

James G. Davis -

# ANNALS OF IOWA

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## THE AUTOBIOGRAPHIES OF AN IOWA FATHER AND SON

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CALEB FORBES DAVIS, LATE OF KEOKUK, IOWA  
JAMES COX DAVIS, OF DES MOINES, IOWA  
1829-1934

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### FOREWORD

Recently I reread the account of my father's life which he left for his children. The story seemed to have for me a peculiar interest. The idea suggested itself that I might carry on by adding a simple narrative account of my own life. This has been written with the thought not that the lives of these two ordinary and typical citizens of Iowa contain any matters of public moment, but that perhaps a recital might interest my children and grandchildren and give them some information concerning the lives and surroundings of their forbears.—James C. Davis.

### PART I

#### CALEB FORBES DAVIS

The writer, whose full name appears above, was born in Clarksburg, Harrison County, Virginia, on the 27th day of April, 1829.

My father, Rezin Davis, was born in Woodstock, Virginia, February 13, 1804, and is now at this date (1882) living at his home in Clarksburg, West Virginia, carrying on the business of saddle and harness making, in which business he has been constantly engaged in the same place for over fifty years. During most of that time, in that country, all the travel was on horseback or in stage coach, and the transportation of produce or merchandise was by wagon; and the business of saddle and harness making was an extensive and important one.

My mother, Ann Pollard Britton, daughter of Forbes and

Elizabeth Britton, was born in Morgantown, Monongahela County, Virginia, November 10, 1807. My father and mother were married at Clarksburg, Virginia, June 5, 1828. They had born to them nine children, of whom the writer is the oldest. Three are dead, and six now living and have families, except Kate, the youngest; and all, except myself, living in the town where they were born.

My mother died in Clarksburg, West Virginia, May 19, 1877. My paternal grandfather, Caleb Davis, was of Welsh descent, and was born in Annapolis, Maryland, March 15, 1769, and died at Clarksburg, Virginia, April 25, 1834. He was a silversmith, a watch and clock maker by trade, and continued to work in his little shop until his death. I now have in my possession an old-fashioned clock, seven feet high, with face showing the moon's changes, that was made by him entirely by hand. He also made some pretension to painting as a recreation, and left many specimens, one of which I now have, painted on an eight by ten plate of common window glass, representing Captain Lawrence, a naval officer of the war of 1812.

I was placed in school in early childhood, and received such education only as could be secured at that day among the hills of Western Virginia, and confined almost entirely to the three primitive (and most important) branches, viz., reading, writing and arithmetic. My first teacher was Miss Elizabeth Moore, a cousin of my mother, who afterward married Lloyd Lowndes, a wealthy merchant of Clarksburg, whose son is now a member of Congress from the Cumberland district, Maryland. The teacher to whom I was most indebted for the little early education I received was a young man who taught the school only one year, named Francis Pierpoint, who afterward became a lawyer and settled at Fairmont, Virginia, and during the War of the Rebellion was a distinguished leader of the Union supporters, and became the first governor of the new state of West Virginia.

At the age of sixteen my father put me in the saddler's shop, astride a wooden horse, to learn the trade. My father was a hard working man, and exercised the strictest economy in his household affairs; and up to this time, I, with my brothers and sisters, did our share as best we could in helping to care for and milk the cows, feed the pigs, dip candles and scrub and sand the



floors (we used no carpets in those days) every Saturday, preparatory to Sunday. Both parents being strict members of the Old School Presbyterian church, Sunday was faithfully observed by the family as a day of quiet rest and devotion, reading the Bible, studying the Shorter Catechism, and singing hymns, so that all preparations were made on Saturday with that in view.

The sedentary confinement disagreed with me, and after a short time I was engaged as a clerk in a general retail store, where I remained until the winter of 1848-9. At this time, my cousin, John P. Reed, and Moses B. Cox, had established themselves in the business of general merchandise at Keokuk, in the new state of Iowa. I was offered a position in their store, which I accepted. J. P. Reed was then in Baltimore purchasing goods, and notified me that he would come through Clarksburg on his return west, so I made ready, and on the 25th day of February, 1849, we left Clarksburg, for Keokuk, Iowa. We traveled from Clarksburg to Sistersville, the nearest point on the Ohio River, in a two-horse hack, being two days on the road. We then took the steamboat North America, from Pittsburg, bound for St. Louis, Missouri. The boat was about a week on the way, stopping a day at Cincinnati, Louisville, and other points, discharging freight, etc.

Up to this time in my life I had never been outside of the state of Virginia, and only thrice outside of the county in which I was born; had never seen a railroad locomotive or train, and had never been on board a steamboat. My verdancy was exceedingly embarrassing, and I now know that my efforts to appear wise only made my ignorance the more visible. On arriving at St. Louis, we found that the cholera, which had prevailed on the lower Mississippi the previous season, had now reached that city. We remained there over night, and the next day took passage on the steamboat Edward Bates for Keokuk, which we reached in good time (24 hours). The river being high, the boat landed near the porch of the old Rapids Hotel, located at the foot of Concert Street, and then kept by a man named Harris. This was the first week in March, 1849.

My worldly possessions being at that time a fair outfit of clothes, a gold watch worth one hundred dollars, and four hundred dollars in money, being the savings of my three years'



clerkship before leaving home, I engaged board at the Keokuk House, on Water Street, between Main and Johnson, kept by William McFadden, and was to pay three dollars and a half per week.

I at once entered the store of Bridgman & Reed on Main Street, between the Levee and First streets, as a clerk, at a salary of four hundred dollars per annum, with sleeping room in rear of upper story. General Arthur Bridgman, the senior member of the firm, had just removed from Burlington, Iowa, to Keokuk, and purchased the interest of Moses B. Cox, former partner of J. P. Reed. Frank Bridgman, brother of the General, and a man named Keifer, were also clerks in the same store. The business of the firm was one of general merchandise and the purchase of country produce, principally fall wheat for shipment by boat to St. Louis. The finest wheat ever raised in Iowa was being produced then on the new ground in the vicinity of Keokuk, and in the lower Des Moines Valley. There was a long shed building in the rear of the storehouse which had been built and used for a tenpin alley, in which I think I spent the greater part of my first year in Keokuk, not rolling tenpins, but sacking wheat for shipment, for the tenpin alley had been converted into a warehouse.

Among my first acquaintances was Bill Clark, called "Devil Creek Bill," who had been the first mayor of the city, and was an intimate friend of J. P. Reed, and the fact that I was the latter's cousin and a native of Virginia, if not "one of the first families," gave me an easy passport into Bill's affections. I think on the first night after my arrival I was invited by Reed and Clark to visit the billiard room and saloon kept by Kinney Said, in the upstairs of a two-story frame building owned by Moses Gray, just opposite the storeroom of Bridgman and Reed. Here I met Jake Neuse, Henry J. Campbell, Charley Moore, Col. Hillis (called Doublehead), Ad. Hine, and others. This, and a restaurant and drug store on the corner of First and Johnson streets, and the old-time barroom of the hotel, were the principal places of resort for amusement and refreshment, and patronized by the larger portion of the male inhabitants.

The first sermon I heard was delivered by Rev. Michael Hummer, in a log schoolhouse on Third Street between Main and

Johnson. He was a vigorous and forcible speaker, and numbered among his hearers many of the intelligent citizens of the city. He was fresh from his field of labor in Iowa City, where he became notorious for his attempt to steal away their church bell and bring it to Keokuk. He was then just at the beginning of his career as a believer in Spiritualism, and among his co-believers were numbered some of our best citizens.

A few weeks after I came to Keokuk, I drove with J. P. Reed in a buggy to Montrose, where Reed had a branch store in connection with George L. Coleman, only son and child of "Sweet" William and "Aunt" Nancy Coleman, the latter being a sister of David W. and Edward Kilbourne. This worthy couple (Mr. and Mrs. Coleman) first kept the Rapids Hotel, where they became famous for their kindness, hospitality, and many Christian virtues. They made their hotel the stranger's home. At the time of my visit to Montrose referred to, they had removed there, and made that place their home thereafter. Here I had a fine view of the Mormon City on the opposite side of the river, and the standing walls of the famous Temple which had been burned on the 9th of October of the previous year (1848).

The cholera made its appearance in Keokuk very soon after my arrival. Travel by steamboat between this point and St. Louis was large, and the latter place was suffering terribly from the disease. At one time it was said that six hundred died there in one day. Almost every boat put off dead or affected persons here.

Among the first citizens to die with the disease was Mr. Van Loon, an employe of R. B. Ogden in the Post Office. He died in March (1849). A. H. Seamans, barkeeper at the Hotel House, died April 4; on May 6 Mrs. Catherine Brooks; in June, William Condon, clerk for P. D. Foster, William McFadden, proprietor of the Keokuk House, John B. Russell, editor of the *Keokuk Dispatch*; in July, Dr. C. P. Smith, Dr. W. S. Birdsell, Philander Hilliard, and "Cock-eyed Brooks." These are only a few of the well known citizens now remembered, and all died after only a few hours illness. The terror occasioned by the first few cases soon gave way, and we did not hesitate to lend our assistance wherever needed, and for a time in midsummer deaths occurred almost daily. Among the noted ones who died the follow-

ing year (1850) were "Penny" Price, the barber, and "the wickedest man in town," Samuel Van Fossen and Neff, a clerk in the store of C. Garber & Co. This latter death was coming pretty near home to me, we being employed in adjoining stores and sleeping upstairs with only a partition between us. He died about daylight of May 18, 1850. The evening previous, he, with George B. Smythe, who was also a clerk in Garber & Co.'s store, and myself, sat in front of our stores talking until after nine o'clock, all apparently as well as usual, when he and Smythe, who roomed together, retired to their room, I going to mine. About midnight Smythe came over, and waking me said, "Neff has the cholera." I immediately dressed and went over, found Dr. Hoover, who had been sent for, already there, and Neff in a collapsed condition. We worked with him, under the doctor's direction; but to no avail, for by the dawn of morning he was dead.

I have long recognized the fact that I should have been educated in the law, but I had no choice, and circumstances forced me into a mercantile trade, which in time became distasteful to me, and too late to make a change.

On the morning of May 24, 1849, the cry of "fire" aroused our citizens to find that "Rat Row" was burning. The fire was discovered in about the center of the row, owned and occupied by Mother Jorden. Tom Crook occupied the south end of the row as a grocery, boat store and butcher shop. A German had a bakery and "Penny" Price the barber had a shop in other parts of the row. This row of log cabins was built about 1824 by the American Fur Company, and used by them as a trading post with the Indians until 1832, when they sold it to Isaac R. Campbell. It was located on the bank of the river, mostly in front of Block Five and the foot of Blondeau Street. In front of the Row, in the river, was the wharf boat of Ad. and Dan Hine, then used as a steamboat landing, boat stores, wet grocery and for various other purposes to accommodate new comers to the state. In the rear of the row, on the front line of Lot Three in Block Five, had been built the two-story brick building of Chittenden & McGavic, which they occupied as a general store on the first floor. The upper story was divided into two apartments, which they occupied with their families. Next to them toward Blon-



deau Street was Tom Davis' drug store, Pigner's barber shop, Mrs. Treiber's bakery, etc. On the other side toward Main Street was the log house occupied by Mrs. Gaines, and on the corner of Main and Levee was the boat store and grocery of D. T. Rudd & Co. The general effort and desire of the citizens was to save the buildings and contents located in Block Five and let Rat Row burn, in both of which their desire was gratified. Thus passed away the most noted land mark of pioneer days in Keokuk.

The week preceding this (May 17, 1849) occurred the great fire in St. Louis, which destroyed twenty-three steamboats, lying at the levee, with their cargoes, and about six blocks of the business portion of the city, on Pine, Locust, Chestnut and Olive streets, and between the wharf and Second Street. In this fire was burned the steamboat Edward Bates, on which two months before I had made my first trip to Keokuk.

Keokuk was just beginning to assume some importance as a town, attracting wide-spread attention, being at the foot of the Des Moines Rapids, where in low water steamboats were compelled to transfer their freight and passengers; railroads were not thought of, and it was not unusual to see from four to ten steamboats lying at the landing at one time; emigrants arriving and departing daily for the interior with their goods and chattels, by horse and ox team, gave the town a business appearance, and improvements were being made out as far as Ninth on Main Street. The town was divided by a deep ravine which ran from north to south crossing Blondeau Street and Main Street on or near Sixth, where it was from twenty to twenty-five feet deep, and was spanned on the south side by a foot bridge. All that part of the town west of the ravine, or Sixth Street, was called "Cattaraugus." Main Street was not then opened up for travel from the river, except to First Street, Johnson Street being the one by which teams passed from the town under the hill to the town on the hill.

In 1850 or 1851, the city let a contract to Mitchell Marshall for grading Main Street. The cut at the top of the hill at Second Street, was about ten feet, and about the same at the intersection of Fourth Street. The material taken from this part of Main Street was used in filling the ravine at Sixth Street.

At this time, a large number of Mormons, on their way to Salt Lake, stopped here for the summer and camped on the bluff above town. They had their own teams, and offered to work very cheap. Marshall hired them, and with their large force soon completed his contract, thus uniting the main part of town with Cattaraugus, and the latter name became obsolete. Marshall received his pay from the city, but it is understood that the labor performed by the Mormons will be settled for at the "crack of doom."

In those days we had more solid fun to the square inch than has been experienced here since or ever will be again. Then we did not bar our doors against thieves; and criminals met with speedy justice. Civilization has wrought a great change in these things. We had our dances and steamboat excursions then as now; and such steamboat captains as John C. Ainsworth, Silas Heaight, Charley Morrison, Mahlon, Matson and Ford, and clerks Dan Able, John Scudder, Watson and John Roberts, participated in and enjoyed our frolics with the jolliest of us, and their entertainments on board boat were not to be surpassed.

During the winter of 1850-51, a party of us organized a dancing set of ten couples, and were called "the twenties." We met every two weeks at the Keokuk House and danced in the dining room, with "Old Cotton" as fiddler and caller. Shep. McFadden kept the hotel and furnished refreshments.

In 1852 I went to Montrose, to assist George L. Coleman in his store. He was then engaged with Benjamin Roop in running a distillery and cooper shop, which made a market for large amounts of grain, wood, and cooper stuff, and employed from twenty-five to thirty men. This made Montrose a good business point, and being at the head of the rapids, it had to some extent similar advantages in regard to steamboat business with Keokuk. Here were the young lawyers who afterwards became men of some prominence, J. M. Beck, now serving his third term as one of the Supreme Court judges of the state of Iowa; Samuel Boyles, elected county judge of Lee County, and C. J. McFarland, who was for one term prosecuting attorney for the county, and removing to Boone County about 1856, was elected district judge for the district in which were the counties of Polk, Boone, Dallas and others.

In the winter of 1852-53 I purchased the interest of Hawkin Taylor in a fleet of lighters used in transferring freight over the rapids, Cornelius Falkner and William Owens, of Montrose, being my partners. I returned to Keokuk and with Faulkner attended to the business at this end of the route, boarding at the LaCledde House, kept by Pressell and Allyn. In January, 1854, we sold out our lighters to Ad. and Dan Hine, who had been our competitors in the business, thus giving them the exclusive trade.

On the 25th of February, 1854, I engaged with the firm of Chittenden & McGavic as bookkeeper, for one year on trial. Their business was then wholesale groceries and iron, and they also did a commission and storage business, their sales then amounting to over one hundred thousand dollars per annum, and rapidly increasing. All I then knew about bookkeeping I had learned from General Arthur Bridgman during my stay with the firm of Bridgman & Reed. He kept the books of the firm, and I assisted him in taking off his monthly balances, thereby gaining a practical insight into the system of bookkeeping by double entry.

My engagement with Chittenden & McGavic was for one year without any specified salary. I wanted the position, and said to them, "If I suit you, at the end of the year pay me what I am worth." At the close of the year they paid me one thousand dollars, which at that time was considered a large salary. I then boarded at the Ivins House, kept by the owner, Charles Ivins, whose family made the house a pleasant home for their guests.

During this year a number of us organized a military company, called the "Keokuk Guards." Our uniform was blue cloth, trimmed with gilt lace and buttons, felt hat with white and red flowing plume, white linen pants for summer dress, and furnished with U. S. muskets. Thos. B. Cuming, then editor of the *Keokuk Dispatch*, was captain; the lieutenants were T. I. McKinney, C. F. Davis and R. H. Huston; corporals, Thos. W. Claggett, Jr., Wray Brown, Norman Starkweather, and Jim Deivey. As members of the company I call to mind J. A. Graham, Thos. Wooster, William Baldrige, Thomas Swanwick, James Bebee, J. F. Stotts, Dan Hine, Joseph Trimble, and Brady, the drayman. Among the many pleasant incidents con-



nected with our company's history was the exchange of courtesies and visits with the "Quincy Blues," a similar organization in our neighboring city of Quincy, and under command of Captain Ben Prentiss. That year, 1854, Captain Cuming received the appointment of secretary of the new territory of Nebraska, and he was succeeded as captain by R. H. Huston.

T. B. Cuming and myself were warm personal friends, and he urged me to go with him to Omaha, as it had been designated as the capital of the new territory. I had almost concluded to do so, when, mentioning the subject to Mr. McGavic, he advised against the move, and said he and Mr. Chittenden had been considering a change in their firm, admitting his brother, LeRoy McGavic, to a partnership at the end of the year, and if I would remain they would also admit me as a member of the firm. This was something I had not anticipated, but the prospect of entering a firm with an established and prosperous business, with large capital and No. 1 credit was very encouraging. LeRoy McGavic and myself being without capital were to share in the net profits annually, he receiving three-fifths of one-third, and I two-fifths of one-third.

For several years we did a large and profitable business. Then we did not travel to sell goods. Country merchants came here twice a year, spring and fall, to make their purchases, and in the interim sent their orders by the teamsters who did the hauling. Our trade then extended over the greater part of the south half of the state, as far west as Taylor and Guthrie counties and north to Ft. Dodge. Railroads were then just beginning to extend west of the Mississippi River, and passenger travel was (in Iowa) altogether by the old Frink & Walker stage coach or by private conveyance; and goods for all points interior were transported by horse or ox teams, the rate of freight to Des Moines being two dollars per hundred pounds; and two and one-half per hundred pounds to Fort Dodge. The principal grocery houses here then were McGavic, Chittenden & Co., (the name the firm assumed when Lee McG. and myself were admitted), Connable, Smythe & Co., and Cleghorn & Harrison.

Occasionally during the summer months small steamboats navigated the Des Moines River (it having been improved by locks and dams as far up as Bentonsport), going as far as Des Moines,

or Raccoon Forks, as it was then called, charging for freight to that point from 50 to 75 cents per hundred pounds. At such times, merchants in the interior took advantage of low freight, and bought largely. In this connection, I relate the following account of the first boat passing above Des Moines. In May, 1859, our firm chartered the steamboat Charles Rodgers, a small craft of about fifty tons, we agreeing to load her to her full capacity, destination, Fort Dodge, on the Des Moines River, rate of freight through, 50 cents per hundred pounds. We loaded the boat with sugar, coffee, molasses, tobacco, salt, flour, etc., and I went on board as supercargo. We left the landing at Keokuk Wednesday, May 18, 1859, at six o'clock in the evening, and entered the mouth of the Des Moines River before dark. The boat had no cabin, only the pilot house on the hurricane deck. We ate and slept on the lower deck, just back of the engine and boiler. The boat was laid up at the bank whenever night overtook us, only running in daylight, warping through the locks at Bonaparte and Bentonsport. One of the pilots was a violinist, and at several places where we tied up to shore for the night, with the assistance of the neighboring belles and beaux, we had old-fashioned dances. Our cargo being billed through for Fort Dodge, we made no stops for way business, and arrived at Des Moines Friday evening, where we remained all night. Saturday morning we left Des Moines. Our boat being light draught and the river a good stage of water, we passed over the dam at Des Moines and arrived that evening at the Boonesboro landing, several miles from the town of that name. Here we remained for the night, and some parties coming over from the town, we had a dance in a building on shore. Between this point and Fort Dodge we ran out of fuel, and had to land several times, all hands going into the woods and gathering dead timber to keep our fire going. The shrill whistle of the boat every now and then brought people in to the river bank for miles back to see a boat. That evening (Sunday) we made a landing at a farm owned by a man named L. Mericle, a short distance below Fort Dodge. The farmer being very anxious for supplies, I made my first sale of groceries to him, the bill amounting to \$100.60, which he paid in gold.

The next morning, Monday, about noon we steamed up to the

landing at Fort Dodge. The town was up on the high ground some distance from the river, but all the population were at the landing to greet us. I went on shore with my invoice, and by noon of next day the cargo was all sold, and paid for in gold, that being the currency of the country then. The merchants of Fort Dodge whom I remember as purchasers were W. W. Haire, S. C. Hinton, Gregory & Mesmore, J. I. Howe, Chas. Ranke, and F. A. Blackshire, one of the pilots of the boat, who lived at or near the town.

On the evening of the day our boat arrived, the citizens of Fort Dodge gave a dance at Masonic Hall, in honor of the arrival of the first steamboat loaded with freight for that port. I now have one of the invitation cards used upon that occasion, on which appear the following names as managers: Maj. William Williams, Hon. W. N. Messervy, Hon. J. L. Stockdale, C. C. Carpenter, L. L. Pease, J. D. Stowe, W. W. White, Thomas Sargent, A. W. Dawley, Israel Jenkins, Geo. W. Reeve.

Going back to the winter of 1850-51, it was at one of the parties given by "The Twenties," at the Keokuk House, heretofore referred to, that I met General Daniel S. Lee, a scion of the distinguished Virginia family of that name. He was a noble looking specimen of manhood, and greatly prided himself on the fact of being "one of the first families." He was particularly neat in his dress, and his manners of the Chesterfieldian style, as we plain folks understood it. His dress was a swallow-tailed coat of blue cloth, with gilt buttons, light cassimere pants, a flowing auburn beard and mustache, his hair parted in the middle and his coat buttoned up to the chin, his hands encased in neatly fitting lavender kids. It was thus, (having gone from the dancing room down to the barroom below "to see a man") that the General first appeared to us. Introducing himself as a gentleman just arrived in the city from Virginia, with the intention of locating with us, and learning that a dance was in progress, he desired to participate in the festivities of the occasion, and be introduced to some of the elite of the city, if it would not be considered intrusive. Being myself a native of Virginia, though born on the wrong side of the Blue Ridge to claim connection with the "first families," I expressed great pleasure in meeting so distinguished a fellow countryman, and had the honor of in-



roducing him into the ballroom. He at once became the lion of the evening. The boys took in the situation at once, and each one buttoned up his coat to the chin and assumed all the dignity possible. The girls vied with each other as to who should "trot the General through" the liveliest dances. Those unacquainted with pioneer life cannot imagine the fun we had; and the unsophisticated General took it all in good earnest, and we separated mutually pleased with each other.

The General brought with him a brother-in-law, named Rinex or Rinick, who engaged in the hat and cap business at the corner of Main and Third streets, north side. Rinex was a little, insignificant looking individual, who wore large spectacles; his wife was large, masculine, and commanding in appearance. All took rooms and board at the LaCledé House. The General being "too-too" to engage in any sordid employment, was satisfied to be the sleeping partner of the firm of Rinex & Co. He devoted most of his time to the ladies, dress and politics. There was no particular harm in the man, yet his inordinate vanity made him a subject of ridicule. After basking in the sunshine of western rural beauty for the space of about "four moons" he concluded to make a visit to his ancestral home, somewhere near the spot where Pocahontas saved the life of Captain Smith. In the meantime, through the request of some of his friends, Governor Stephen Hempstead appointed him adjutant general of the state militia, a position entirely honorary, there being no duties or compensation attached thereto, consequently not cared for or sought after by anyone else. However, it answered the purpose of our chivalric friend, in enabling him to return so soon to his Virginia home, loaded down with a distinguished title. He was to leave Sunday evening on the St. Louis packet. On Sunday morning during the breakfast hour, some wild boys, not having the fear of a representative of one of the first families before their eyes, discovered a box sitting under a table in the hall of the LaCledé Hotel, their special attention being drawn to it by the marks on the top, which read as follows:

"Adjutant General Daniel S. Lee,  
Strausburg,  
Virginia."

On inspection they found the box filled with fine specimens of geodes, which he had collected with care to exhibit in Virginia. It was the inspiration of the moment, and did not require much time to transfer the box to the rear of C. Garber's store, remove the geodes, fill the box with bricks, and replace it in its former position under the table at the hotel. The next packet bore the General away with his precious box. His visit in Virginia extended to several weeks, when he returned to his Keokuk home. Meeting the writer, who manifested special interest in his trip, he related the following history of the box.

On arrival at Louisville, in transferring passengers and baggage around the canal, the box was forgotten and left at the lower end. He hired a man to go back for it. On arrival at Pittsburg the box was again forgotten, but was ordered sent on by express to Lynchburg, Virginia, where it arrived in due time. He invited a number of scientific friends to his room, and over a few bottles of wine, and cigars, he talked glowingly of the Great West, particularly the State of Iowa, and the wonderful geological formations in and around the city of Keokuk. He then called in a servant to bring in and open the box. When the lid was removed, the discomfiture and mortification of the "General," amid the audible smiles of his friends, can scarcely be imagined. He said, "Sir, the first thing met my gaze was a row of brickbats, the box was filled with them. Sir! I never was so mortified in my life." My sympathy went out to him at once, and I said I could not imagine anyone so mean as to be guilty of such a trick. "Sir," said he, "I would have been glad if the floor of the room had opened at the moment and swallowed me up; and they tell me, Sir, it was you who did it. I do not want to know, Sir, who it was, for I would be compelled, Sir, to say some unpleasant things, Sir."

I was for the moment unhorsed, but soon responded, "General Lee, you certainly would not think that I, a Virginian, would do such an act." He rejoined, "I do not want to know, Sir, who did it." I think George B. Smythe has some of the General's geodes in his possession at this day. For several years after, I kept a nice lot of geodes, intending in good time to present them to General Lee, but his untimely death interfered with my good intentions. I have often thought if he could return from "spirit



land," and make himself known to and communicate with me, I would make it all right. General Lee was appointed by President Buchanan consul to Basle, Switzerland, and when on a visit in Washington, D. C., received a pistol wound in the foot, accidentally, at a shooting gallery, and died of lockjaw.

On the 5th day of November, 1856, I was married to Caroline Thistle Cox, in St. John's Episcopal Church, Keokuk, Iowa, by the rector, Rev. George Dennison. At the time of our marriage she was living in the home of her brother, James F. Cox, Esq., Keokuk. She was the daughter of Friend Cox, Esq., New Martinsdale, Wetzel County, Virginia, and was born at that place July 7, 1832.

We have had born to us five children, three sons, and two daughters, all of whom are now living with us. Their names, in the order of birth, are, James Cox, Frank Wells, Annie Britton, Carrie Thistle, and Caleb Forbes, Jr.

In politics, I was first a Whig, that being the party of my father; and I well remember the "log cabin and hard cider" campaign of 1840, though only eleven years of age, and the defeat of Henry Clay in 1844 by James K. Polk.

My first vote for president was cast in Keokuk, Iowa, at the election of November, 1852, for General Winfield Scott as against Franklin Pierce. At the organization of the Republican party I adhered to its principles, and my second vote for president was for John C. Fremont. I subsequently voted twice for Abraham Lincoln and once for General Grant. I claim to have been a faithful supporter of the principles of the Republican party from its organization to the present day. I, with many others, disagreed with the Grant wing of the party after his first term, and worked enthusiastically with what was termed Liberal Republicanism in 1872. I was selected by the Liberal Republicans of Iowa in convention at Davenport that year as one of the delegates to the National Convention at Cincinnati, Ohio, at which, though not my choice, Horace Greeley was nominated for president, and B. Gratz Brown for vice president. These candidates, and the Liberal Republican platform, were subsequently endorsed by the National Democratic Convention. I today maintain sentiments similar to those adopted in the platform at that time, and believe today a large part of the Repub-



lican party endorse them. I look upon the nomination and election of James A. Garfield to the presidency as a triumph of the same element in the Republican party that nominated Horace Greeley in 1872, the contest at Chicago which resulted in Garfield's nomination being between the best element of the party, those who favored a general reform of public abuses and an honest administration of the government, as against those who were struggling for Grant as the medium to perpetuate themselves in place, and the enjoyment of spoils of office.

I never had ambition for public position, and was never voluntarily a candidate for any office. In April, 1861, I was elected alderman of the city from the First Ward, and re-elected in 1863, serving four consecutive years. I was again elected from the same ward, without opposition, in 1879, and served two years. In January, 1870, I was elected treasurer of the Iowa State Agricultural Society, serving one year; was then elected one of the Board of Directors for two years, re-elected in 1873, and again in 1875, serving until I resigned the position in May, 1876, George C. Duffield, of Van Buren County being chosen to fill the vacancy, at my request, since which time he has served continuously.

I have been connected with the Keokuk Savings Bank since its organization in 1867, having been one of the incorporators. Was elected president of the bank in 1869, which position I have held continuously to the present time.

My religious views are not very well defined in my own mind. My early training in that regard was in the strictest Old Presbyterian School. From these early teachings I have wandered far. Since attaining my majority, my convictions have been that much that was taught me in my youth was mythological and superstitious. Yet I cannot but respect and reverence the honest efforts of my parents, and their earnest solicitude for what they thought was for the best interest and future welfare of their children. If there is such a Heaven as they believed in and taught, I have no doubt my mother is now enjoying its bliss, and waiting to welcome my father whose three score years and ten are already numbered, and approaching near to four score.

In 1872 I formed the acquaintance of Dr. Joshua M. Shaffer, then a resident of Fairfield, Iowa, and secretary of the Iowa

State Agricultural Society. Soon after this he removed to Keokuk, and we became intimately associated, occupying the same office. The warm friendship, commenced with and increasing from our first acquaintance to this date, has afforded me the greatest pleasure. To his knowledge, skill, taste and labor, I am indebted for the best collection of specimens in ornithology and zo-ology in the West, and the largest and finest collection of geodes in the world. We two have spent many happy hours in the work, not expecting pecuniary reward, being amply repaid in the knowledge gained and the *fun we had*, and the hope that our work would be of some benefit in the future.

From my earliest recollection I have had a desire to preserve old things, or save everything that to my mind might be useful some day. The consequence is I have an accumulation of what many will call stuff, that I make room for and prize, and in culling it over in future someone may find a part of it good for something, or it may all, after I am gone, be dumped into a junk shop, like Dr. Sanford's medical library, at one cent per pound.

In 1863 I purchased of Hon. James B. Howell bound volumes of the daily *Gate City* complete from its first number to that date. Since that time I have been a regular subscriber, preserving the file, and have had them regularly and uniformly bound; and now have the bound volumes continuous from 1855 to the present date.

This same desire to preserve old things that my friend Sam Clark calls a hobby (and everyone should have a hobby), has partially inspired me to undertake to get together the familiar faces of "auld lang syne" and such facts and reminiscences in connection with each one as those now living may choose to give.

If this work should benefit those who follow after us, and keep in grateful memory the grand men, who, with toil and privation (not unmingled with the pleasures of their time), were the pioneers on the border of one of the greatest states of the Union, my time and labor will not have been spent for naught.

Keokuk, Iowa, June 10, 1882.

#### NOTE

My father died in Keokuk on the 6th day of January, 1898, a few months before he was sixty-nine years old. He continued as president of the Keokuk Savings Bank until his death,

During the active period of my father's life he was interested in a number of enterprises, most of which met with a fair measure of success. Early in the Civil War his senior partners in the wholesale grocery business, fearful of raids by the rebels, sold out their stock of merchandise and retired with a competency. During two or three years of the Civil War my father engaged in pork packing in Keokuk. Subsequently he was a member of a firm operating a flour milling plant known as the Imperial Mills, a substantial plant for that time. Later on he organized and operated, in connection with his friend, Dr. J. M. Shaffer, the Iowa Mutual Life Insurance Company, and during the four years of President Harrison's administration he acted as special representative of Hon. John W. Noble, secretary of the interior, his particular duties being confined to investigation of the conditions of the Indian tribes in the United States.

My father continued his hobby for collecting old things. When he died he left a full set of bound volumes of the Keokuk *Daily Gate City*. These are now with the Historical Department of Iowa, in Des Moines. He also left a collection of Indian relics, war bonnets, moccasins, bows and arrows, tomahawks, etc. This collection, known as the Davis Collection, is also with the State Historical Department. In addition to other accomplishments, Dr. J. M. Shaffer, my father's friend, was an expert taxidermist, and Dr. Shaffer and my father collected and set up specimens of all the birds indigenous to Keokuk and vicinity. This collection, known as the Davis Collection, is in the high school at Keokuk. He also left a fine collection of geodes, a curious stone and crystal formation found along the bluffs of the Mississippi River. He also had an extensive collection of coins.

My father was a man of much more than ordinary ability, a tall, rawboned West Virginian. He always wore a full beard of the Lincoln type. He was a man of great physical courage and very set convictions. He was impulsive and charitable. If he had attempted to lead rather than drive men, he would undoubtedly have achieved a much greater material success than he had.

—James C. Davis.

September 2, 1934.



## PART II

JAMES COX DAVIS

My father, Caleb Forbes Davis, was born in Clarksburg, Harrison County, West Virginia, April 27, 1829. My mother, Caroline Thistle Cox, was born in New Martinsdale, Wetzel County, West Virginia, July 7, 1832. My father and mother first met in Keokuk, Iowa, while my mother, in 1855, was on a



MR. AND MRS. CALEB FORBES DAVIS

visit in Keokuk to her brother, James F. Cox, who was then engaged in the wholesale dry goods business. My father and mother were married in St. John's Episcopal Church, Keokuk, Iowa, November 5, 1856, and I was born in Keokuk September 2, 1857.

My earliest recollections are some vague memories of incidents during the Civil War. Keokuk was a concentration point for soldiers from the north and west who were sent south in Mississippi River steamboats. There was also established in Keokuk during the Civil War a very large hospital, to which wounded, sick and disabled soldiers were sent by steamboat from

the South. I have some recollection of the soldiers and their camps and tents in and about Keokuk. Keokuk is located on the border line of northeast Missouri. There were constant rumors that the rebels, especially roving guerrilla bands in Missouri, intended to attack and raid the city. There was a military organization of the citizens created for defense. In the event of a night attack, there was to be a special signal given by the city fire bells. One summer night, about midnight, this alarm was given. One of the fire houses with bell was located near our home. I have a very distinct recollection of my childish terror when I was awakened by this alarm. I got up and saw my father with a musket hurry to the defense of the city. My mother and I spent a very unhappy and anxious time until my father returned with the report of a false alarm. As a matter of fact, Keokuk was never attacked during the Civil War, but the town of Alexandria, Missouri, five miles south of Keokuk, was invaded and sacked by the rebels.

As I recall, the details of housekeeping and family life during my early childhood were very different and much more simple than those we are now accustomed to. When I was about ten years old my father purchased and we moved into a large, old-fashioned stone house, with a yard which covered one half of a city block. From the time we moved into this house, my mother always kept two maids, a cook and an "upstairs girl." The wages for the cook were \$2.50 to \$3.00 per week; the upstairs girl was paid \$2.00. On Mondays they did the washing, and Tuesday was ironing day, with special washing and ironing day midday dinners. About the time we acquired the new home Father employed a Negro man about fifty years old by the name of Samuel Red. Sam was quite a character. He had belonged as a slave to a family living near Macon, Georgia. When General Sherman marched through Georgia on his way to the sea, Sam's mistress sent him with six mules to hide in the woods until the Yankees got by. He was discovered and Sam said the Yankees took "me and de mules" and they went along with the soldiers. Sam went with Sherman's Army to Savannah, Georgia, then by ocean boat to Washington, D. C., then to St. Louis, Missouri, where he was mustered out, and, like many other of his people came up the Mississippi River to Keokuk. He lived in a little brick tool

house on our place, and many winter evenings we boys in the neighborhood spent in "Sam's house" listening to his stories of plantation and army life. Sam frequently told us he went all through Sherman's "champagne."

Sam had quite a repertoire of plantation songs. One thing that was characteristic of them was they were easy to memorize, and when once memorized they were never forgotten. One of them went something like this:

There is a girl in this here town,  
 She always wears a blue-green gown,  
 And every time that she turns round,  
 The hollow of her foot cuts a hole in the ground.

Chorus:

Clar de kitchen, old folks, young folks,  
 Clar de kitchen, old Virginnny never tire.

I went down to de river, but I couldn't get across,  
 There was nothing there but an old blind horse,  
 Gineral Jackson, he came aridin' by,  
 Said he, young man, your horse will die.

I am reluctant to record the last verse on account of its profanity, but the beauty of its rhythm overcomes my scruples:

There was a frog in Uncle Bill's well,  
 He swore by G—d he was just from hell,  
 He was just as full of fire as he could be crammed,  
 If that ain't a hot place I'll be damned.

Sam was a typical example of a simple-minded "before the war" plantation Negro, faithful and loyal. He always referred to our yard as "the plantation." He left a wife and eight children when he was taken by the soldiers, and each of my brothers and sisters and myself tried without avail by correspondence to locate Sam's family. He lived with us until his death. He is buried in our family lot in the cemetery at Keokuk. My father placed a stone marker on his grave, with this inscription on it:

Samuel Red  
 Born a slave, died a free man,  
 An honest man, a faithful servant.

I recall with interest the preparations that were made in those days for winter. You would have thought we were preparing to



withstand a siege from an invading army. During the summer my mother would put up great quantities of fruit in cans, and pickles in jars. The cans were tin, sealed airtight with red sealing wax. My father would buy in the fall and store in the cellar 20 bushels of apples—genitens, rome beauties, and bell-flowers—20 bushels of winter potatoes, 2 or 3 dozen heads of cabbage, a dozen pumpkins, a number of hams and pieces of pork side meat. He would also buy 15 or 20 cords of wood, which would have to be sawed and split, and Mother would make a big jar of mincemeat liberally seasoned with cognac brandy so when you ate a piece of pie you got a fair sized drink. During the summer, sweet corn and lima beans were sun-dried and preserved for winter consumption. The corn on the ear was momentarily placed in boiling water, the grains cut off of the cob, the beans were taken out of their pods, then the corn and beans were exposed on sheets laid down on a tin porch and subjected to the drying processes of the August sun. When properly dried the corn and beans were put in bags. In the winter time these dried vegetables appeared in very palatable and tasty dishes of succotash. Apples and peaches were frequently preserved by the same sun-drying process. My mother always dispensed a very generous Southern hospitality in the way of good things to eat.

My education was largely obtained in the Keokuk public schools, with one year at a preparatory school known as Hellmuth Boys' College, located in London, Ontario, Canada. There was one matter of interest in our family in connection with the public schools. Keokuk had a very large colored population. One ward, the Fifth, had more colored people residing in it than white. My mother had some very definite Southern prejudices. She was a great favorite with many of the older colored people, but her relations with them were strictly a la Southern. Mother did not care for the public schools. She called them "free" schools, and said in Virginia it was only the children of poor white people that attended free schools. Reluctantly she permitted my brother and myself to attend the public schools; in fact, there were no other schools we could attend, but she always told us that if they put a "nigger" in our room to pack up our books and come home. Fortunately, I got through school

without any race conflicts. The School Board of Keokuk maintained separate schools for white and colored children, but advocates of race equality applied to the court to permit colored children to attend all public schools on an equality with the white children and finally the Supreme Court of Iowa sustained this right. One day my brother Frank came home with all his books. When asked what was the matter, he said there was a "nigger" in his room. Well, he loafed around for a day or two and then he went back to school. There was no other place for him to go. My sisters and younger brother had a plentiful sprinkling of the colored children in all their classes, but my mother's surrender to the inevitable situation was not very gracious.

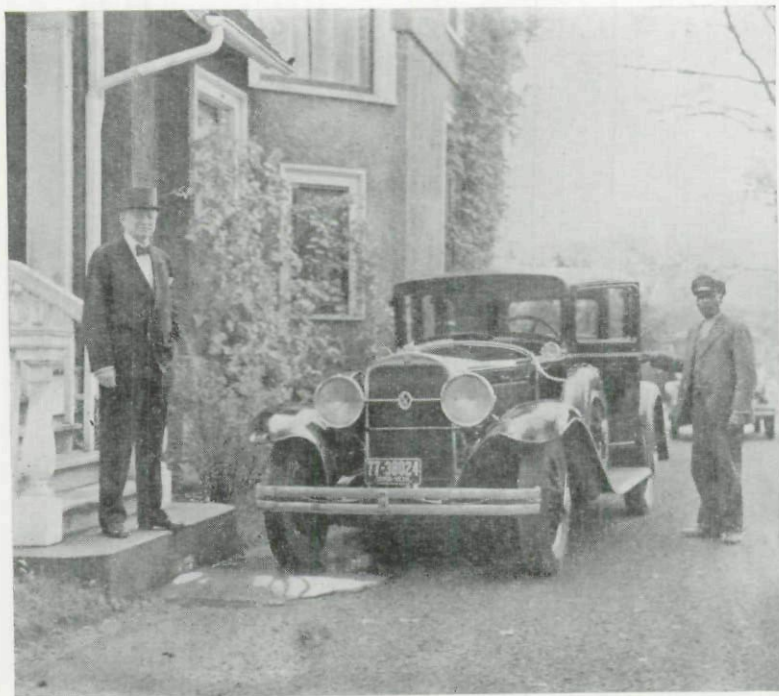
The spring and summer of 1873, when I was nearly sixteen years old, I spent on a farm owned by my father and one of his former partners. The farm consisted of 160 acres, and was located at Charleston, Lee County, Iowa, about eighteen miles from Keokuk. A son of my father's partner and myself attempted to farm twenty acres. As a farming experiment, the venture was a failure. As a matter of experience, it was quite a success. As a result of exposure on the farm I had an attack of inflammatory rheumatism in September, 1873, which prevented my returning to school until after January 1, 1874, and thus made it impossible for me to graduate in the spring of 1874, with my class in the Keokuk High School. In September, 1874, I was sent to a school known as Hellmuth Boys' College, London, Ontario, where I stayed until June, 1875. This was a preparatory boarding school of about the same standards as an ordinary high school. Living in Canada for a school year, taught by English masters, mingling with Canadian and English boys and American boys from the Canadian border, was a great experience to me and I came back to Keokuk quite a sophisticated young man. I became acquainted with English athletic sports, which were then unknown in the Middle West, and at one of the athletic meets won a prize in a 150-yard hurdle race. The boy ahead of me tripped on the last hurdle, and I cleared the hurdle and did not wait for him.

While I was in Canada my father wrote me a very fine letter suggesting his regret that he had been unable to study law and



DAVIS HOMESTEAD, KEOKUK, 1874

Left to right: Two-seated surrey, Bay Mare "Kit," Samuel Red, C. F. Jr., and C. F. Sr.



JAMES C. DAVIS HOMESTEAD, DES MOINES, IOWA, 1934



offering me an opportunity to attend the Law School at the University of Michigan at Ann Arbor. I have often wished I had kept a copy of the letter I wrote in reply. As I remember, I advised my father that he could not afford the expense of sending me to a law college; that he had four other children to educate, and that on my return home I intended to go to work and be "self-supporting." I do not know just what the old gentleman thought of that letter, for so far as I can recollect the subject was not again referred to either in conversation or correspondence.

In June, 1875, I returned to Keokuk and tried to get employment. I was finally employed in the office of R. G. Dun & Co., Commercial Agents. My duties consisted largely in copying records. My compensation when I started was \$6.00 a week. The man in charge of the office was an Englishman. On the first two Saturdays he paid me a five-dollar bill and a one-dollar bill. After that, every Saturday he paid me a five-dollar bill and a two-dollar bill. I tried to save the \$5.00 by depositing it in the bank, and sported on the \$2.00. I stayed with R. G. Dun & Co. for ten or eleven months. I was dissatisfied with my surroundings and prospects. Among my most intimate friends were two or three boys studying law in some of the Keokuk law offices. In those days a substantial majority of the law students acquired their profession in offices reading text books on the primary and controlling subjects of the law, rather than attending law colleges. So early in 1876 I began seriously to consider studying law. I was uncertain as to whether or not I had patience and industry enough to read a law book, so I surreptitiously borrowed a book from the widow of a lawyer who lived in our neighborhood. I had no particular book in mind—just wanted to try and read a "law book." Fortunately for me, I selected one of the volumes of *Kent's Commentaries*, and took it down to the Dun & Co. office to read when I had spare time. Chancellor Kent was one of the most entertaining of the law writers in those days. I found myself fascinated with the book, and read it not only with interest but with enthusiasm and then concluded I wanted to become a lawyer. With some misgivings, I communicated this conclusion to my father. He was quite a master of sarcasm, and as a result of our conver-

sation he advised me that he had been watching me pretty carefully for the last few months; that he did not believe I had either industry or concentration enough to accomplish very much of anything; that he had given me a chance to attend a law school which I had refused, and so far as he was concerned he was through and I could work out my own salvation. I admit I was a little sore at this reception and it only heightened my ambition to show my father what I could do. Among my law student friends was Frank Hagerman, who afterwards became a very successful lawyer in Kansas City. He was just leaving, as a student, the office of P. T. Lomax, and I arranged to enter Mr. Lomax's office. This was a most fortunate arrangement for me. Mr. Lomax was a very high class typical Virginia gentleman of the old school. He believed in and practiced the highest standards of ethics in the legal profession, and I have always been greatly indebted to him for impressing on me rules of professional conduct which I have tried to live up to during all of my professional life. One of his most frequent admonitions was: "James, never mind the compensation nor the fee. Let your first and only thought be the protection of your client's interests. The compensation will take care of itself."

In Mr. Lomax's office I read most of the then recognized text books on the different branches of the law—*Grotius' Institutes of Natural Law*, *Kent's Commentaries*, *Blackstone's Commentaries*, *Greenleaf on Evidence*, *Parsons on Contracts*, *Story's Constitutional Law*, *Washburn on Real Estate*, and *Wharton's Criminal Law*. I finished this course of reading in about a year, and then was ready to be admitted to the bar. The Iowa statutes required an applicant to be twenty-one years of age, and I was then not twenty so there was no chance to be admitted to the bar in Iowa. The neighboring state of Missouri had no age restriction so in August, 1877, under the guardianship of and in company with my friend Frank Hagerman, who had had a similar experience, I went before Judge Anderson of the Missouri Circuit Court, whose circuit adjoined the southern border of Iowa. Judge Anderson lived at Canton, Missouri, and had a farm a few miles out of Canton. It was vacation time, and the Judge was at his farm, so we went out and found the Judge in a hay field. We all sat down on the shady side of a haystack. Judge

Anderson and my preceptor, Mr. Lomax, were old friends. I presented to the Judge a very flattering letter of recommendation from Mr. Lomax. After Judge Anderson read Mr. Lomax's letter he asked me a few questions, principally as to the books I had read, and then he turned to my friend, Hagerman, and said: "I am going to admit this boy to practice in Missouri. I am doing it largely on Mr. Lomax's letter. He is a gentleman I know and admire. But I want to say to you that this is the last time I am going to help you evade the Iowa law by bringing young fellows down here who have been rubbing up against Blackstone and having them admitted to practice law in Missouri when they are not eligible in Iowa." About August 20, 1877, Judge Anderson sent me a certificate authorizing me to practice law in Missouri, and on the first day of September, 1877, the day before I was twenty years old, I was on motion admitted as a practicing lawyer from Missouri to practice law in Iowa. Of course I was not competent as a lawyer, but I started right in trying cases in Justice Court and assisting in trials in the District Court, places where I could not do much harm, and, in the way of becoming familiar with the art of the trial lawyer, doing myself a lot of good.

During the time I was in Mr. Lomax's office there was one break in the routine of study that was of interest. In the early summer of 1876 my brother Frank (nearly three years my junior) and two other boys and myself made a visit to the Philadelphia Centennial Exposition. As was the style in those days, we all wore long linen dusters and carried carpet bags. In Chicago we were much impressed with the \$1.00 table de hote dinner served in the gold room of the then new Palmer House, which, as I recall, was a very impressive building of about five stories in height. Also we marveled at the silver dollars inlaid in cemented tile flooring ornamenting the barber shop in the hotel. While on the trip I wrote letters to the daily *Keokuk Constitution* describing our adventures. I remember I wrote one from Chicago, one from Niagara Falls, one describing the boat trip on the Hudson from Albany to New York, one describing a two-days' stay in the city of New York, and several from Philadelphia. The publisher of the newspaper headlined the letters,



"Our Boy at the Centennial." I got quite a bit of publicity out of these letters.

I was in active law practice in Keokuk from September 1, 1877, to January 1, 1903—over twenty-six years. I had no specialty in the law, but acquired the reputation of being a fairly successful trial lawyer. I represented very few plaintiffs. I was ordinarily for the defense. I tried, as I now remember, but four personal injury cases in which I represented the plaintiffs. In these cases, I obtained verdicts one for \$10,000.00; two for \$7,500.00, and one for \$4,500.00. I collected all of these except the one for \$4,500.00, and in those days a \$7,500.00 personal injury verdict was considered large. I did not try many criminal cases, but I did defend three persons indicted for murder. They were all acquitted, and at the time of the trials I believed under the law none of them should have been convicted. In later years I am rather of the opinion that they were all guilty, but by reason of faulty prosecution or undue sympathy on the part of the jurors they were acquitted.

After I was admitted to the bar, I went into the office of Gillmore & Anderson, at that time the busiest law office in Keokuk. Upon the death of Mr. Gillmore, I became a member of the firm of Anderson Bros. & Davis. This firm was succeeded by the firm of Anderson & Davis, Mr. Joseph G. Anderson continuing with me, which firm was succeeded by Anderson, Davis & Hagerman. When I was about thirty-three or thirty-four years old, Mr. Hagerman left Keokuk to accept a very attractive offer in Kansas City, and my other partner, Mr. Joseph G. Anderson, died, leaving me alone. For some twelve years I carried on a general law practice without a partner, but always had in my office some bright young students anxious to avail themselves of the library and the experience which a busy office afforded. During this period I worked very hard, and as individual fees were not large it took a great many to make my income from law practice \$12,000.00 to \$16,000.00 per annum, and in those days such amounts were equivalent to three or four times that much at the present time.

The first case I tried in the Supreme Court of Iowa was *Sanford vs. Lee County* (49 Iowa, 148), decided in 1878. While in Keokuk, I tried some very important cases in the Supreme Court

of the United States, one of them entitled *Leisy vs. Hardin* (135 U. S., 100). This case was submitted to the Supreme Court January 6, 1890, decided April 28, 1890, and involved the constitutionality of the then Iowa Prohibitory Liquor Law. The Leisy family, originally from Germany, built and operated a brewery in Keokuk. After the Iowa Prohibitory Law was enacted they removed to Peoria, Illinois, where they operated a brewery. They retained the Keokuk plant and used it as a warehouse, shipping beer from Peoria to Keokuk. These shipments were in the recognized packages of interstate commerce. About July 1, 1899, probably in anticipation of the Fourth of July celebration, the Leisys shipped a carload of beer from their brewery in Peoria to their warehouse in Keokuk. The beer was all in kegs or in bottles, packed in sealed boxes. Some over-enthusiastic prohibitionists sued out of the office of a justice of the peace a search warrant, seized the beer, and in proceedings looking to condemnation and destruction the beer was held in the possession of Hardin, city marshal at Keokuk and acting constable. There were loud lamentations among the beer loving population over the prospect of a dry Fourth of July. On the 2nd of July, I sued out, on behalf of the Leisys, a writ of replevin from the Superior Court of the city of Keokuk, gave a bond, the beer was returned to Leisy Bros., and the Fourth of July celebrated according to program. As a ground for the issue of the writ of replevin, it was alleged that the Iowa law was unconstitutional in that it interfered with interstate commerce; that the beer was protected by the Federal Constitution so long as it remained in the hands of the original consignee and did not come under the jurisdiction of the state authorities until one sale had been made, and the beer thus intermingled with the general property of the state. The Superior Court of Iowa sustained my contention that the law was unconstitutional as applied to these interstate shipments. The Supreme Court of Iowa reversed the Superior Court, and sustained the constitutionality of the law. The United States Supreme Court, in quite an elaborate opinion, sustained the contention that the Iowa law was unconstitutional and affirmed the finding of the Superior Court of the city of Keokuk. This case received a great deal of newspaper publicity

throughout the entire country, and was popularly referred to as the "original package case."

Another interesting case was entitled, *State of Iowa vs. State of Illinois*, reported in 147 U. S., page 1. This was a controversy between the taxing authorities of the states of Iowa and Illinois as to the location of the state boundary line in the Mississippi River between Keokuk, Iowa, and Hamilton, Illinois, and arose in the matter of the taxation of the property of the Keokuk and Hamilton bridge, a railroad and highway bridge crossing the Mississippi River. The Supreme Court of the United States has original jurisdiction over controversies between the several states, and this case was No. 5 of such original jurisdiction cases. The court sustained the contention of the state of Illinois that the boundary line between the several states, where such states are divided by a navigable river, was the "middle of the main navigable channel," rather than midway between the well-defined banks as contended for by the state of Iowa.

During the more than twenty-six years that I was in active practice in Keokuk, I had a varied and valuable experience in the trial and adjustment of the great variety of controversies that come to the lawyer in general active practice. If I acquired any sort of a desirable reputation in Keokuk, it was as much that of being a fair adjuster as it was of being a capable trial lawyer. I have always believed that any sort of a fair adjustment was better than litigation, and the first duty of a lawyer is to compose, rather than to incite litigation. A lawsuit is full of disappointments, and, like a spell of sickness, is to be avoided. It is my experience that in the aggregate more money is lost than is won in the courthouse.

Every lawyer has some interesting experiences, especially in jury trials. One of my prize stories is entitled, "The Most Apprehensive Moment of My Life." My office in Keokuk was on a corner. There was an east and west street, and a north and south street. On the north and south street there was laid and operated an electric street railway. Approaching the street intersection from the north, the street was down grade. One summer day, about noon, while sitting in the office I heard an unusual sounding of the gong of the street car coming south down grade. In a few moments I heard a violent impact and on



going out I found the street car had collided with a one-horse two-seated surrey. The judge of the Superior Court of Keokuk, riding in the back seat, was fatally injured. The driver in the front seat, a well-known constable, was seriously injured. Later on the constable brought a suit for personal injuries, alleging as negligence in the operation of the street car excessive speed and a failure to sound the gong. As usual, representing the downtrodden and oppressed, I represented the street car company. There were several amusing incidents developed in the trial. An old and evidently quite ignorant little man from Missouri claimed to be an eyewitness. When asked as to the speed of the street car as it came down the grade, he said it came down "like a shot out of a gun." The court sustained a motion to strike this out as an opinion and conclusion and in answer to a question propounded by the judge as to the speed the witness said, "Well, Judge, she came down like hell abeatin' tanbark." The witness never did give his opinion as to the speed of the train. During the trial, at noon one day after court adjourned, a one-legged colored man, who was quite a Courthouse loafer and lived near my office, stopped me and said his little daughter saw the entire accident. I went at once with the man to see the girl. I found her studying her lesson sitting on the front porch of a house facing north, near the intersection of the streets where the accident happened, and you could quite plainly see from where she sat a street car approaching from the north and a vehicle approaching from the west. She then explained that on the day of the accident she was sitting on the porch studying her lesson when she was attracted by the loud sounding of the gong on the street car. Looking up, she saw the street car going south and the vehicle coming east. She said the man in the front seat driving was turned around with his face south and his back toward the approaching car, apparently talking to the man in the rear seat; that the horse slowed down as he approached the street car track but the driver, without looking up, slapped the horse with the lines and forced the outfit directly in the path of the approaching car. She was quite small for her age, which was about twelve years, but very intelligent. I arranged with her father to have her in court at two o'clock. When court convened, I put her on the witness stand. The scene was quite

dramatic. The court room was crowded. The little girl, I remember, had on a red dress. Her hair was in curling pins, and as she sat on the chair facing the jury and the crowd her feet did not reach the floor and she certainly looked very small and very young. As a preliminary, plaintiff's attorney raised the question that the girl was not competent to testify, not understanding the sanctity of an oath. Upon examination by the judge she said she knew what it was to be sworn to tell the truth, and when the judge asked her what would happen if she told a lie she said, "she would go to hell," and the court promptly held her competent. In the examination in chief she very clearly and without hesitation told the details just as she had related them to me. To emphasize the situation, the last question I asked her was this: "What do you say attracted your attention to the street car just before the collision?" and in a shrill, childish treble, sounding to me like a phonograph, she said: "My attention was attracted by the loud and unusual ringing of the gong." At this unexpected outburst the crowd laughed, and one of plaintiff's attorneys, in quite an audible voice, suggested: "That sounds like Jim Davis was testifying." With some trepidation I turned the witness over for cross-examination, and this is what occurred:

Q. "You know Mr. Davis?"

A. "Yes."

Q. "You live near his office?"

A. "Yes."

Q. "Your father pays his rent at Mr. Davis's office?"

A. "Yes."

Q. "Mr. Davis came to see you about this case?"

A. "Yes."

Q. "He came to see you at noon today?"

A. "Yes."

Q. "He talked to you about the case?"

A. "Yes."

Q. "He told you he wanted you to be a witness?"

A. "Yes."

Q. "He told you what to say as a witness?"

A. "Yes."

Then very impressively plaintiff's attorney arose and in a loud

voice asked the witness: "What did Mr. Davis tell you to say?"

And then was the most apprehensive moment of my life. In a shrill, childish treble, audible all over the entire court room, she said: "He told me to tell the truth and no harm could come to me," and then she began to cry, and the crowd in the court room gave a demonstration of support and sympathy for the little girl. It is needless to say I won the case.

January 1, 1903, I accepted the appointment of Iowa attorney for the Chicago & North Western Railway Company, with headquarters at Des Moines, and moved with my family from Keokuk to Des Moines. This change gave me a much broader and more interesting field of activity. The North Western Railroad, in point of earnings and service, was one of the leading, if not the leading, railroad in Iowa. It operated over 1,600 miles of track in the state, valued for tax purposes at a much higher rate per mile than any other system. The Iowa attorney was the only representative of the company whose jurisdiction extended over the entire state. Traffic and operating officials were limited to specific divisions and districts. The duties of the office of Iowa attorney required experience in all of the branches of practical railroading operation, maintenance, freight rates, taxes, and a knowledge of the many sources of liability, often a subject of litigation, growing out of the complex relation of a busy railroad with its employes, its patrons and the general public. One of the duties of the state attorney for a railroad was to protect the company from adverse and punitive legislation. For nearly fifteen years I acted as chairman of the Railroad Legislative Committee composed of the state attorneys for the leading railroads in Iowa, and in this position I became intimately acquainted with the state officials, senators and representatives. The fifteen-year period during which I acted as Iowa attorney or the North Western Railway was a wonderful school of experience and a preparation for some responsibilities that rested in the future. I organized a very efficient Law Department composed of Mr. Angus A. McLaughlin of Des Moines, Mr. George E. Hise of Des Moines, and Miss Elizabeth Hyde, who came with me from Keokuk. This organization has never been completely broken up and we are all now again associated in the general practice of the law under the firm name and style of



Davis, McLaughlin & Hise. During my term as Iowa attorney we never paid a judgment against the railroad in excess of \$5,000.00. We quite definitely followed the plan, when possible, of settling all claims of doubtful liability and winning cases where in our judgment no liability existed. Much of the success, if any, in the conduct of this office is due to the efficiency and loyalty of my associates.

Effective midnight, December 31, 1917, and as a war measure in the conduct of the World War, the president of the United States took over the possession and operation of all the railroads of the United States. The operating plan set up by the government consisted of a director general and regional directors. Mr. R. H. Aishton, president of the North Western Railroad, was appointed regional director in charge of the conduct and operation of all the railroads north of the Union Pacific, extending from Chicago to the Pacific Coast. His jurisdiction included control of a number of large railway systems, among which were the North Western, Milwaukee, Great Northern, Northern Pacific, Soo Line, and Great Western. On April 18, 1918, I was appointed general solicitor of the North Western Railway, with headquarters in Chicago. By virtue of this appointment, I also acted as the legal adviser and a member of the staff of Mr. Aishton as regional director. On receiving this appointment, I moved with my family to Evanston, Illinois, a suburb of Chicago.

Federal control ended at midnight of March 1, 1920 (12:01 A. M.), when the entire properties of the several railroad companies were returned to their respective owners.

In my service as general solicitor of the North Western Railway, during the period of Federal control, I was frequently in Washington and in touch with the Director General of Railroads, and was in a position to acquire an intimate knowledge of the details of the operation of the railroads under Federal control. The operation of all the railroads in the country as a war measure was wholly without precedent, and presented many complex questions for determination. My two years in Chicago were very busy, but an interesting experience.

At the end of Federal control there was a reorganization of the corporate management of the North Western Railway Company. Differences of opinion had arisen during Federal control

between Mr. Aishton as regional director and Mr. Marvin Hughitt, chairman of the Board of Directors of the railway. Mr. Aishton and those closely allied with him were not included in the reorganization. As a result, on March 1, 1920, I returned to Des Moines and resumed my position as Iowa attorney for the North Western Railway Company. On June 15, 1920, I was appointed by Hon. John Barton Payne, then secretary of the Interior under President Wilson and also director general of railroads, general counsel of the United States Railroad Administration with headquarters in Washington, at a salary of \$25,000.00 per annum, the same compensation I had received as general solicitor of the North Western Railway. I was in Washington when the appointment was made, and at once assumed the duties of the office. On March 28, 1921, I was appointed, by President Harding, director general of railroads and continued in that office until December 1, 1925, a period of nearly five years. My entire residence in Washington, as general counsel of the United States Railroad Administration and director general of railroads, was about five and one-half years.

My experience in Washington was by far the most interesting period of my life. The taking over and the operation of all the railroads of the United States (except what were known as independent short lines) represented, I believe, the largest and most valuable aggregation of privately owned property devoted to a particular use ever taken possession of by a single governmental action. To visualize the extent and character of the property taken over, there were 532 individually owned properties. This included the Pullman Company, twenty coastwise and inland steamship lines, docks, wharves, floating equipment, grain elevators, and all of the various facilities owned and leased by the railroads of this country, including bridges, buildings, stations, roundhouses and shops. The total mileage in main lines, passing tracks, switches and terminals aggregated 366,197 miles. The total number of freight cars was 2,408,518. There were 66,070 locomotives and 55,913 passenger cars. There was \$532,000,000.00 worth of material and supplies scattered over the vast mileage of the country, and the government took over the working capital of the carriers aggregating \$300,324,633.62.



The extent and value of this aggregate amount of railroad property is well illustrated by the following facts.

For the year 1917, just previous to the taking over of the railroads, the tentative value of Class "A" railroad property in the United States was fixed by the Interstate Commerce Commission in excess of eighteen billion dollars. The gross earnings for the year immediately preceding Federal control in 1917 were \$4,050,463,597.00. The net earnings, after deducting taxes and rentals for that year, were \$974,778,937.00. There were 1,500,000 individual or corporate stock and bond holders, and the employes numbered nearly two million. The annual rent which the government finally obligated itself to pay for the use of this property was in excess of \$900,000,000.00. Another important factor to be considered is the fact that the possession of this vast and complex property was taken overnight. There was no record made of the location and condition of the nearly 2,500,000 freight cars, the condition of the maintenance of way, of the locomotives and passenger cars, nor was there any inventory taken as to the condition, location, value and amount of more than \$500,000,000.00 worth of material and supplies on hand at the time of the taking. During the period of Federal control, the entire freight car equipment of all the railroads of the United States was pooled in one group and only a small percentage of freight car equipment (from 25% to 40%) was on the home owned lines of the owner carrier. In the proclamation of President Wilson in taking over the property of the railroads, he gave the owners of the property the following assurance: "Investors in railway securities may rest assured that their rights and interests will be as scrupulously looked after by the government as they could be by the directors of the several railway systems. Immediately upon the reassembling of Congress I shall recommend that these definite guaranties be given: First, of course, that the railway properties will be maintained during the period of Federal control in as good repair and as complete equipment as when taken over by the government; and, second, that the roads shall receive a net operating income equal in each case to the average net income of the three years preceding June 30, 1917." Congress subsequently carried out, by proper legislation, these recommendations of the President.



Anticipating the termination of Federal control, the Congress of the United States, in what is known as the Transportation Act, made the following provision for the liquidation and adjustment of all matters "arising out of or incident to Federal control": "The president shall, as soon as practicable after the termination of Federal control, adjust, settle, liquidate, and wind up all matters, including compensation, and all questions and disputes of whatsoever nature, arising out of or incident to Federal control."

The president, in carrying out this broad and unlimited authority, appointed the existing director general of railroads as his agent to determine the amount of and pay all claims arising out of Federal control. So far as practicable, the director general's operating force was continued to complete the liquidation.

The authority granted the president was unlimited and without condition. It contemplated a speedy and summary adjustment of all disputes arising out of or connected with Federal control. There was no official interference with speedy adjustment; no committees or commissions to wrangle over disputed questions. It was definitely a one-man job; clearly a distinct innovation over the ordinary conduct of governmental affairs, and, as the results established, this method of adjustment saved the government many hundreds of millions of dollars over the usual method ordinarily followed by the government in appointing commissions or committees where there is opportunity for difference of opinion and extended disputes.

Claims of the carriers against the government for matters arising out of Federal control, as originally presented, were in the aggregate in excess of one billion dollars. Some downward revisions were made before final hearings for adjustment, so that the claims as finally presented by the railroads against the government, growing out of the use of their property during the period of Federal control, aggregated \$769,011,218.83. The items making up this aggregate, and in dispute, were largely for under maintenance of way and equipment and compensation for material and supplies taken over. The government on its part set up claims against the carriers largely for alleged over maintenance of way and equipment aggregating \$438,130,811.74. In making the final settlements, the creditor roads were finally

allowed and paid \$243,647,196.91, and there was collected from the debtor companies \$195,072,295.17, leaving a net amount paid by the government of \$48,574,901.74 or slightly in excess of 6% of the claims as finally presented. In view of the vast extent and complex character of the property taken over, and the type of use to which same had been put, it at once became apparent in making adjustments with the owners of this property that on the important questions of maintenance of way and equipment there could be no physical comparison as to the multitude of items of property as between the date the property was taken over by the government and the date of its return to the respective owners. The situation presented was wholly unique and without either legal or practical precedent. The property involved was most complex, presenting an ever-changing aspect. A railroad plant never stands still. Depreciation, maintenance, retirements and replacements are constantly at work. It covered a period abnormal in a high degree, involving all the disorganization and disorder incident to a great war. During this period there was a scarcity of competent labor. Private manufacturers turning out war materials competed at high prices for all classes of railroad labor. In many localities there was a scarcity of proper materials necessary to a fair standard of maintenance, and it was a time when there was an ever increasing market price for labor and materials. There was in many instances a substantial difference between the use that was made of the property during the test period and that made during the period of Federal control. During the period of Federal control the winning of the war was the controlling factor, and efficient transportation without regard to cost was one of the essential elements of success. It was difficult to determine a fair formula by which the amount of under maintenance and over maintenance of the different kinds of property and the difference in cost or value of materials and supplies as between what was known as the test period (the three years preceding June 30, 1917) and the period of Federal control, could be reached. During the war prices for all work and all materials greatly increased, and there was a well recognized falling off in what was known as the efficiency of labor. There were no accurate records in existence by which a physical comparison could be made of each item of



property, and the extent and varying conditions of the property precluded that method. Finally the Railroad Administration adopted the following as a general rule to determine the vexed question of maintenance.

The final rule adopted by the Railroad Administration in making these settlements and in recognizing the liability of the government in the matter of maintenance, was to "match" the expenditures of the carriers made during the pro rata time of the test period corresponding with the period of Federal control, making due allowance for any difference that existed between the cost or price of labor and materials, taking into consideration any difference in the amount of property taken over as between Federal control and the test period, and any difference in use substantial enough to be considered, these expenditures to be subject to a fair distribution, as provided for by the contract entered into between the railroads and the government. I believe this rule, followed as consistently as was humanly possible in all adjustments, making in exceptional cases, when the accounting method resulted in grossly unjust conclusions, equitable modifications, came as near as practicable doing substantial justice between the parties.

The adjustments made with the several railroads were matters of great personal interest to me. The railroads in the first instance submitted their claims to the government. These claims in turn were submitted for analysis and examination to the proper departments in the Railroad Administration organization. The general heads under which the claims were made were maintenance of equipment, maintenance of way, compensation, and material and supplies. After careful examination of these various matters by the proper departments, the result of the examinations were submitted to the Director General and his staff. After careful discussion by the staff, a general conclusion as to the statement of account of the particular railroad under consideration was reached, and the railroad interested was advised that the administration was ready for a conference with a view to making an adjustment. In these conferences the railroads were ordinarily represented by the president of the road and his staff, generally consisting of the general counsel, operating vice-president, comptroller, and others familiar with the details of



the account. As these settlements progressed, my recollection is that I personally met the president of every Class "A" railroad in the country in and across the table conferences, except two, the New York Central and the Southern Railroad. These companies were represented by officers other than their presidents. After full discussion, the administration would suggest a lump sum in settlement. We never settled on the amounts allowed for specific items. Such a method led to too much comparison as between rival roads as to comparative allowances for particular items, and involved too much discussion. One great advantage on the part of the administration in making these adjustments was the fact that the companies, immediately after the end of Federal control, needed money, and the administration was in funds, ready to pay without red tape the amount agreed upon as soon as the adjustment was concluded. Congress at the inception of Federal control having appropriated the sum of \$500,000,000.00 as a revolving fund, to be used by the Railroad Administration, the use of this fund, for the purpose of adjusting the government liabilities, was continued during the period of liquidation. Another advantage was the difficulty of submitting these controversies to a court. There were so many expert and complex questions in which litigation would have been very expensive, long protracted, and, in the end, difficult for a judge or a jury to comprehend and intelligently decide. The settlements clearly presented a field for the exercise by the railroads and the government of a fair and just spirit of compromise. It was not long before the managing officers of the railroads were impressed with the desire on the part of the government to treat these claims fairly, and as a result we soon had, in most cases, the cordial co-operation on the part of the managing officers of the carriers in making settlements.

There were many other important controversies adjusted by the Railroad Administration outside of the claims for the use of property of the carriers. One of them is popularly known as the Minnesota Fire Cases. In October, 1918, a most devastating fire occurred in the forest regions of Minnesota. Roughly speaking, some 1,500 square miles of territory was burned over; 4,000 homes and 5,000 barns were burned, and a number of good sized towns wholly destroyed, including the town of Cloquet with a

population of some 12,000 people; 450 people lost their lives and some 2,000 people received personal injuries sufficient to require medical attention.

The burned area is served by the Great Northern, Northern Pacific, Minneapolis, St. Paul & Sault Ste. Marie, and Duluth, Missabe & Northern railroads, all of them at the time of the fire under Federal control.

During the conflagration the wind was blowing at a velocity of from fifty to seventy miles per hour and, as a result of this hurricane, an irresistible and devastating fire occurred, which swept the area of country above described and resulted in a claimed money loss of more than \$73,000,000.00.

Originally it was not supposed that there was any ground upon which a liability against the Railroad Administration, operating the systems of railroad above described, could be sustained, for the reason that there were a very large number of independent fires, fixed in an investigation made by the state authorities at the number of 100, which arose from causes entirely independent and disconnected with the operation of any of the railroads. Some of these fires had been burning in peat bogs for months; others were set out by campers, loggers, hunters, farmers burning weeds and brush, or were of unknown origin, and it was believed to be impossible to attribute any specific portion of this loss directly to any particular fire or fires set out by the operation of the railroads under Federal control, the existing hurricane and the large number of independent fires making it impossible, as the administration believed, to locate any definite liability. This disastrous conflagration undoubtedly would have occurred, under existing conditions, had there been no railroads in Minnesota.

More than 15,000 lawsuits were commenced in the state courts against the Railroad Administration on account of this fire. Able legal talent was employed both by the government and the fire claimants, and much litigation ensued.

In one case of *McCool vs. Davis* (197 N. W., 95) the Supreme Court of Minnesota, by a divided court, held the Railroad Administration was not liable, the court saying:

The evidence fails to show any probability that this fire (one claimed to be set out by the railroads) was even a concurring element in the

destruction of this property. The evidence leaves plaintiffs' case in the realm of speculation and conjecture.

This opinion was three to two for the administration. In a retrial of the same case of *McCool vs. Davis* (202 N. W., 903), the same court by a three to two opinion changed its ruling and found against the administration. One of the judges "changed his mind." In the last case the chief justice in a dissenting opinion said:

I cannot concur in the result reached. The evidence in this case, in my judgment, does not warrant the inference that the loss in fact resulted from the railroad fire. The legal identification of the destructive fire has not been established.

This second opinion was by the same court, and before the same judges, on substantially the same record. (Administration's attorneys claimed the evidence in the second case was more favorable to the defense than the first case.) On questions of law, the cases came before judges elected by voters in the burned district, and questions of fact were determined by juries who were residents of the same territory. It being practically impossible to obtain an unprejudiced hearing before judges elected by and juries selected from residents of the burned district, human nature was not strong enough to stand out against local interest.

The Supreme Court of Minnesota held, in case of *Anderson vs. Director General of Railroads* (179 N. W., 48), that if a fire started by a railroad united with a fire of other or unknown origin, it was a question of fact for a jury to determine whether or not the fire started by the railroad was a material or substantial element in creating the damage, and if it were, the railroad so starting the fire would be liable for all damages to which the fire started by it substantially contributed. In addition, the court held that, although there was a hurricane blowing, without which the separate fires would not have spread and united as they did, the great conflagration could not be considered an act of God.

At a session of the legislature held in the state of Minnesota during the year 1921 an act was passed authorizing the governor to appoint a number of special judges, residents of the burned



district, for the purpose of trying these cases, unless some general plan of adjustment was entered into by the United States government.

In view of the holding of the Supreme Court of Minnesota and the experience which the Railroad Administration had had in the trial of a number of preliminary and what were considered fair test cases, it was believed that it would save the government a large amount of money if some general plan of adjustment could be agreed upon.

After a very careful investigation a general plan of adjustment was finally agreed upon, by which the Railroad Administration adjusted these claims within such limited area as could fairly be said to be within the ruling of the Supreme Court. Such settlements were based upon the payment in no case of more than 50 per cent of the actual loss sustained, and in those territories more remote from the railroads, but possibly within the ruling of the court, claims were adjusted upon a less percentage.

Growing out of this Minnesota forest fire controversy, 15,003 independent suits were commenced. The amount claimed in these actions aggregated \$73,112,146.17. The total amount paid in the adjustment of these fire cases was \$12,701,664.87. Some years after the end of Federal control efforts were made by the attorneys representing the fire claimants, acting through a senator and representatives from Minnesota, to obtain appropriations from Congress to pay these claims in full on the ground that the adjustments made by the Railroad Administration were unfair and oppressive. I appeared before committees of the House and Senate opposing such action, and defended the action of the Railroad Administration. Up to this date no such legislation has been enacted. In my opinion, settlement of these highly disputed and controversial claims, many of which could not have been legally established, was not only just but extremely generous on the part of the United States government.

During the period of Federal control, the United States Railway Administration advanced loans to the carriers, taking their definite obligations, and in most instances collateral security. These loans, roughly speaking, exceeded \$600,000,000.00. The administration during the liquidation period collected and returned into the United States Treasury between \$400,000,000.00

and \$500,000,000.00 of these loans. In addition to these items, the administration had general supervision over a vast amount of general litigation in disputes arising during the period of Federal control—personal injury claims, freight claim disputes, and the innumerable controversies that would naturally arise between all of the railroad carriers of this country on one side and their employes, patrons and the general public on the other. The details of this enormous amount of litigation were conducted, after Federal control ended, by the law departments of the various carrier companies, the administration in Washington retaining general supervision over same. At one time it was estimated there were pending in the various courts of the country over 50,000 separate lawsuits in which the Director General was either the plaintiff or the defendant. In looking back over four and one-half years of service as director general it is a matter of amazement that the administration was able, in so short a time, to effect and complete the adjustment of the large and varied claims presented. I was particularly fortunate in having a very efficient and loyal organization, to whom is due much of the credit, if any, this adjustment is entitled to.

There is one peculiar situation perhaps worthy of attention. During all the time I was in Washington, I never had a call or an inquiry from any member of Congress, House or Senate, as to the method the Railroad Administration had adopted in making adjustments, or the progress we were making. Perhaps the fact that the administration was always in funds, and required no appropriations, accounts for this seeming indifference, and there was never a criticism on the part of any governmental department or official as to any of our disbursements or the method of keeping our accounts. On the other hand, there was never any outside effort made by railroad interests, or persons representing them, to influence in any way the amount and character of these adjustments.

During my term as director general and agent of the president, I had many intimate interviews with Presidents Harding and Coolidge, and some opportunity of noting their personal characteristics. President Harding was one of the handsomest men I have ever known. He had a most charming and persuasive personality which should have entitled his administration

to the loyalty of every one of his associates and subordinates. I received my appointment of director general largely due to the recommendations of Senator Albert B. Cummins of Des Moines. While the Senator and I had not always agreed in politics, we had been warm personal friends for many years. The first time I saw President Harding was a day or two before I received my appointment. The second time I saw him was a day or two after I had received the appointment and qualified. On the occasion of the second visit, as I entered the President's office, he arose, met me half way, took hold of my right hand in a cordial grasp, put his left hand on my shoulder, and said: "Jim (he always called everyone associated with him by his first name), how are you? I am glad to see you. I do not know why I call you Jim, except I like you." This greeting was not peculiar or personal to me. It was "his way," the way he met most of his associates, made them feel at ease with him. That sort of greeting from your superior should ever enlist you as one of his loyal subordinates. His trust in the honor and honesty of his subordinates was without limit.

The adjustment with the Pennsylvania Railroad System was perhaps the largest and most difficult to make. The Pennsylvania Railroad had more mileage, more freight cars and more engines than any other system in the United States, and during Federal control by reason of the location of coal mines and steel industries upon its line was subject to heavy and unusual traffic. In the original set-up, the company admitted an indebtedness of some \$40,000,000.00 to the administration, largely on account of over maintenance, and the administration claimed a balance largely on the same subject of \$140,000,000.00. In view of the large discrepancy, and the unusual amounts involved, I thought it wise to confer with the President before attempting a final settlement. In an interview with him, I explained the situation and the impossibility of arriving at absolutely definite conclusions. I suggested to the President amounts within which I thought a fair adjustment could be arrived at. After I had finished my statement, President Harding said: "Jim, have you carefully studied this matter?" I said, "Yes, sir." The President then said: "Are you sure you understand the details?" Again I said, "Yes, sir." Then he said: "Go ahead, make a settlement you consider fair



and just, and I will back you." The case was settled for \$90,000,000.00, and that amount was all paid before I left Washington.

My recollection of President Harding is that he was strictly an honest man, with high standards as to honor and honesty, but with some human and excusable weaknesses. I believe his misfortune in his public life was that he trusted his associates "not wisely but too well," and that he was betrayed by a number of Judas Iscariots who sold their birthright for a few pieces of "dirty silver." I recall an incident which illustrates his extreme kindness and consideration. One very hot summer day a friend of mine, the United States marshal for the Northern District of Iowa, called at my office in company with his son, a boy about twelve years old. My friend told me he was very anxious to have the boy meet the President, and asked if I could arrange it. I demurred on the ground that I thought it an imposition to impose such visits on a busy man, but when my friend explained that his boy was given leave of absence from school for this trip on condition that he would write an account of his adventures, and if he did not see the President his trip would be a failure, I surrendered. It so happened I had an engagement at the White House for that afternoon at four o'clock, and I took my Iowa friend and his son over. It was a very hot afternoon, and the President was in his shirt sleeves, smoking a briarwood pipe. After introducing them to the President, my friend said to his boy: "What were you going to say to the President?" The little fellow straightened himself up and said: "Mr. President, I read in the paper that your birthday was on the 2nd of November, and that is my birthday, too." The President said: "That is fine," and then asked the boy if he had ever seen his dog, Laddie. The boy said "No." The President touched an electric bell and on the appearance of Mike, one of the White House attendants, said: "Mike, this boy will be here tomorrow at one o'clock. See that he and Laddie have a good play in the White House yard." The President then said: "My son, I hope you will never smoke, but if you do wait until you are twenty-one years old." After my Iowa friends had withdrawn, the President turned to me and said: "Jim, I am damned sorry that boy saw me smoking a pipe."

President Coolidge was altogether a different type of man.

Perhaps you could hardly find two men so absolutely the anti-thesis of each other. While President Harding was cordial, voluble, and at once put you at your ease, Mr. Coolidge, with his New England reserve, was cold, distant, reserved, and anything but cordial. Yet of the two men, Mr. Coolidge was undoubtedly the abler and safer executive. During the President Coolidge administration, I had a very troublesome fuel oil proposition to adjust. Prior to the World War and Federal control, many of the railroads had made long time contracts for fuel, coal and oil at very low prices. During the war these prices doubled and in some instances quadrupled. The Railroad Administration during the period of operation, recognizing it was impossible to carry out these contracts, had offered and made reasonable adjustments of prices. In one instance, however, a Texas Oil Company refused to make any adjustment, claiming under advice of counsel that their contract was void and could not be enforced. During the term of one of my predecessors, suit had been brought claiming, as I recall it, damages in the sum of \$5,000,000.00. In the early part of Federal control there was some doubt as to the name in which actions of this character should be brought—whether in the name of the United States, the director general as agent of the president, or the railroad company, party to the contract. Attorneys representing the Railroad Administration, to be on the safe side, brought three duplicate actions at Kansas City, each for the same claim of \$5,000,000.00. There was also some question as to the jurisdiction of the court over the oil company, which was incorporated under the laws of Delaware, so these overcautious lawyers brought three actions in Delaware, each for \$5,000,000.00, in favor of the United States, the director general, and the railroad company, party to the contract. So we had six actions, each for \$5,000,000.00, all duplicates and all based on a single cause of action. A careful investigation of the oil company disclosed the fact that its entire assets consisted of an out of date refining plant of a value not to exceed \$250,000.00 to \$300,000.00. The oil company against which the government had the claim, while an independent corporation, was a subsidiary of and controlled by a well-to-do concern, and to avoid litigation the government was offered in compromise \$300,000.00 cash in full of all claims.



This matter came up about the time of the Teapot Dome Oil scandal, and I could readily see that there might arise some criticism or discussion if six lawsuits aggregating \$30,000,000.00 were settled for 1 per cent of the face of the claim, so I thought it prudent to advise President Coolidge of the situation. He listened very carefully to my detailed statement, when I was through asked no questions, but very drily remarked, "I think you should get all the real money you can."

The important work of the administration having been completed, I wanted to return to Des Moines. On December 14, 1925, I personally presented to the President my resignation, effective December 31, 1925. I handed the resignation to President Coolidge, who was seated at his desk in his office. He read it, laid it on his desk, and said nothing. I shifted around in my chair, and finally said, "I have a typewritten summary of the financial condition of the administration, in which you may be interested," and I handed him the statement, consisting of some five or six typewritten pages. Without saying a word, he looked through the statement and finally said: "I see you have over \$400,000,000.00 to your credit with the Treasury. If you make this public, won't Congress immediately begin spending it?" I explained that this fact had been heretofore made public, and then followed another period of embarrassing silence, and after some inane remark on my part that I hoped to see the President before I finally left, I beat, in some embarrassment, a retreat. Having represented the President in quite intimate relations for a number of years, the work on my part apparently having been done to his satisfaction, I left the White House with a distinct feeling of disappointment and some chagrin at my reception, the President having no word of regret at my leaving, no word of commendation as to the work I had done. When I reached home that evening, Mrs. Davis asked me if I had seen the President. I answered "Yes." She said, "Did you give him your resignation?" Again I said "Yes." She then asked me, "What did he say?" "Not a word," said I. She asked: "Did he not express any regret at your leaving or any commendation of your work?" I answered, "He did not say a damn word." She then asked me if I had seen the Washington Evening Star. I said "No." She handed me the paper and I found, shortly after I had left, the



White House had given to the press a copy of a letter which the President sent me, the letter being as follows:

The White House  
Washington

December 14, 1925.

My dear Mr. Davis:

I hereby accept your resignation as Director General of Railroads and Agent of the President, to take effect at midnight of December 31, 1925, your successor having been duly appointed and qualified at that time.

The liquidation of the controversies growing out of Federal control of the railroads has been substantially completed in a most satisfactory manner, due to your energy, ability and tact. Therefore, I cannot well ask you to remain longer at your post. When one contemplates the extent of the work accomplished under your direction, he feels that the thanks of the country should be extended to you in most generous measure. Instead of endless litigation, as prophesied by many, we have seen such adjustments of the claims between the railroads and the government, growing out of our handling of these vast properties during the war, as to bring about satisfactory settlements out of court. The claims of the railroads against the government, amounting to over one billion of dollars, were adjusted for less than \$244,000,000. Our claims against the carriers, amounting to approximately \$440,000,000, resulted in our collection of nearly \$200,000,000. The net result is that the claims against the government have been liquidated on a basis of less than five per cent. All through these operations, you have preserved cordial relations with the railway executives obtaining their generous cooperation and helping to establish an era of good feeling between the government and the carriers, which are so vital a factor in the nation's life.

In extending my personal appreciation of your fine service, let me add best wishes for the future.

Most sincerely yours,

Calvin Coolidge.

Honorable James C. Davis,  
Director General of Railroads and  
Agent of the President,  
Washington, D. C.

Mr. Coolidge appreciated loyal service, and was always willing to commend efficiency, but in a personal interview he could not break through that New England reserve with which he uniformly surrounded himself.

I returned to Des Moines January 1, 1926, and organized, with my old associates of nearly thirty years, a law firm entitled "Davis, McLaughlin & Hise." A little later there was added to

the firm my son, James C. Davis, Jr., and Elizabeth Hyde, and now, surrounded by congenial associates and in a city and state where I have lifelong friends, I am winding up a career that to me has been full of interest and activities.

In politics, I have always been a consistent and conservative Republican. While I have never sought office, I have been fairly active in local, state and national politics. In an early day I served two terms as city attorney in Keokuk, and, a little later, two terms as mayor of Keokuk. In 1896, I was a delegate to the National Republican Convention, which nominated William McKinley for president, and in 1901 I was temporary chairman of the State Republican Convention at Cedar Rapids, which nominated Hon. A. B. Cummins for governor. I had some opportunities to enter politics in a large way. When I was about thirty-five years old I could have gone to Congress from the First Congressional District, but I preferred to stick to the law and be able to take care of my family in a financial way, an opportunity which honest politics did not afford.

As I look back, I think I have been peculiarly happy and fortunate in the home life of my father and mother and in my own life. The little success I may have had is largely due to the sustaining influence of the good women with whom I have been associated. My mother was an unusual woman, very beautiful in her appearance. When a girl, she was recognized as the most beautiful girl in Wetzel County, West Virginia. Her great ambition was to make our home attractive for her husband and her children. She was a devout Episcopalian and saw to it that each of her children attended Sunday school and church and was instructed in the catechisms and the doctrines of the church. I lived at home until my marriage, December 10, 1884, and my recollection of my home life with my father and mother, brothers and sisters, is full of pleasant and fragrant memories.

On December 10, 1884, I was married to Clara Belle Mooar, daughter of Judge Daniel Mooar, of Keokuk, Iowa. The ceremony took place in St. John's Episcopal Church, Keokuk, and was performed by the Rev. R. C. McIlwain. Judge Mooar and his family, who were Episcopalians, moved from Covington, Kentucky, to Keokuk, Iowa, shortly after the close of the Civil War in 1865, and Clara Mooar and I were boy and girl together.

She died March 21, 1895, leaving me with three children, Daniel Mooar, aged ten, Ora, aged eight, and Carolina Thistle, aged four. Daniel married Dorothy Blackburn and lives in a suburb of Philadelphia, and has one daughter. Ora married Robert Fullerton, Jr., and lives in Pasadena and has three children, a daughter and two sons. Caroline Thistle married John S. Corley, and lives in Des Moines and has one daughter.

Clara Mooar was a petite, beautiful girl, with great Southern charm and hospitality and a wonderful capacity for the practical duties of home and mother. My life with her has always been a happy and a sacred memory.

On the death of my wife, my sister, Caroline Thistle, came to live with me and for more than six years took care of my children and my home. My sister Caroline inherited the many admirable qualities of my mother, and with a conscientious love and efficiency looked after my home and my children. Her sacrifice, willingly made during those years when I was in great trouble, created a debt of gratitude that can never be forgotten or paid.

On the 15th of August, 1901, I was married to Louise Pomeroy, daughter of Dr. Joseph C. Pomeroy, of Waverly, Iowa. The ceremony was performed at the Pomeroy residence in Waverly by the Rev. R. C. McIlwain, Rector of St. John's Church, Keokuk. Louise Pomeroy had always taken an active interest in the affairs of the Episcopal Church, especially the music, having an unusual voice which had been highly cultivated. In this marriage I have been extremely fortunate and happy, and my wife and I have had over thirty-three years of very congenial married life. There have been four boys born to us. The oldest died in early infancy. James C., Jr. is a member of our firm, married Elizabeth Linn of Des Moines, and has three children. Joseph Pomeroy married Maribea Swanson of Des Moines on May 20, 1933, lives in Keokuk, and as yet has no children. Frank W., our youngest boy, is now a student in the Law Department of the State University at Iowa City. Louise Pomeroy is a woman of unusual mental endowments, has always taken an interest in my professional work, and has an intelligent appreciation and concern in all matters of public interest. She has quite consistently kept her husband in the "straight and narrow" and has





**JAMES C. DAVIS AND FAMILY**

Left to right, upper row: Caroline Thistle (Mrs. John S. Corley), Dorothy Blackburne (wife of D. M. Davis), Ora (Mrs. Robert Fullerton, Jr.), Frank W., Joseph P.  
Lower row: James C., Jr., Daniel M., Mrs. Davis, J. C. Davis.

been a very dominant factor in the happiness I have enjoyed and the little success that has come to me in the middle period of my life, for all of which I am duly thankful.

In religion, following the teachings and the example of my mother, I have been a contributing member of the Protestant Episcopal Church. I am not interested in the construction or the differences in creeds or dogmas. So far as my religious beliefs are concerned, they are summed up in the answer which Jesus Christ made to the lawyer who asked him, "Master, what is the great commandment of the law?" And Jesus answered saying: "Thou shalt love the Lord thy God with all thy heart and with all thy soul. This is the first and great commandment and the second is like unto it. Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets." To my mind, this is the sum total of all religion.

My father and I have lived through more than a century of perhaps the most interesting period of the world's history. We have lived more than eighty-five years in Iowa. We have seen Iowa grow from a young, sparsely settled state to the leading state in agricultural products, with a population with practically no illiteracy, the smallest percent in the sisterhood of states, and with the most equitable distribution of wealth of any state in the Union. Ordinarily there are no vulgarly rich and few desperately poor people in Iowa. Surely, if it is humanly possible, Iowa should be the home of a happy and contented people.

While we boast of the progress and culture as a civilization we have made, I sometimes wonder if our so-called progress and culture has materially added to the measure of human happiness and contentment. Are we now, surrounded with all our luxuries and improved methods of living, any happier or more contented than the boys and girls and men and women of sixty or seventy years ago, or, if you please, of 2,000 years ago?

In my early days the men wore boots and galluses instead of oxfords and belts; the women wore basques and corsets with whalebone ribs, and dresses sometimes with hoop skirts and long trains instead of the tight fitting clothes of today. We read by the light of kerosene lamps instead of electricity. We heated our houses with stoves and open fireplaces instead of automatic oil and gas furnaces. If we wanted to take a pleasure drive, we

hitched up the old bay mare "Kit" to the two-seated surrey and set sail on dirt roads at the rate of five or six miles per hour, instead of speeding in a Ford or a Cadillac on cement roads at the rate of sixty miles an hour. There was practically no plumbing or running water in houses, or adequate sewerage, in those days. Saturday night was religiously observed as bath night with a bucket of hot water from the kitchen stove. In winter we all wore heavy knitted woolen socks, and if we were at all rheumatic we wore heavy home-made red flannel underclothing. In the old days, a woman in confinement was taken care of in her own home, attended by a motherly colored midwife at \$1.00 per day or \$5.00 per week. The maximum medical charge for confinement was \$25.00, and a new baby in the homes of the well-to-do never cost more than \$50.00. Now in confinement there is a room at a hospital, a night and day trained nurse, charges for pre-natal service, and for various kinds of expert medical attention, so that the cost of a modern baby in families of the same relative standing as in the old days is about \$500.00, but if you have the money the baby is a good investment at the price.

In the old days, notwithstanding what appeals to us now as primitive and crude surroundings, families of from five to ten children seemed more numerous than families nowadays of three or four, yet in those days of more simple living we lived, laughed, sang, danced, had picnics and parties, and to all appearances had just as much enjoyment and pleasure in life, with just as much happiness and contentment, as we have now. I think perhaps there is in humanity just about so much capacity for pleasure and enjoyment, and each generation in turn takes its part. I sometimes wonder if since the dawn of civilization there has been any lessening of those predatory instincts of humanity which lead to and beget cruelty, anger, hate, avarice, and a ruthless ambition which overrides and sets aside the rights of the less courageous and competent, and whether or not our civilization is but a thin veneer and a scratch under the skin finds the same old ugly and undesirable traits that have always existed in the human race. Surely in the World War there was more ruthlessness, more cruel and unnecessary destruction of life, than the world has ever seen. Submarines sank loaded passenger ships, defenseless cities were bombarded from the air, and ad-



vanced science lent its aid to the wholesale destruction of human life. It is true that we have advanced in the science of medicine and sanitation; that there is less mortality among infants, and the average life of adults has been extended. On the other hand, there has been a falling off in the attendance and support of orthodox churches, and the younger generation of today does not take a very great interest in the spiritual welfare of the world. In our lifetime there has been a marvelous growth in the field of invention—the telephone, radio, airplane, moving pictures, extended uses of electricity, automobiles, good roads and labor-saving machinery have all contributed to the comfort and luxury of mankind. These were all unknown in my early boyhood. It is also true that the cost of living has tremendously increased. My father and mother occupied about the same relative position in society that my wife and I now occupy, and yet I am very sure that in many single months I have spent, in the support and comfort of my family, as much as my father spent in a year, and comparatively speaking his family lived in as much comfort and luxury as we do.

I am ordinarily a consistent optimist, but I confess at the present time a great apprehension as to the future of our government and the permanent happiness and prosperity of our people. The whole world, largely as the result of the World War, is in chaos and confusion, with widespread depression, unhappiness and discontent. In our own country I recognize quite fully the necessity for progress and reform, but I believe this progress and reform should be accomplished within rather than in the face of our constitutions, State and Federal. I am opposed to the Federal government entering into the detailed conduct of affairs peculiarly local in the several states—undertaking to fix hours of labor, wages, amount of output, and prices. I am opposed to the states surrendering to the Federal government the exercise of the local police power, the state control of affairs purely local. I am opposed to the surrender by the legislative arm of our government to the executive of legislative power to the end that the executive, in his own right or by cabinet officers, or through the creation of bureaus and commissions, may fix the amount of taxes and levy same, may raise or lower tariff duties, and may promulgate rules and regulations having the authority

of legislative acts, fixing penalties for the violation of such rules in the way of fines and imprisonment. I am opposed to the regimentation of the American people to the standard of dull mediocrity, and I still believe in individual reward for ability, energy, honesty and efficiency. I do not believe that "a pair of trousers has ever been made with legs long enough to be pressed in interstate commerce," and I believe that the government should encourage and reward personal endeavor, rather than on borrowed money mortgage the birthright of future generations, and with unheard of extravagance distribute money with no adequate discrimination among the worthy and those who are not, and for purposes wholly visionary and temporary. Expenditures of this kind encourage a spirit of dependence, and eagerness to accept doles, that will eventually destroy the independent morale of great numbers of people, men and women who have ordinarily taken pride in being independent and self-supporting.

In looking back over a life that in years is in excess of the average, I believe I have not lived altogether in vain. I have founded a family, I owe no man, in my travels down the pathway of life I have been able to extend a helping hand to many of my less fortunate brothers, and now at the age of seventy-seven, surrounded by considerate, congenial and loyal business associates, my wife, my children, and my grandchildren, and by lifelong friends, I am easing up from strenuous business, enjoying in moderation the good things of life, and waiting with hope and confidence, and unafraid, the final exit.

Dated September 2, 1934.

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