

A Guide to the John W. Davis Collection 1888-1953

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1888-1953

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Lewis F. Powell, Jr. Archives, Washington and Lee University
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Descriptive Summary

Collection number
011

Language

English

Physical Characteristics

This collection consists of 1 cubic foot and 3 oversize folders of materials.

Repository

Lewis F. Powell, Jr. Archives, School of Law, Washington and Lee University

Administrative Information

Access

There are no restrictions on access.

Acquisition Information

John W. Davis' daughter Julia Davis Adams, donated these materials in 1986.

Preferred Citation

John W. Davis Collection, 1888-1953, Ms 011, Lewis F. Powell Jr. Archives, Washington and Lee University, Lexington, VA

Adjunct Descriptive Data

Separated Materials

Twenty one books belonging to John W. Davis were donated with this material. All of these books are housed in the law library Rare Book Room. They have not been entered into the library catalog, but a list of the titles is available at the repository. Additionally, an English Staffordshire porcelain figurine of a pair of birds is on indefinite display in the anteroom to the Law Librarian's office.

Related Materials

Related Manuscript Collections

Researchers should note that the bulk of the papers of John W. Davis are held by Yale University Libraries. (Washington and Lee University School of Law Library holds a copy of the microfilm edition of this Yale collection. The film is housed in the microforms area of the law library Main Reading Room.) The Special Collections division of Washington and Lee University Leyburn Library also holds a small collection of Davis materials. These include a speech typescript, his original law license, correspondence and asset statements. The papers of the parents of John W. Davis, John J. Davis and Julia McDonald Davis, are held by West Virginia University.

Related Printed Materials: John W. Davis "Cases and Points"

Davis' law firm, Davis, Polk & Wardwell, at an unrecorded date, donated c. 50 linear feet of court reports and other printed records of cases in which Davis participated. These had been specially bound and titled "Cases and Points." A shelf list of these volumes is available at the repository.

Biographical/Historical Information

Born in West Virginia in 1873, John William Davis went to college and law school at Washington and Lee University taking his LL.B degree in 1895. Having already read law for a year in his father's office, Davis completed the law degree requirements in nine months. After practicing for a year in West Virginia, he accepted a position as the third member of the expanded law faculty at Washington and Lee. During the 1897 school year, Dean John Randolph Tucker died and Davis had to take on the additional load of teaching Tucker's classes. Though tempted to stay on at Washington and Lee under the leadership of the new president, William L. Wilson, Davis chose the "rough & tumble" of private practice. Two years later, when Professor Charles Graves left Washington and Lee to accept a chair at the University of Virginia, he was again invited to join the permanent faculty. Davis again selected private practice over teaching. He remained loyal to Washington and Lee and later served more than two decades on its board of trustees.

Davis practiced law in Clarksburg from 1897 to 1913. During this period he was active in West Virginia and

national Democratic politics. He was elected to the West Virginia House of Delegates in 1899 and, from 1911-1913, he served in the U.S. Congress. In 1912 he married Ellen G. Bassell. (He had married Julia McDonald in 1899. She died in childbirth a year later.) From 1913-1918 he served as U. S. Solicitor general. In September 1918, Davis was one of the delegates to the Berne, Switzerland conference on the treatment and exchange of Prisoner. From 1918 until 1921 he was ambassador to Great Britain. In 1921 Davis moved from London to New York to become head of the prominent Wall Street law firm Davis, Polk and Wardwell. Clients included J. P. Morgan and Company, and U. S. Steel.

In 1922, the same year he served as president of the American Bar Association, Davis rejected appointment to the U. S. Supreme Court. In 1924 he became the Democratic nominee for president. He waged a conservative, high-minded and losing campaign against Calvin Coolidge. He left the political arena, only reemerging briefly in the 1930's as an organizer of the anti-New Deal Liberty league.

For the rest of his career, he devoted himself to his private practice. By his death in 1955 he had made 139 oral arguments before the Supreme Court, at the time a 20th century record. Davis was honored in his lifetime by fourteen honorary doctorates. Felix Frankfurter, Learned Hand, and Hugo Black, among others, deemed him one of the two or three finest advocates of the century.

Davis' lifelong fidelity to the conservative legal principles espoused by his father and by the Washington and Lee law faculty at the time he was a student make for a seemingly inconsistent record of advocacy. He may be best remembered for successfully defending the steel industry against government seizure during the Korean War, and for unsuccessfully arguing South Carolina's case for maintaining segregated schools in the school desegregation cases now known jointly as Brown v. Board of Education. But Davis' second case as Solicitor General made a strong argument against Oklahoma's "grandfather clause" excluding blacks from voting (Guinn v. United States). He spoke in defense of religious liberty in the 1928 presidential campaign when candidate Al Smith was attacked because of his Catholicism. In a 1931 pro bono case, Davis defended a Yale divinity professor in a case (United States v. Macintosh) that became a leading precedent in the development of the law of conscientious objection. During the Cold War, Davis was contemptuous of McCarthyite tactics. He was involved both in the Alger Hiss case and in preparing the appeal of J. Robert Oppenheimer to the Atomic Energy Commission for security clearance.

Contents List

Education

Pantops World, Pantops Academy February 15, 1888

Box-folder 1/1

Extent

Charlottesville, Virginia prep school
newspaper

Washington and Lee University School of Law 1892-1897

Assignment and Exam 1894

Box-folder 1/2

Extent

Subject of exam is Corporations and
Negotiable Paper

Class Notes 1894-1895

Carriers 1894

Box-folder 1/3

Extent

Notes handwritten in pencil in
notebook. Sample receipts and contracts are
also in this folder.

Real Property 1894-1895

Box-folder 1/4

Professor's Printed Lecture Notes 1894-1895

Extent

Printed pamphlets. No bibliographic information present. H. Hamilton Bryson, in his *Virginia Law Books*, p. 388, 390, attributes these titles to John Randolph Tucker.

Historical View of Equity Procedure

Box-folder 1/5

Maxims In Equity

Box-folder 1/5

Express Trusts

Box-folder 1/5

Mortgages

Box-folder 1/5

Assignemnts

Box-folder 1/6

Fraud

Box-folder 1/6

Acts Voidable by Third Parties, Through Good Between Privies.

Box-folder 1/6

Doctrine of Notice

Box-folder 1/6

Adjustment

Box-folder 1/6

Notes Of Lectures On Natural Law

Box-folder 1/6

Notes of Lectures on Corporations

Box-folder 1/7

Notes on Negotiable Paper

Box-folder 1/7

Conflict of Laws

Box-folder 1/8

Specific Performance**Box-folder** 1/8**Notes On Insurance****Box-folder** 1/8**Partnership****Box-folder** 1/8**History of Adoption of the American Consitution****Box-folder** 1/9**Notes On Political Science****Box-folder** 1/9**The Single Tax Upon Land****Box-folder** 1/10**Scope and Content**

Appears to be a chapter separated from a larger work. Author is Jas. A. Quarles, Washington and Lee University.

Untitled**Box-folder** 1/10**Scope and Content**

Pages 1 & 2 are missing.

Printed Memorabilia 1892, 1897**Box-folder** 1/11**Extent** 2 printed items**Scope and Content**

1) *The Virginia State Bar Association Address by John Randolph Tucker ...*, July 1892; 2) *Washington & Lee University, Lexington, Virginia. Inaugural Ceremonies, September 15th, 1897.*

Certificates of Award and Merit 1895-1953**West Virginia Law License 1895****Box-folder** 1/12**Appointment as Commissioner to Conference at Berne, Switzerland.
Signed by President Woodrow Wilson. September 23, 1918****Oversize** 2**Appointment as Ambassador to Great Britan. Signed by President
Woodrow Wilson. November 21, 1918****Oversize** 2**Order of the British Empire. Signed by Elizabeth R. March 13, 1953****Oversize** 2**Memorabilia -- Autograph Book 1919-1920****Box-folder** 1/13**Scope and Content**

From time of David's ambassadorship to Great Britain; includes postcard photos of English country homes

From time of Davis' ambassadorship to Great Britain, includes postcard photos of English country homes.

Photographs

Family and unidentified subjects

Unidentified male

Box-Folder 1/14

Extent 3.25" x 4.25"

Scope and Content

May be a young John J. Davis.

Unidentified female

Box-Folder 1/14

Extent 2.5" x 3.25"

Scope and Content

May be a young Julia McDonald Davis.

John J. Davis

Box-Folder 1/14

Extent 8" x 11"

Scope and Content

Lithographic reproduction by "Lewis Historical Pub. Co. & W.T. Bather, N.Y." Signed "Jno. J. Davis."

"Davis Homestead of Clarksburg"

Box-Folder 1/14

Extent

2 photos, one by "Misses Bickle & Moskey."

Unidentified male. n.d.

Oversize 1

Scope and Content

May be William Taylor Thom. (Mat is signed "Wiley Thom.")

Government and Royalty

Supreme Court of the United States c. 1890

Oversize 1

Scope and Content

Mat signed by all nine justices.

Solicitor General (Davis) and Staff Attornys c. 1915

Oversize 1

Scope and Content

Mat signed by all subjects.

Mary R. 1921

Box-folder 1/15

Scope and Content

Signed and dated by the Queen.

George R. 1921

George VI 1921

Box-folder 1/15

Scope and Content

Signed and dated by King George V.

Painting & Drawings

Unidentified male n.d.

Oversize 3

Scope and Content

Oil on canvas. Artist is "Stone." Subject could be John J. Davis.

Lithograph of Thomas Jefferson 1895

Physical Location Separated. Kept with framed artwork.

Lithograph of Daniel Webster n.d.

Oversize 3

Scope and Content

Artist is T. Johnson.

John W. Davis n.d.

Oversize 3

Scope and Content

Oil on paper.

Prints of Middle Temple Hall and Environs 1897-1898

Oversize 3

Extent 4 prints

Scope and Content

Subjects include: Middle Temple Hall, Lamb's Building, Temple Church, and Inner Temple Gardens, all in Bristol, England.

"Skyscraper" January 1930

Oversize 3

Scope and Content

Pencil drawing by John W. Davis.

Artifacts

Order of the British Empire 1953

Box 2

Scope and Content

Includes cross, silver star, sash, and case.

Plaque presented by New York Academy of Medicine 1953

Box 2

Paper document wallet n.d.

Box 2

Scope and Content

"Davis & Davis, Attorneys At Law, Clarksburg, West Virginia" printed on item.

Ticket to 1924 Democratic National Convention n.d.

Box 2

Lewis F. Powell, Jr. Archives, School of Law, Washington and Lee University