

HISTORY OF ANCIENT WOODBURY. 1445

HON. CHARLES BARTLETT PHELPS.

Quite a full account of the life of Judge Phelps, appears on page 394. Since that date he has deceased, and a more extended account, written by his son-in-law, Rev. Alonzo Norton Lewis, of New Haven, Conn., is introduced here. Mr. Lewis studied law in the office of Judge Phelps, and was admitted to the Litchfield County bar; but on account of failing health he was obliged to go South. On recovering it, he studied theology, and was admitted priest. Since then he has acted as Rector in Bethlehem, Conn., Dexter, Maine, and Marblehead, Mass. He resides now at New Haven, Conn.:—

“Charles Bartlett Phelps was born at Chatham, now Portland, Conn., May 31st, 1788. He was the eldest son of Dr. Elisha Phelps, a physician of some repute. He entered the Litchfield Law School, when he was only eighteen years of age, where he had as fellow-student John C. Calhoun, John M. Clayton, and others, who have since become illustrious as lawyers, jurists, and statesmen.

So assiduously did he apply himself to his studies, in order to keep pace with his fellow-students, most of whom had the advantage of age and a superior education, that his health failed. In his Diary may be read frequent entries like the following:—“Studied *eighteen* hours this day.” At last, being threatened with pulmonary disease, he left Litchfield for Woodbury, where he entered his name as a student with Hon. Noah B. Benedict. Here he became an inmate of the house which he occupied until his death—since known as the “Judge Phelps Place,” but more recently as the “Parker Academy.”

In 1809 he married Elsie, youngest daughter of the Rev. John Rutgers Marshall, first Rector of St. Paul’s Church, Woodbury. The following are his children by this marriage. George Butler Phelps, of Pittsburgh, Pa., Charles Elisha,* Edward Marshall, Judge of the Ohio District Court, St. Mary’s, O., John Rutgers, Paolo, Ill., Susan Moseley, wife of Daniel Judson, Esq., Ogdensburgh, N. Y., and Elisha.

He married, 2d, Amanda, daughter of Dr. Joseph Parker, of South Farms, now Morris. Children by this marriage, Elsie Amanda, and Sarah Maria, wife of the Rev. Alonzo Norton Lewis,

* Deceased.

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a clergyman of the Protestant Episcopal Church, now of New Haven, Conn.

After the usual course of study, he was called to the Bar, and was a trusted and honored counsellor and advocate, to the day of his death. He was Judge of Probate for the District comprising Woodbury, Bethlehem, Southbury, and Roxbury,¹ from 1823 to 1834; and was re-appointed in '35, '36, '37, '42, '43, and '46; and again from 1849 to 1858, when his age rendered him ineligible. During the twenty-five years that he held this most responsible office, he *never had a decision reversed* by the higher courts. He was elected most of the time "by favor," the Probate District being largely against him in politics.

He was a member of the Connecticut House of Representatives in 1831, '37, and '52. The latter year he was chosen Speaker. In 1843 he was a member of the Senate and President of that body. He was Postmaster of Woodbury from 1831 to 1841. In 1850 he was appointed Judge of the County Court for the County of Litchfield, and was re-appointed in 1852. He was admitted to the Bar of the Supreme Court of New York.

On the 21st of Dec., 1859, he was present at a meeting of the Committee appointed by the Connecticut Legislature to superintend the erection of a monument to Col. Seth Warner, an officer of the Revolution. The Committee, (of which Judge Phelps was chairman,) met in Roxbury, at the house of Nathan Smith, Esq. Gov. Buckingham and other distinguished citizens were present. He was addressing the Committee and other gentlemen, upon the subject under discussion, when he suddenly paused, as if hesitating for a word, put his hand to his forehead, sank back into his chair, and expired without a struggle, aged seventy years, six months and twenty-one days.

No one ever saw Judge Phelps without being struck with his genial face, portly form, and dignity of manner. No one ever knew him intimately, without becoming deeply attached to him. For more than two years, the writer of this sketch was most confidentially and intimately associated with him, and he has no hesitation in affirming that "he was a man, take him all in all, we shall not look upon his like again!" Born soon after the Revolution, and familiarly acquainted with many of the actors in that great drama, he was a connecting link between the generation of '76 and the present. In his tastes and habits, a "gentleman of the

¹ Since erected into a District.

old school;" with a high-toned sense of honor too rarely found in these modern times; his mind unusually stored with that knowledge which only habits of observation can inspire; a never-failing flow of wit, and anecdote, and keenest *irony*, if the occasion demanded; of great power as a public speaker and an advocate; full of "wise saws and modern instances," and quaint sayings and comparisons, which convulsed the listener with merriment; a kind and unselfish neighbor; an ever faithful and sympathizing friend; strong in his likes and dislikes; a man who read character at a glance; hospitable, charitable, and generous to a fault,

"As many a beggar and impostor knew;"

though a *lawyer* a *peace-maker*; (his proudest boast being that he "had settled more cases than he had tried);" to those who knew him in the sanctity of his home, (whatever he may have seemed to the world), a man of deep religious feelings and yearnings; in the language of another,

"Not, like too many, worsen than he seemed,
But always better than himself had deemed;"¹

Charles B. Phelps, "the old Judge," will never be forgotten, so long as there is one who knew him left to cherish his memory!

"The upright judge, the wit, the mind intent,
With the large heart, that always with it went,
Passing his years among us, softened, sage,
Almost the feature of another age.—
In one dread moment sent to that far shore,
Where praise nor blame shall ever reach him more."²

On learning of the death of Judge Phelps, a large public meeting was held at the Town Hall, to express in an appropriate manner the sentiments of the people, at their sudden and great loss.

Rev. Wm. T. Bacon offered some very laudatory resolutions in relation to the character of the deceased, accompanied by some eloquent and feeling remarks. The author responded as follows, after which the resolutions were unanimously passed:—

MR. CHAIRMAN:—I cheerfully and heartily second the resolutions just offered by my Rev. friend, Mr. Bacon. There are times

¹ Rev. W. Thompson Bacon's Woodbury Centennial Poem, July 4th, 1859. ² *Ibid.*

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when a whole community is brought to a sudden pause, by some unexpected calamity. If a thunder-bolt should fall out of a clear, sunny and serene sky, all would be shocked, startled, electrified. In such a manner as this, fell the intelligence of the decease of our honored fellow-townsmen, Hon. Charles B. Phelps—suddenly and unexpectedly, while he was in the act of discharging a public and patriotic duty, upon our affrighted ears, two short evenings ago. The deceased had gone to Roxbury, on Tuesday morning, to meet the Committee on the Warner Monument. He had left his house in a very cheerful state of mind, and at the moment the grim messenger of death approached, he was addressing the Committee on the subject which had called them together. Raising his hand in his accustomed manner, when about addressing a pointed remark, he faltered, fell back, and his hand remained raised in the rigidity of death. Thus suddenly was he called to meet his God. Truly did he "die with the harness on." And beautiful is it to die thus, if we are prepared to hear the dread summons to another world. It seems more like translation than death.

Although, my friends, I feel as the senior surviving attorney of this town and vicinity, though young in years, there is a peculiar fitness in my responding to these resolutions, and the more especially as my relations of friendship and professional courtesy with the deceased, were of the most intimate and pleasant character, yet since the mournful news met me at the cars on yesterday noon, having been engaged in such offices of kindness to the bereaved family, as my deep sympathy with their great affliction dictated, I have not had a moment to make fit preparation to *direct your thoughts or collect my own*.

It gives me much satisfaction to speak of our pleasant professional relations. Our departed friend was, in every sense of the word, an honorable practitioner. He was particularly urbane in his practice. During the last thirteen years, being for the greater part of the time the only lawyers in this town, he and I have been almost constantly on opposite sides in the trial of cases, and yet I speak it to his unusual praise, that he has not called me three times before the Court, to decide any of the preliminary questions which arise previous to the trial of cases; nor have I had occasion to call him three times before the Court, for a like purpose. We always agreed on such points, and it was very pleasant to do so. He was kind-hearted and genial in his disposition—emphatically so. He possessed a keen knowledge of the character and motives

of men, and often have I seen him, when asperities arose in a case, as they will, and must sometimes arise, by the dexterous use of his never-failing fund of wit and humor, turn that into a hearty laugh "all round," which might otherwise have turned into an exchange of blows. The same trait of character enabled him to learn the secrets of the camp of his antagonist, and to interpose at the opportune moment, to arrest the progress of litigation, and settle contested cases. He always avoided a trial, if possible. He often said to me that he intended to so live, that one thing of truth could be said of him, when he was dead; and that was, that he "had settled more lawsuits than any other lawyer in his part of the State." And this can be truly said of him. He would allow causes to go on a while in Court, but he generally found the favorable moment to settle them without trial.

A man of superior intellect, such as the deceased certainly had, cannot reside as he did, for fifty years, in a community, without becoming identified with every fibre of its institutions. It is no matter that you may be opposed to him and his views in politics, in religion, in everything. He will have a hold upon you—an abiding influence in the community. The death of such a man is a public loss. It is a removing of the "ancient landmarks." We do well, then, to meet in this public manner to commune of our public loss.

This is an occasion, the full import of which should sink deep into our hearts. As we gather thus mournfully together, and gaze into the open grave of our departed friend, it becomes us to consider "what shadows we are, and what shadows we pursue." Here we may take an effecting view of the follies and vanities of life. Here we may consider how much sorrow and misery we cause each other, and how heartlessly we often destroy each other's happiness and our own. It is well to pause on the brink of the grave, and learn useful lessons for our future lives. May we here pledge each other to imitate the virtues of the deceased, avoid his errors, and labor earnestly for the happiness of our race, while life remains. All animosities, if any existed, in noble minds, end here. There are no contests in the grave. But I will not detain you longer. I know full well your own thoughts outrun my words, and more eloquently express your feelings.