreaded the disapprobation of others. He felt that right, and truth, and justice ought to be popular, and he was their champion at all times, against all odds and fearless of all consequences. He could dare to do what most men would shrink from; he could dare to leave undone a thousand things which men, equally honest, but with coarser natures, are in the habit of thinking necessary to the success of a public man. No man of his age has attracted a larger share of public attention during the brief but brilliant career which has terminated so abruptly. In the vigor and beauty of manhood—in the prime and pride of intellect—the lawyer, orator and statesman has been removed from our midst.

REMARKS OF MR. STERLING.

Archibald Sterling, Jr., Esq., next addressed the meeting, and though evidently much affected by the sudden death of one with whom he had

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Archibald Sterling, Jr., Esq., next addressed the meeting, and though evidently much affected by the sudden death of one with whom he had long sustained intimate personal relations, he gave an interesting analysis of the mental powers and intellectual accomplishments of the deceased, and paid a beautiful tribute to his personal and professional character.

Previous to putting the question on the adoption of the resolutions, Judge Martin observed:

Before submitting for the consideration of this meeting the resolutions that have just been read, I desire to say that I unite with the bar in deeply lamenting the death of the late Hon. Henry Winter Davis, for several years a successful and distinguished member of the profession. I concur in all that has been said in praise of our professional brother, as an accomplished, skillful and able lawyer, with intellectual power as an advocate and a debater that gave him a conspicuous place among the most brilliant of our forensic and parliamentary orators, and as possessing all those qualities which belong to a cultivated and irreproachable gentleman. Mr. Davis is in all respects entitled to this last tribute of respect which we are about to render to his memory, and, on the adoption of the resolutions, I shall direct them to be placed on the record of the court.

The resolutions were then unanimously adopted and the meeting adjourned.

#### ACTION OF THE COURTS.

In the Courts of the city the death of the Hon. Henry Winter Davis was announced in terms of deep feeling and profound respect, and they all adjourned in honor of his memory. In the United States District Court Wm. J. Jones, Esq., the district attorney, made the motion to adjourn, after remarking at length upon the high character of the deceased, to which Judge Giles responded. In the Criminal Court the announcement was made by the State's attorney, George C. Maund, Esq., and the motion for adjournment by T. Herbert Richardson, Esq., and the Hon. C. L. L. Leary, all of whom spoke in eloquent terms, and Judge Bond responded in a very feeling manner. In the Circuit Court Milton Whitney, Esq., paid an eloquent tribute to the deceased, to which Judge Alexander responded in appropriate terms. In the Superior Wm. Schley, Esq., made the motion to adjourn, which Judge Martin, after a few remarks, directed to be done.

#### FUNERAL OF THE DECEASED.

The body of Mr. Davis laid in state at his late residence, on St. Paul street, near Saratoga, yesterday morning from 10 A. M. until 1 P. M., hundreds of our citizens thronging the house during the intervening hours to take a last look at the remains. The body was encased in a handsome black cloth covered coffin with rich silver mountings, and on a plate over the breast was engraved the name and the date of his decease. Wreaths of white roges and laurel covered the top of the coffin. Many colored people were among those who viewed the remains during the morning.—A large company was present, when, at 1½ P. M., Rev. Dr. Hobart, of Grace Church, in a very touching manner, read the customary prayers of the Episcopal church, after which the funeral cortege formed and moved to the cemetery of St. Paul's church, corner of Fremont and Lombard streets. The line of carriages was very lengthy. The pall-bearers were Hons. J. A. J. Cresswell, United States Senator, of Maryland; Hon. H. F. Blow, M. C., of Missouri; Hon. Green Clay Smith, M. C., of Kentucky; Hon. Hugh L. Bond, Archibald Sterling, Esq., E. R. Petherbridge, Esq., W. J. Albert, Esq., and Dr. Thomas F. Murdoch. Among the many distinguished gentlemen present were Chief Justice Chase and Associate Justices Swayne and Davis, of the Supreme Court of the United States, the latter being a cousin of the deceased; Hon. E. M. Stanton, Secretary of War; Hon. James Harlan, Secretary of the Interior; Senators Sumner, Morgan and Sprague; Representatives Hooper, of Mass., Brandagee, of Conn., Phelps and J. L. Thomas, of Md.; Judges Olin and Cartter, of the Supreme Court of the District of Columbia, together with Mayor Wallach, J. H. Bradley, and several other prominent citizens of Washington. The military, too, had its eminent representatives, among the rest Maj. Gen. Hancock, commanding the Middle Department; Major Gens. Getty and Carroll, Brig. Gens. Graham, Woolley and Dennison. His Excellency the Governor elect, Thos. Swann, and the Hon. C. C. Cox, Lieutenant Governor, were also present. The City Councils, during the morning, held an informal meeting, and having unanimously agreed, as a mark of respect to the memory of the deceased, to attend the funeral in a body, were likewise present.

On the arrival of the hearse at the cemetery quite a large crowd gathered at the gate, and it required the services of the police to enable the funeral train to pass through. The exercises at the last resting place consisted in the reading of the beautiful burial service of the Protestant Episcopal Church, by the Rev. Dr. Hobart, after which the body was placed in the family vault of John B. Morris, Esq., the father-in-law of Mr. Davis.

The distinguished gentlemen from Washington

ton having performed their mournful errand, returned in a special car to that city at 4.20 P. M.

#### INCIDENTS IN THE LIFE OF MR. DAVIS.

A correspondent of the Sun furnishes us with the following facts in the life of the late Mr. Davis.

He was born in Annapolis in 1817, when his father, the late Rev. Henry Lyon Davis, himself a native of Charles county, was rector of the parish from 1816 to 1825. The name Winter was that of his mother's family. He removed in the spring of 1825 to Cecil county and speedily afterwards to or near Brandywine, Delaware, where he became intimate in the family of Du Pont. Upon the death of his mother, being still a child, he was taken by his aunt, Miss Winter, to Alexandria, whither she had removed from Annapolis; and for his education was at one time sent to Kenyon College, Gambier, Ohio. Returning to Alexandria, he studied and practiced law, attained eminence as an orator, married, became a widower, and finally removed to Baltimore in 1848, where, with the exception of a short visit to Europe for health, he has ever since resided.

