

EX-JUDGE PHELPS DEAD

Succumbs To Infirmities Of Age At
His Home In Walbrook.

LONG ACTIVE IN PUBLIC LIFE

As Soldier, Statesman, Lawyer,
Jurist And Author, He Had Won
Distinction—Native Of Vermont.

Judge Charles Edward Phelps.

Born May 1, 1833, in Guilford, Vt.

Came to Maryland in 1841.

Graduated at Princeton in 1852.

Graduated at Harvard Law School
in 1853.

Began practice of law in Baltimore
in 1856.

Elected to First Branch City Council
on Reform ticket in 1860.

Became lieutenant-colonel of Seventh
Maryland Volunteers in April,
1862, and colonel in 1863.

Commander Maryland Brigade in
1864.

Wounded and taken prisoner at
Laurel Hill in 1864. Recaptured next
day and sent home.

Elected to Congress in 1864 and
1866, voting with Democrats against
coercion of the South, and with Re-
publicans on questions of finance and
public credit.

Declined appointment to Court of
Appeals in 1867.

Elected to the Supreme Bench of
Baltimore city in 1882.

Re-elected without opposition in
1897.

Retired May 1, 1908.

Judge Charles E. Phelps, long an honored member of the Supreme Bench of Baltimore, died at 2.45 o'clock this morning of heart trouble at his home, corner of Thirteenth street and Walbrook avenue, Walbrook.

He had been ill only a few days. Members of his family were with him when he died.

As a soldier, statesman, jurist and author Judge Phelps won distinction. He fought bravely and gallantly on the Union side in the Civil War until he was severely wounded. After the war he served two terms in Congress, where he manifested characteristic independence of thought and action by opposing coercive measures for the South, occupying in that respect a unique position. Retiring from Congress, he began practicing law, and was twice elected to terms of 15 years as judge. During his second term he reached the age limit of 70 years, but his term was extended by the Legislature. In 1894 he published "Juridical Equity," and in 1901 issued "Falstaff and Equity."

He was an able and popular commander, a thorough disciplinarian and cool and brave in action. As an orator he was impassioned, cogent and effective. A thorough student of law, he mastered his cases and presented them with effect and success. As a judge he had the confidence of the bar as well as litigants, and his decisions were well received.

Distinguished Ancestry.

Both by birth and education Judge Phelps was well fitted for the different pursuits in which he engaged. He was born May 1, 1833, in Guilford, Vt., and came of a distinguished ancestry. His father was Judge John Phelps, a lawyer of reputation in Vermont and a descendant of William Phelps, a colonist, who was born in Tewkesbury, England, August 19, 1599, and died in Windsor, Conn., July 14, 1672.

His mother was Mrs. Almira Hart Lincoln Phelps, a well-known educator and authoress of her day. She was a daughter of Samuel Hart and a lineal descendant of Thomas Hooker, founder of Hartford, Conn. In 1817 she married Samuel Lincoln, of Hartford, who died in 1823. In 1831 she married Judge John Phelps. Her reputation as an authoress and as a practical and successful educator attracted the attention of the trustees of the Patapsco Female Institute, at Ellicott City, and upon the invitation of Hon. Thomas B. Dorsey, Chief Justice of Maryland and president of the trustees of the school, seconded by Bishop Whittingham, Mrs. Phelps and her husband removed to Ellicott City in 1841 and assumed charge of the school, which soon became an assured success. Upon the death of her husband, in 1847, Mrs. Phelps conducted the school alone for eight years. Then she came to Baltimore. She died here July 15, 1884. She was the second woman to be elected a member of the American Association for the Advancement of Science.

Early Education.

Charles E. Phelps removed with his parents to Pennsylvania from Vermont in 1837, and came to Maryland with them in 1841, when he was 8 years old. The first school he attended was the Rock Hill Academy. In 1844 he was a student in a private school in Baltimore, living with the family of the late Prof. Nathan R. Smith, a famous physician and surgeon. Subsequently he spent four years at St. Timothy's School, at Catonsville, under the care of Rev. L. Van Bokkelen. Then he went to Princeton, which graduated him in 1852, and conferred upon him the degree of master of arts in 1853. His legal studies were pursued at the Harvard Law School, from which he was graduated in 1853, and in the office of Robert J. Brent. After spending some time in foreign travel he began the practice of law in Howard county and in Baltimore, coming here in 1856.

In Politics.

When Judge Phelps settled in Baltimore the political situation was disturbed by the disorders which had begun to characterize the local rule of the so-called Know-Nothing party. To suppress the disturbances which grew out of it the Maryland Guard was called into existence. Judge Phelps was one of the originators of the guard, being first captain of a company and afterward major. Many members of the guard fought afterward in the army of the Confederate States. Judge Phelps was not altogether unprepared for these duties, St. Timothy's Hall having been something of a military school, and he had imbibed strong military tastes in very early life from a residence of several months within the walls of Fort Monroe while on a visit to an elder brother, who was an officer of artillery.

Elected To Council In 1860.

In the municipal election of October, 1860, the Reform party nominated Hon. George William Brown for Mayor, and among its candidates for the City Council was Judge Phelps for the First Branch, from the Twelfth ward. In the popular revolt against local misrule all the candidates were elected by large majorities over their Know-Nothing opponents. The reformers carried every ward in the city and 96 precincts out of 100, making the revolution complete. As chairman of the Council Committee on Police, Judge Phelps presented an elaborate report on the relations of the city and State as affected by the legislation organizing a State police, recommending such revision of the city ordinances as he thought were required, and calling attention to some of the powers vested in the Board of Police Commissioners which seemed liable to future partisan abuse, with suggestions of remedies. The sectional difficulties culminating shortly after in the Civil War, no action was taken on the report.

Attack On Massachusetts Regiment.

On the memorable 19th of April, 1861, when the Sixth Massachusetts Regiment passed through Baltimore, Judge Phelps was major of the Maryland Guard, which was assembling in its armory surrounded by an excited multitude. He found a large majority of its members in full sympathy with the prevalent spirit of hostility to the Federal troops, or passively yielding to it, and a very small minority endeavoring, like himself, vainly to stem the current. Judge Phelps declined to obey the orders which came from the civil authorities and withdrew from the armory, formally resigning his commission. Receiving information that a Confederate force from Harper's Ferry would be in the city the next day, he left with his family on the morning of April 20 for Philadelphia, where he remained until the attitude of resistance was abandoned.

Military Service.

In April, 1862, he accepted the lieutenant-colonelcy of the Seventh Maryland Vol-

unteers, a new regiment of infantry raised and commanded by Mr. Edwin H. Webster. then a member of the House of Representatives. On his re-election to Congress in November, 1863, Colonel Webster resigned and Major Phelps was commissioned colonel as his successor in command. The First, Fourth, Seventh and Eighth Maryland Regiments were brigaded together and the Maryland Brigade went into active service. On the first day of the Battle of the Wilderness, May 5, 1864, Colonel Phelps' horse was shot under him. At Spottsylvania Court House, May 8, 1864, he succeeded to the command of the brigade after the fall of Colonel Denison, severely wounded. The fall of General Robinson also severely wounded, placed Colonel Phelps in command of the division, or its remnant, while charging a line of breastworks at Laurel Hill. The assault was repulsed with heavy loss and Colonel Phelps, while leading the column, had his horse killed under him and was wounded and taken prisoner. For his gallant conduct in this action he was subsequently commissioned Brevet Brigadier-General and was awarded a medal of honor by Congress.

The day after being captured while on the road to Richmond, under a guard of Confederate cavalry with over 300 prisoners, the party was overtaken near Beaver Dam Station by General Custer's Brigade, and a brief skirmish resulted in the rescue of the prisoners and the capture and dispersion of their guard. Colonel Phelps, being severely wounded, suffered excessively for want of proper medical attention during the 10 days of rapid marching and frequent fighting which followed.

When Baltimore was in imminent danger of capture after the defeat of Gen. Lew Wallace at Monocacy in July, 1864, Colonel Phelps was an invalid in Baltimore. He volunteered his services to Major-General Ord to assist in the defense, and served on General Ord's staff until the invaders were repelled.

Two Terms In Congress.

Honorably discharged from the service in September, 1864, on account of disability from his wound, aggravated by subsequent exposure Colonel Phelps was nominated the same year by acclamation in the Congressional district convention of the Union party which met shortly afterward in Baltimore and succeeded Hon. Henry Winter Davis in the Thirty-ninth Congress.

In a speech accepting the nomination and defining his position he said he was "a radical in war and a conservative in peace." In that Congress he served on the Committee on Naval Affairs and on the Militia. By speech and vote he opposed the radical measures of policy and reconstruction, particularly the Fifteenth amendment. He advocated the restoration of the Southern States without further condition than the abolition of slavery, but voted under the modified shape which it finally assumed for the Fourteenth amendment.

He also strongly opposed his veteran colleague, Gov. Frank Thomas, in the measures he sought to introduce looking to the restoration by Congressional enactment of Republican supremacy in Maryland. His efforts were largely instrumental in sustaining the claims of Annapolis as the permanent site of the Naval Academy, which had been removed to Newport during the war. In 1866 Colonel Phelps was nominated to the Fortieth Congress by the Conservatives and was elected after a bitter struggle, out of which grew the Democratic-Conservative party. His election was contested by his Radical opponent, who withdrew after testimony had been taken.

In February, 1867, Judge Phelps was offered an executive appointment as judge of the Court of Appeals in place of Judge Cochran, deceased, but he declined the appointment as the contest for his seat in Congress was then pending.

In the Fortieth Congress he served on the Committee on Appropriations. While in Congress he pursued an independent course, voting with the Democratic minority upon political questions, such as reconstruction and impeachment, and with the Republican majority on questions of finance and the public credit.

Practice Of The Law.

Declining to enter into a contest for a renomination, after serving four years in Congress, Judge Phelps returned to the active practice of the law with the late John V. L. Findlay. In 1872 he was appointed by Governor Whyte a State manager of the House of Reformation for Colored Children, at Cheltenham, Prince George's county, Md., and was reappointed a number of time by succeeding Governors.

He took no part in the so-called Reform campaign of 1875, but after the election he made a speech at the Maryland Institute to an immense gathering, presided over by Prof. Nathan R. Smith.

By invitation of the Mayor and City Council he delivered a centennial oration in Druid Hill Park on July 4, 1876. In October of the same year he made an address before the Agricultural and Mechanical Society of Harford County at its annual exhibition in Belair. For several years he was a member of the School Board, and for a portion of the time its president. He also served at a number of diocesan conventions of the Protestant Episcopal Church as a lay delegate.

In 1856 he became a member of the American Association for the Advancement of Science, and at the annual meeting of the society in Dubuque, Iowa, in 1872 he read a paper on "The Application of the Mechanical Philosophy of Heat to Cosmical Motion."

In The Riots Of 1877.

In July, 1877, upon the breaking out of the railroad riot of that year Governor Carroll decided to raise two new regiments of infantry for 30 days' service, the command of one of which was offered to General Phelps. He at once commenced recruiting the Eighth Regiment, Maryland Guard, and went into camp with four companies. Two other companies were soon after added, when further enlistment was stopped. Shortly before the expiration of the term of enlistment the newly organized regiments were mustered out.

Elected To The Bench.

In 1882 he was elected a member of the Supreme Bench, of Baltimore city for a term of 15 years on what was known as the new judge ticket. He was the last survivor of those chosen with him. At the expiration of his term, in 1897, his services on the bench had been so satisfactory that he was re-elected without opposition for a second term of 15 years, being indorsed by the Democratic, Republican and Prohibition parties. During his second term he reached the constitutional age limit of 70 years, but the Legislature of 1902 unanimously extended his term in response to a petition of the Baltimore Bar Association. He was retired May 1, 1908.

While his course was entirely independent throughout, Judge Phelps affiliated himself politically with the Democratic party.

Surviving Family.

In 1868 Judge Phelps married Miss Martha Woodward, daughter of the late William Woodward, one of the oldest and best-known merchants of Baltimore of his time. Their children are Lieut.-Com. William Woodward Phelps, United States Navy; Mr. Charles E. Phelps, Jr., chief engineer of the Electrical Commission; Mr. John Phelps, a member of the Baltimore bar; Mr. Frank H. Phelps, a real estate dealer; Miss Almira Phelps and Miss Martha Phelps.