

REPORT OF THE COMMITTEE ON LEGAL BIOGRAPHY.

*Mr. President and Gentlemen of the Maryland State Bar Association:*

Your Committee on Legal Biography reports that but two of our members have died since the last annual meeting. Both were residents of the Eighth Judicial Circuit. Honorable Charles E. Phelps, lately and for many years a member of the Supreme Bench of Baltimore City, died the 27th of December, 1908. On the 4th of June, 1909, Abraham Sharp, for 39 years a member of the Baltimore Bar, passed away.

We present herewith memorials of the lives and characters of the deceased.

Respectfully,

CHARLES M. ARMSTRONG, *Chairman.*

CHARLES EDWARD PHELPS.

Charles Edward Phelps, for more than twenty-five years an eminent member of the Supreme Bench of Baltimore City, died at his home in Walbrook, Baltimore, Maryland, on the 27th day of December, 1908.

Judge Phelps was born in Vermont in 1833, but came with his parents to Maryland when he was about eight years of age, continuing to reside in Maryland up to the time of his death.

After receiving his preliminary education in the schools in and around his adopted city he pursued a course of study at Princeton, from which institution he graduated in the class of 1852, subsequently pursuing the study of law at Harvard University, and in the office of the Hon. Robert J. Brent.

Judge Phelps was admitted to the Bar in 1855 and almost immediately entered upon his subsequently brilliant and

distinguished career, serving his city and State with marked ability, distinguishing himself as a soldier, scholar, author, lawyer and judge. Whilst the cases in which he appeared in the higher courts were not as numerous as those of some of his contemporaries at the Bar, yet the manifestation of acute apprehension of legal principles, and the forcible and vigorous presentation of them exhibits in a most striking way proofs of his ability, learning and forceful and logical powers, and when the occasion for it offered lighted up with charming humor and wit. He entered political life at a critical period in the affairs of Baltimore and Maryland. In 1859 there was a popular uprising and in the political reform movement of 1860 he was elected as a member of the City Council. In that body he took a prominent part in passing the measures favored by the administration, headed by Mayor George William Brown.

When the war between the States began Judge Phelps, being a native of the New England States, naturally took the Northern side of the issues involved in that war, though it cost him a struggle to separate himself from his many friends in Baltimore with whom he was associated by close ties. Notwithstanding this struggle he openly and without hesitation declared his position on the great questions then at issue. He entered the Union Army, serving with gallantry and distinction, manifesting every evidence of personal courage and military capacity, advancing from the grade of colonel of Maryland volunteers to that of brigadier general. In consequence of having received serious wounds in battle he was compelled to retire from the service, and upon returning to Baltimore he was elected to the United States Congress from the Fourth Maryland District, serving two terms in that body. In Congress his conduct was patriotic and praiseworthy, voting against the extreme measures proposed by the dominant party and refusing to follow it in the radical reconstruction measures of that period, and after the death of President Lincoln taking sides with President Andrew Johnson, showing himself to

be radical in war and conservative in peace. Upon retiring from Congress he resumed the practice of his profession, holding no public office except that of Commissioner of Public Schools until he was elected in 1882 in what was known as the "New Judge Movement" as a member of the Supreme Bench of Baltimore City. He was re-elected in 1897 with practical unanimity. His term was extended by the Legislature upon his attaining the age of 70 years, but owing to failing health in 1908 he was retired by the General Assembly on full pay for the residue of his term, thus serving a period as Judge of nearly 26 years, one of the longest periods of continuous service in the Judicial office in Maryland. For twenty-three years (1884-1907) Judge Phelps filled the Chair of Equity, Jurisprudence, Pleading and Practice in the Law Department of the University of Maryland with signal ability, winning the praise and commendation of his brothers of the Bar and the faculty of the University, as well as the attention and admiration of his students by the forcefulness, lucidity and profound learning of his lectures. Whilst performing this duty at the University he wrote and published "Juridical Equity" and "Falstaff and Equity," both evincing a vast amount of original and unique research, profound thought and great learning. He also at the same time took the liveliest interest in the work of the Maryland Historical Society, serving on its Committees and rendering much assistance to the work of that Society.

To those who knew him best he was to them the ideal Judge. He was thoroughly grounded in the fundamental principles of the law, but he was not content with this knowledge, for being by taste and habit an industrious, learned and accomplished student he, by his wide range of reading and study in all branches of literature, stood for culture and refinement, for scholarship, for purity, for righteousness and accomplishment. As a Judge he was among the best whose services our Commonwealth has had. He possessed a great amount of native ability, an accurate

and thorough knowledge of the law in all its branches, a quick comprehension, a strong sense of justice, a desire to hear all sides of a question, an inflexible purpose to know the truth, to maintain the right, often appearing stern, yet with a heart full of the milk of human kindness, with much genialty and a fine sense of humor—a charming personality when known. In administering his high office he was absolutely non-partisan. As soldier, citizen, lawyer, statesman and Judge his record was absolutely clean in every way. He was the very “figure and form of Justice.” Those who went into his Court for the righting of wrongs, must to have gone away feeling that they had received “Justice and right freely without sale, fully without any denial and speedily without delay, according to the law of the land.”

Judge Phelps' whole career was one of honest living and unimpeachable conduct, doing the right as he saw it, under all circumstances not seeking applause or fearing censure, his life should be an inspiration to the Bench and Bar of the State of Maryland.