

## OBITUARIES.

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**John Chandler Bancroft Davis** was born in Worcester, Massachusetts, on the twenty-ninth of December, 1822, and died in the city of Washington on the twenty-seventh of December, 1907, at the age of nearly eighty-five years. At the time of his death, his name stood second in order of seniority on the Roll of Resident Members of this Society, his election to fellowship having occurred at the semi-annual meeting in April, 1851.<sup>1</sup>

Bancroft Davis, as he was generally called by his friends and acquaintances, came of good old New England stock in which the sturdy qualities of her yeomanry, the prowess of her military commanders, the sagacity of her great merchants, the skill of her physicians, the wisdom of her judiciary, the piety of her clergy, and the ability and incorruptibility of her statesmen, were happily blended with the scholarship and refinement of those who, in Colonial and Provincial days, constituted the gentry of Plymouth and the Massachusetts Bay. The limits of this notice, however, forbid an enumeration of the many distinguished names in Judge Davis's pedigree, from that of Richard Warren, who signed the Compact in the cabin of the *Mayflower*, to that of his own father, John Davis, who was twice Governor of the Commonwealth, was one of her Representatives in Congress, and thrice held her commission as a Senator of the United States.

Governor Davis, known in Massachusetts to this day as "Honest John Davis," married Eliza Bancroft, eldest

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<sup>1</sup>Judge Davis's family has been honorably and prominently identified with this Society almost from its incorporation, Dr. Bancroft having been a Councillor and Vice-President from 1813 till 1831; Governor Davis, a Councillor, Vice-President, and President from 1824 till 1854; Mr. George Bancroft, Secretary for Domestic Correspondence and Vice-President from 1877 till 1891; and Mr. Andrew McFarland Davis, a Councillor and Recording Secretary since 1904. The name of Mr. Horace Davis, another brother of our late associate, stands third in order of seniority on our Roll of Resident Members, his fellowship dating from April, 1862.

daughter of the Rev. Dr. Aaron Bancroft and his wife Lucretia Chandler, daughter of John Chandler. Judge Chandler was a wealthy Loyalist during the Revolution, who earned the sobriquet of "the Honest Refugee" by his honorable dealings with the British government and the modesty of his demands upon its treasury for compensation for his losses.

Bancroft Davis was prepared for college in the public schools of Worcester, and in 1836, before he was fourteen, entered Harvard with William Goodwin Russell, James Elliot Cabot, Joseph Henry Allen, Edward Holker Welch and others who, like himself, were destined to achieve distinction. Returning to Worcester, he became a student of law in the office of Charles Warren Hartshorn, and in 1843 was admitted to the bar, where he soon took high rank. Six years later he accepted the position of Secretary of Legation at London to which he was appointed by President Taylor on his accession to office. As Mr. Abbott Lawrence, the newly accredited minister to the Court of St. James, did not reach England till the autumn of 1849, Mr. Davis was *chargé d'affaires* for six months or more after the retirement of his uncle, Mr. George Bancroft, and before the arrival of Mr. Lawrence. "Apart from his more formal obligations, a felicitous speech made by Bancroft Davis at a dinner tendered by George Peabody to the American gentlemen connected with the famous Exposition of 1851 showed how admirably, upon the social side, the young man was discharging the duties of his office. The stay thus made in London under most favorable auspices was of signal advantage to Mr. Davis. Naturally an acute observer, he learned much of English politics and diplomatic affairs that enabled him to reach a correct estimate of the Englishman in public life."<sup>2</sup>

Returning home in 1852, Mr. Davis resumed the practice of law entering, in New York city, the firm of Kent, Eaton and Tailer, one member of which, Mr. Dorman B. Eaton, subsequently did valiant service in the cause of Civil Service Reform. Indulging his liking for literary pursuits and his desire to keep himself informed concerning European politics, he became a regular weekly correspondent of the *London*

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<sup>2</sup>From a notice of Judge Davis in the *New York Evening Post* of 28 December, 1907, to which I acknowledge my indebtedness for other facts contained in this Obituary.

*Times* from 1854 to 1861, when he terminated his engagement because his Northern sympathies were not in accord with those of the management. In 1869 he sat in the New York Assembly for Newburgh; and later in the same year he was appointed Assistant Secretary of State and removed his residence to Washington, which was thenceforth his home. In 1870 he was chosen Arbitrator in the dispute between Great Britain and Portugal, concerning the island of Bulama, which had been referred for settlement to President Grant.

Through the influence of Secretary Fish, who held Mr. Davis's ability in high esteem, he was made Secretary of the Joint High Commission which met in Washington, in 1871, to negotiate a treaty for the settlement of the Alabama Claims. He was subsequently appointed Agent for the United States and prepared the "American Case" which was presented to the Tribunal of Arbitration at Geneva,—a State paper which of itself would have made its author famous. Mr. Caleb Cushing, one of the Counsel for the United States at Geneva, has said:

"It was my opinion on reading the American Case for the first time, and it is my opinion now, after repeated readings, that it is not only a document of signal ability, learning, and forensic force—which, indeed, everybody admits—but that it is also temperate in language and dignified in spirit, as becomes any State paper which is issued in the name of the United States . . . Its facts are pertinent; its reasonings are cogent; its conclusions are logical . . . Englishmen may criticise the American 'Case,' the labor of preparing which devolved chiefly on him [Mr. Davis]; but its indisputable merit should draw to him the applause of every American. His literary accomplishments, his previous diplomatic experience, his knowledge of men and things in Europe, and his devoted and untiring attention to the public interests, were singularly useful to the United States."<sup>3</sup>

The notice of Mr. Davis from which a quotation has already been made, contains the following passage:

"He went abroad in December, 1871, and managed with remarkable skill and fidelity the proceedings on behalf of the United States. At this post his powers were taxed to the utmost. At a crisis in the fate of the treaty, when, because

<sup>3</sup> The Treaty of Washington (1873), pp. 31, 95.

of the 'Indirect Claims,' it looked as though Great Britain would not proceed with the Arbitration, the conduct of Mr. Davis was calm and firm. Through his courage and sagacity the dignity of the United States was preserved, and the rights of the country maintained."

The following paragraph is taken from a letter of Mr. Frank Warren Hackett, one of the two surviving Americans who were officially connected with the Tribunal, which appeared in *The Nation* of 31 January, 1907.

"When put to the test Mr. Davis had the courage to assume any burden that it had become his duty to assume. It was the tact and the stamina of Bancroft Davis that in the presence of danger actually rescued the treaty from failure. The world may never know how large a measure of credit is due to the sagacity and the nerve of both Lord Tenterden and Bancroft Davis. Happily for England and for the United States, these two men believed each in the other. Mutual confidence and a unity of purpose enabled the Englishman and the American to work together in preparing a way by which the 'Indirect Claims' could honorably be disposed of, and the treaty saved. After these two men, upon their own responsibility, had struck hands, it was agreed that Mr. Davis should ask Mr. Adams to take the open and visible step leading to action by the Tribunal. Mr. Adams acted with equal skill. The disposition that was thereupon made of the subject matter which had threatened a rupture of the treaty, has now become familiar history. The great principle was then and there settled of the extent to which, in time of war, a neutral Government is liable for failure to observe its obligations to either belligerent. It was this initiative act, the honor of which belongs equally to the respective Agents, that constitutes the crowning merit of Bancroft Davis's inestimable services to his country."

After the final judgment of the Tribunal, Count Sclopis, its President, remarked: "It was the 'Case' prepared by Mr. Davis which won the cause."

After his return from Geneva, in 1873, Mr. Davis was again appointed Assistant Secretary of State, and he held the office till the following year when he was sent to Europe as envoy of the United States to Germany. Having fulfilled his mission at Berlin, he was appointed, in 1877, to the bench of the Court of Claims, from which he retired to accept, for a third time, in 1881, the office of Assistant Secretary of State. About a year later he was again com-

missioned a judge of the Court of Claims, but held the office for a short time only. In his decision of a case which had been appealed from the Court of Claims, Mr. Justice Field of the Supreme Court of the United States once paid Judge Davis the compliment of quoting with approval practically, if not actually, his entire opinion in the case. In 1883 he was appointed Reporter of Decisions of the Supreme Court of the United States and held this important place till 1902 when, at the age of eighty, and after a service of twenty years, he retired to private life.

In 1857 Mr. Davis was married to Miss Frederica Gore King, daughter of James Gore King of Weehawken, New Jersey. They had no children.

In 1887 Columbia University conferred on Mr. Davis the honorary degree of Doctor of Laws.

Mr. Davis became a prominent layman in the Protestant Episcopal Church and was often a delegate to its diocesan and general conventions. He wrote and published two pamphlets that are of interest to Episcopalians: *The Origin of the Book of Common Prayer*; and *The Place and Work of the Laity in the Church*.

Beside his Reports of the Decisions of the Supreme Court, which begin with Volume No. 108, and his Opinions in the Court of Claims, Mr. Davis was the author of *The Massachusetts Justice*; *History of Slavery in the United States*; *The Case of the United States Before the Tribunal of Arbitration at Geneva*; *Treaties and Conventions entered into by the United States, with Notes*; *Mr. Sumner, the Alabama Claims, and their Settlement*; *Tribunaux de Prises des Etats-Unis. Lettre à Sir Travers Twiss*; *Mr. Fish and the Alabama Claims*; and *The Centennial Appendix to the Reports of the United States Supreme Court*.

H. H. E.

**Andrew Jackson George** was born at Goffstown, N. H., February 16, 1855, and was graduated from Amherst College in 1876. He taught in the high schools of Ashland and Brookline, Mass., and later became head of the English department in the Newton high school, a position which he filled with notable success for more than twenty years. He was a keen student and an indefatigable collector of literary materials; the walls of his class-room were crowded

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