

Judge David Davis (1815-1886)

David Davis was born on March 9, 1815 at Mercer Plantation, Maryland to David and Anne (Mercer) Davis. His father died several months before he was born, and when he was five years old, his mother married Franklin Betts. Davis spent the majority of his childhood in Annapolis, MD with his uncle, Reverend Henry Davis. He began studying law in 1832 in the office of Henry Bishop in Lenox, Massachusetts. He moved on to attend New Haven Law School in 1834 for less than a year before opening his own practice in Pekin, Illinois in the fall of 1835. Davis received his license to practice law in Illinois the same year.

Shortly after his arrival in November 1835, Pekin citizens chose Davis and four other delegates to go to Vandalia—Illinois’s state capital—to **lobby** for the construction of a railway from Pekin to the Wabash River on the eastern edge of the state. In early December 1835, Davis attended the six-week session of the **General Assembly** where he met Jesse Fell of Bloomington, Illinois. Fell tried to convince the legislature to pass the railway through Bloomington on its way to the Wabash. Both Davis and Fell were successful in their bids. It was also during this time when Davis first encountered Representative Abraham Lincoln who would become one of his closest friends and political allies.

In 1836, Davis purchased Jesse Fell’s law practice and moved to Bloomington. After establishing himself in Bloomington, Davis returned to Massachusetts to marry Sarah Walker—his long-time sweetheart—on October 30, 1838. David and Sarah had seven children; only two of whom, George and Sally, survived to adulthood. In 1843, Davis bought Jesse Fell’s farm located on the eastern part of Bloomington. This land later became the site of their elegant mansion, “Clover Lawn.” Completed in 1872, the mansion offered many modern **conveniences** including indoor plumbing, hot and cold running water, a central furnace, and gas lighting.

Davis’s law practice proved to be a steppingstone to greater things in the world of politics. In 1844, Davis was elected to the Illinois State General Assembly as a member of the **Whig** party. His experience working with the Assembly also earned him the opportunity to serve as a delegate in the Illinois Constitutional Convention in Springfield in 1847.

Although Davis succeeded in the legislature, his true passion was the **judiciary**. In 1848 he was elected judge of Illinois’s **Eighth Judicial Circuit Court**. While he served in this position, his decisions were seldom appealed and even more seldom reversed. When the court arrived in town, the Grand Jury would first determine whether or not there was enough evidence to hold a trial. Then, the Judge would try the smaller cases which usually involved mostly **misdemeanors** such as gambling or selling alcohol. He also tried larger cases which dealt with land title cases, **slander** and **libel** suits, divorces, **appeals** from **justices of the peace**, livestock ownership, and even a few murder trials.

As a lawyer, Lincoln also traveled the Eighth Circuit. He and Davis often journeyed together throughout the fourteen counties that made up the Circuit which consisted of approximately 11,000 square miles, a territory nearly the size of the state of Connecticut between 1847 and 1853 (when the Circuit was at its largest size). Court convened every spring and fall and lasted for three months at a time. Circuit riders traveled from county seat to county seat on horseback or in buggies, spent the night in local taverns, and served

in court during the day. Davis's sixty-mile **trek** from Bloomington to Springfield took two days to complete in good weather, however, the unpaved roads were muddy and there was no protection from the cold and rain. Despite how **rigorous** and miserable Davis's travels were, he enjoyed them mostly due to the contact with his companions, particularly Abraham Lincoln, the only attorney who traveled the whole Circuit with him.

Davis's letters home usually described poor living conditions across the Circuit. It appeared that "while others on the circuit complained about the food and beds in these country taverns, Lincoln never seemed to mind them, however miserable they might be." Davis wrote many letters to his wife Sarah, and it was obvious that he missed her greatly. Occasionally, Sarah even rode out to Pekin or Decatur to visit her husband.

Lincoln's friendship with Davis was well-known throughout the Circuit and their relationship helped raise Lincoln's status in the region. Davis was known for his **impartiality** and sound judicial reasoning. The two friends often clashed over issues in the courtroom. Nevertheless, Davis's appreciation of Lincoln's legal skills grew as their friendship did. In one of the frequent notes to his wife, the judge mentioned the lawyer's "exceeding honesty & fairness." He chose Lincoln to take his place on the **bench** on several occasions, for example, when he left the circuit for personal emergencies.

In 1852 the Circuit was reduced by six counties, because Davis stated that it was too large and, if not reduced, he would be forced to **resign**. In 1855 Davis was re-elected as the circuit judge for another six-year term. He continued to serve on the Eighth Circuit until his appointment to the United States Supreme Court in 1862—a fourteen-year career.

Judge David Davis was instrumental in Abraham Lincoln's presidential nomination. In May 1860 the Illinois Republican Party convened in Decatur and named Abraham Lincoln as its nominee for President of the United States. Davis gathered a team of **predominantly** Eighth Circuit lawyers and Lincoln political allies, including Jesse Fell, to work with him at the Republican National Convention in Chicago, Illinois.

Davis promoted Lincoln tirelessly. In the four days between arriving in Chicago and the beginning of the convention, Davis had transformed Lincoln from a **dark horse candidate** into a true contender for the nomination. On the third day of the convention, nominations and **balloting** began and Abraham Lincoln was officially nominated. A total of 233 votes were needed to secure the nomination. At 1:00 p.m. on Friday, May 18, 1860, Abraham Lincoln became the Republican Party's Presidential nominee for the general election. Judge Davis wept.

Following his general election win that fall, Lincoln began the process of appointing individuals to various offices throughout his administration. Judge Davis encouraged the appointment of numerous men to a variety of positions from clerks to Cabinet members. Davis himself refused to nominate himself for openings often against the advice and pressure of those around him. Ultimately, Lincoln chose not to appoint Davis to his Cabinet. Lincoln had begun to seriously consider Judge Davis for the post of **Commissary-General** in the War Department but did not wish to upset tradition by appointing a non-military individual, especially a personal friend. Judge Davis was never appointed to this post nor did he find out about Lincoln's thoughts on the matter until 1872.

Two months after the inauguration in 1861, three **vacancies** existed on the Supreme Court. It was hinted that Davis would be selected to fill one of them. Judge Davis himself

did not openly hope for a Court position though he said that “I would like a judicial position in preference to anything else and would like something higher than I now hold.” Throughout the process, communications poured into Lincoln’s office recommending Davis as a justice. No doubt because of the recommendations and Lincoln’s personal and professional history with Davis, he invited Judge David Davis to sit on the Supreme Court as an Associate Justice on August 27, 1862.

Davis’s political career continued even while on the bench. In 1877, Davis was elected to the United States Senate by the Illinois General Assembly. On March 4, 1877 Davis formally resigned his seat in the Court to join Congress.

Shortly before accepting his seat in the Senate, Davis found himself **embroiled** in another national controversy, this time regarding the 1876 presidential election between Rutherford B. Hayes and Samuel Tilden. Tilden, a Democrat, initially appeared to have won the popular vote by 51 percent. Yet Hayes, a Republican, was determined the winner. Due to widespread **illiteracy** in the United States at the time, pictures or icons often accompanied a candidate’s name on the ballot. Generally, the Democratic ballot featured an image of a rooster while the Republican one depicted Abraham Lincoln. In this election however, the Democrats printed an image of Lincoln next to Tilden’s name. This situation caused immense voter confusion. Neither party wanted the other to decide the election, so Congress created an **electoral commission** comprised of five Senators, five Representatives, and five Supreme Court Justices to decide the outcome. Both parties agreed that Davis would be the best choice for the last remaining slot—seven Republicans, seven Democrats, and Judge Davis, more of an independent. As the bill to create the electoral commission passed in Congress, Davis was elected to the Senate and resigned his post on the Court. In the end, eight Republicans and seven Democrats made up the group; all voted along party lines and Hayes won the presidency within days of the **inauguration**.

Sarah died a few years later on November 9, 1879. After her death, countless women had tried to win over his heart. Davis eventually fell in love with Addie Burr, Sarah’s former nurse, and began a long-distance relationship with her writing long romantic notes from his desk in the Senate to her home in Fayetteville, North Carolina. In 1883, Davis did not seek re-election; instead, he retired to Clover Lawn. After a secret, year-long engagement, David and Addie were married in a quiet ceremony on March 14, 1883. Throughout his retirement, Judge Davis kept busy by reading, farming, spending time with family and friends, and served as President of the Illinois Bar Association.

On June 20, 1886, Davis went into a **coma** and died on June 26, 1886, at the age of 71. Since that November, he had ailed from a tumor on his shoulder. He had also been previously diagnosed with diabetes and was confined to his home. On the day of his death, all of the church bells in Bloomington rang and flags were flown at half staff throughout town. Davis’s funeral attracted 20,000 people from all over the country, which to this day constitutes one of the largest crowds ever assembled at a funeral in Central Illinois. Robert Lincoln and Adlai Stevenson I were among the pallbearers at his funeral. Judge David Davis was buried next to Sarah in Evergreen Memorial Cemetery.