
 Obituary Sketch of Charles J. McCurdy.

other positions of public trust, and acting as judge of probate and justice of the peace until disqualified by age.

The following list of state offices held by Judge Catlin shows only a part of the public duties he performed during his long public career. He represented Harwinton ten times in the House of Representatives, namely, in 1837, '8, '9, 1840, 1851, 1861, '2, '5, 1874, '9. He served in the Senate in 1844; was Judge of the County Court in 1844, '5; Comptroller in 1847, '8, '9; School Fund Commissioner in 1852; and Presidential Elector in 1880.

Generous by nature, somewhat irascible, though placable, Judge Catlin early developed the best characteristics of the great yeoman class from which he sprang. He was always the honest, intelligent lawyer-farmer, reliable in places of trust, fearless in the exposure of meanness and injustice, always at the front in times of danger, truckling neither to man nor to money. On the breaking out of the war he was one of the prominent leaders of the Union party organized in this state by members of both the old parties for the sole purpose of preventing the dismemberment of the republic.

Indeed Judge Catlin always loved republicanism and the republic. He feared the growth of the money power and greatly regretted the decline of agriculture in his county and state. The writer well remembers his telling him, not many years since, of the feeling of discouragement aroused within him by a recent perusal of Sallust's terrible picture, in his Cataline, of the demoralization and decay of the Roman commonwealth, and he clearly recognized the similarity of the conditions of the great republic of the ancient world to those which are so rapidly developing in our own. Nevertheless, the prevailing tone of his mind was the hopefulness natural to a sound and courageous manhood.

One could not reasonably expect the development of a great lawyer in a small agricultural community in one of the oldest states of the union. But such a community seldom mourns the loss of a more honest, honorable or useful citizen.

 OBITUARY SKETCH OF CHARLES J. McCURDY.

CHARLES JOHNSON McCURDY, who had been for many years one of the foremost men in the state in professional and public life, died at Lyme in this state, where he was born and had always lived, on the 8th of June, 1891, in the ninety-fourth year of his age. Twenty-four years before his death he had left, under the constitutional limit as to age, the bench of the Supreme Court of the state, and had since lived in dignified retirement at the ancestral mansion, occupying himself with agri-

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cultural pursuits, the gratification of his taste for literature and art, an interested and intelligent observation of the progress of the world, the society of his friends, and a generous hospitality. His physical vigor and activity continued in a remarkable degree till near the close of his life, and his mental faculties remained for the same time unimpaired.

At a meeting of the bar of New London County, called upon the occasion of his death, the following resolutions were presented by a committee of the bar and passed:—

“In the death of the Hon. Charles Johnson McCurdy of Lyme, the New London County bar has lost its oldest and one of its ablest members. He was a man of character, an able lawyer, a safe counsellor, an upright and patriotic citizen, energetic, of strong will but always open and manly. He scorned mean deeds and mean men. He died in the ripeness of age, after a lifetime of success in his chosen profession, in the plenitude of his powers, with his eye undimmed and his natural force unabated. His death was not an unexpected and sudden blow, but the natural and expected translation of a completed earthly life to the higher and better life beyond.

“The members of the New London County bar take pleasure in placing on record their high appreciation of Judge McCurdy’s strength of character, of his winning geniality of temper and manner, of his unswerving integrity, of his self-sacrificing devotion to principle in public and private life, of his industry and zeal as a lawyer, of his fidelity as a legislator, of his talent as a diplomat, and of his patience, acumen and wisdom as a judge of the Supreme Court and expounder of the constitution and the laws. His private life was blameless and he graced and honored every function of public life in which he was called to engage.

“He lived for many years at his pleasant home in Lyme, amid rural surroundings, and passed quietly away full of years and honors, calmly prepared to meet the fate which the next world had in store for him. His life may well be studied and his manly virtues emulated by the young men of to-day.

“*Resolved*, That in further appreciation of our friend and brother, and to perpetuate the remembrance of his many virtues, these resolutions be entered upon the records of the bar, and that the court be requested to cause the same to be spread upon the records of the Superior Court.”

Jeremiah Halsey, Esq., in presenting the resolutions to the court, made the following address:—

MR. HALSEY’S ADDRESS.

May it please the court:—Before making the motion suggested by the resolutions, I desire to make some allusions to the life, character and public service of our departed friend and brother.

Judge McCurdy was born at Lyme, December 7th, 1797. His grandfather was a Scotch-Irish Presbyterian, who was a successful and wor-

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thy merchant, an ardent patriot, and one of the earliest and boldest in urging on the American revolution. His father, Richard McCurdy, was a graduate of Yale and a lawyer by profession, but devoted himself to agricultural pursuits and the care of his estate.

His mother was Ursula Wolcott Griswold, granddaughter on her father's side of the first Governor Griswold, and of that Ursula Wolcott whose husband, father, brother, uncle, nephew, and still greater son, Roger Griswold, were all governors of Connecticut. On her mother's side she was a granddaughter of the Rev. Stephen Johnson of Lyme, who is noted in history for his eloquent papers in favor of colonial rights, which roused into existence the "Sons of Liberty" and were among the most efficient causes of the revolution. The maternal grandmother of Judge McCurdy's mother was Elizabeth Diotate, descended from Dr. Theodore Diotate, a distinguished court physician of London in the time of James I., and brother of the Rev. John Diotate, an eminent theologian of Geneva.

Having had his early educational training at the Bacon Academy in Colchester, he entered Yale College in 1813, and was graduated with high honors in 1817. He studied law in the office of Chief Justice Swift of Windham, and was admitted to the bar in 1819. In May, 1822, he married Sarah Ann, daughter of Richard Lord of Lyme, a woman of great refinement and sensitive nature, a devoted wife and mother, who died in 1835, at the age of thirty-six, leaving an only child, now the wife of Prof. Edward E. Salisbury of New Haven. During the remainder of his life, more than half a century, he remained a widower.

Mr. McCurdy soon attained eminence in his profession and early became interested in political affairs. He was elected to the legislature as a representative from his native town, and served as a member of that body for ten years between 1827 and 1844, being speaker of the house three of those years. In 1832 he was state senator, and in 1847 and 1848 he was lieutenant governor and president of the senate.

He originated, and with the assistance of Hon. Charles Chapman, was chiefly influential in carrying through, in 1848, that great change in the common law by which parties and others interested in the event of suits are allowed to be witnesses—a change which has since been adopted in this country and in England.

He held the office of judge of the County Court for New London County for several years. This court had an important jurisdiction, civil and criminal, the judges of which were appointed annually by the General Assembly.

In 1851 he represented this country at the court of Austria. The situation then was one of great delicacy, as the Austrians were much irritated against our nation on account of the reception of Kossuth, and the American legation at Vienna was supposed to be a place of refuge

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and protection, not only for our citizens, but also for the subjects of other countries, including Great Britain, when endangered or annoyed by the Austrian authorities, who were exasperated by the recent Hungarian revolution. His course in liberating from imprisonment the Rev. Charles L. Brace will be remembered, and his assistance to the Scotch missionaries who were driven out of Hungary was the subject of commendation in the British Parliament.

He returned to the United States at the close of 1852 and resumed the practice of his profession. From this time until his appointment to the bench of the Superior Court he was actively engaged as leading counsel in litigated cases of importance.

In 1856 he was appointed a judge of the Superior Court and in 1863 a judge of the Supreme Court of Errors, which position he held until his retirement by constitutional limitation of age in 1867.

In 1861 he was an active member of the peace convention, where he was one of the first to discover the irreconcilability of the opposing views of the north and south; but after the civil war commenced, and even during its darkest days, he never doubted the final success of the union cause.

Subsequent to his retirement from the bench he for several years delivered courses of lectures before the law school of Yale College, from which institution he received the degree of doctor of laws in 1868.

My acquaintance commenced with Judge McCurdy in 1846. He was then judge of the County Court. I appeared before him to argue my first case; it was naturally to me a momentous event. The courtesy, kindness and attention with which Judge McCurdy listened to my argument made a lasting impression upon my memory. Since that time, while he was engaged in practice, I have been associated with him in the conduct of many important causes.

As a lawyer he was learned in the law, wise and judicious in counsel, honorable and courteous to his opponents; as an advocate he was clear, concise, forcible and polished. The duties of the judicial office were more congenial to him than practice at the bar. He entered upon the discharge of those duties with a deep sense of the responsibility which they imposed. His knowledge of the law, combined with sound sense in its application to the circumstances of affairs which came before him for judgment, and a strong love of justice, eminently qualified him for the judicial office. He gave an attentive hearing to every member of the bar who had occasion to present anything for his consideration. He was a gentleman of polished manners and was always courteous and dignified.

Judge McCurdy always resided in his native town. In 1860, after the death of his father, leaving the home where he had lived since his marriage, he took possession of the ancestral homestead, a large farm which had then been in the family for more than one hundred

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years. Washington lodged there in April, 1776, and it was the headquarters of Gen. Lafayette in July, 1776, when he rested his detachment of troops at Lyme on their march between Boston and New York, and it again gave him a welcome on his visit to this country in 1824.

He became deeply interested in agriculture. He was always a constant and discriminating observer of public events. Inheriting a constitution of remarkable vigor and elasticity, always regular and temperate in his habits, he never had a serious illness, and his physicians say that he had no disease even at the last. Until about two years ago, though then over ninety-one years old, he showed none of the infirmities of that age, but was erect in figure, active in movement, with a delicate blush upon his cheeks and eyes not dim. His voice was still rich and melodious, his conversation was still full of point and wit, his interest in life as keen and his society as attractive as ever, and he retained his early fondness for poetry, literature and art.

Thus crowned with length of days, wisdom and honor, sustained and soothed by an unflinching faith and trust, he met the approach of death,

"Like one that draws the drapery of his couch
About him and lies down to pleasant dreams."

An illustrated article of considerable length and of great interest, with regard to Judge McCurdy and his ancestry, by Martha J. Lamb, appeared in the November number of the Magazine of American History, and the remainder of the present article is made up of extracts from it.

Among the jurists of the country who have figured in the field of public affairs since the beginning of the present century it would be difficult to find a longer or more perfectly rounded and beautiful life than that of Judge Charles Johnson McCurdy of Lyme, Connecticut. Born in December of the eventful year 1797, when John Adams was in the early part of his presidency of the United States and George Washington still living, his career has been identified with nine of the most important decades of the world's history. He could remember the excitement which followed the death of Hamilton in the fatal duel with Aaron Burr, and was a boy of ten years when the steamboat of Robert Fulton made her first successful passage from New York to Albany. He was prepared for college during the excitements which culminated in the war of 1812, and was graduated from Yale with honors in 1817, the same year that Madison retired from his second administration and Monroe took the presidential chair. He was admitted to the bar in 1819, and with a successful practice from the first had become one of the leading lawyers in the state before there was a railroad projected on this continent. . . .

Personally he was a gentleman of the old school, with rich, fair complexion, dark hair, expressive eyes, finely cut features, of medium

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height, erect and well-proportioned figure and courtly bearing, with exceptional polish of manners. In temperament he was happy, cheerful, elastic; and his liberal culture, practical wisdom, sparkling wit and humor, and inexhaustible fund of reminiscences, together with his apt poetical quotations, made him a charming social companion. He was literary in his tastes, with a quick eye for whatever of merit was discernible in the whole range of poetry, art and literature, was intelligently interested in scientific investigations, active in promoting agricultural improvements, and always a discriminating observer of political events. His reading was varied; he was fond of the classics, but always had the time and inclination to keep abreast with new publications and the current news and periodicals of the day, even to his ninety-first year.

His knowledge of human nature seemed intuitive, and his acute perceptions and sound judgment made him at all times a safe counselor. During his many years of law practice in the Connecticut courts he invariably advised the townspeople about him who came with grievances against their neighbors, "Never go to law if you can by any possibility settle your differences among yourselves." To the poor he was always a conscientious friend; no one listened more patiently than he to tales of genuine distress, or was more sympathetic and unostentatious in providing speedy relief. At the same time his public-spirited regard for the welfare and improvement of the community about him, led him whenever practicable to exercise that element of true charity which helps others to help themselves. He had literally a clear head, a kind heart, and an open hand.

He was married in 1822 to his second cousin, Sarah Ann Lord, the daughter of Richard and Anne (Mitchell) Lord, her mother being the daughter of William Mitchell, a wealthy Scotchman, who was the first cousin to Chief Justice Stephen Mix Mitchell. Mrs. McCurdy was a lady of great loveliness of mind and character, but her domestic happiness was of brief duration. She died in 1834, leaving only one child, a daughter. Judge McCURDY did not marry again. The education of this daughter became one of his greatest pleasures, and as she developed and matured into womanhood it was his delight to make her his confidential friend and familiarize her mind with his legal and business affairs, and share with her his political, intellectual, and social interests. He was extensively acquainted with the prominent men of the country, and his house was always open to the most generous hospitalities, his daughter presiding over his household.

The historic dwelling in Lyme where Judge McCurdy was born, and in which he resided continuously during the last thirty-four years of his life, is one of the oldest houses in Connecticut. Four generations of the McCurdys have lived in it and three later ones have been entertained under its roof or trace their lineage from it. It has been

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enlarged until it measures over ninety feet in length, and its sound timbers give abundant evidence of the solidity of the colonial architecture which it represents. The precise age of the original building is not known, but it is believed to have been built about 1725. It was purchased by John McCurdy, the grandfather of Judge McCurdy, in 1754. Its antique features have a special charm for the curious. The interior work is believed to have been done by English carpenters, especially the paneled oak wainscots, fluted pilasters in the corners of the rooms, graceful arches about the fireplaces, and the wood carving of the elegant "corner cupboard" or *buffet* in the south parlor, with shell-shaped top, built with the house, which is appropriately devoted to an exceedingly choice collection of specimens of the porcelain used by the American ancestors of Judge McCurdy. A volume might be written from its shelves. The whole house is a museum of souvenirs of former generations of ancestral families. The articles of furniture are in most instances over a hundred years old, and each with an interesting history. Many of them are associated with the visit of Washington on the 9th of April, 1876, when he spent a night under this roof on his journey from Cambridge to New York. Lafayette, in command of a detachment of troops, was the guest of John McCurdy on the night of July 27th, 1778, occupying the north chamber over the north parlor of the house. He was here again forty-six years afterward, in 1824, on his memorable journey to Boston as the guest of the nation, and was entertained by Richard McCurdy, the youngest son of John McCurdy, and his family, which included Charles Johnson McCurdy, who had then been married some two years.

The distinguishing acts of Judge McCurdy's public life are of interest to all Americans. While he was lieutenant-governor of Connecticut he originated and carried into effect, through the legislature, that great change in the common law by which parties and others interested in the event of suits are allowed to be witnesses, a change which has since been generally adopted throughout this country and in England. Our readers will remember the publication of some very interesting correspondence in the early part of 1888, between Judge McCurdy and Hon. David Dudley Field, in relation to the true genesis of the great improvement in one of the most important of all human transactions—the administration of justice. Mr. Field published the law in his code in 1849, and was emphatic in his statement that the English were indebted to the efforts of Judge McCurdy for the idea which resulted in the same improvement in their courts.

At the time Judge McCurdy was sent to Austria, the post of *charge d'affaires* was one of great delicacy and importance. * * * Vienna was still the famous old walled city of feudal times, not leveled as now into the magnificent streets of a modern capital, and the government of tyranny and fear had not given place to liberal and peaceful rule. . . .

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Rev. Charles L. Brace was one of those arrested and thrown into a dungeon, while traveling in Hungary. He was accused of bearing papers of treasonable character from Hungarian fugitives, and although he really had but one letter in his possession, and that only a note of introduction containing not more than three lines, and one pamphlet, an essay on the Hungarian question, which he kept for his own private use as a matter of historic importance, he was treated as a convict. Through the prompt and energetic intercession of Mr. McCurdy, which involved a spirited correspondence with Prince Schwarzenburg, long since made public, Mr. Brace was finally rescued and his life saved. Hardly less notable was the philanthropy exercised by Mr. McCurdy in relation to the Scotch missionaries who were expelled by the government from Austria, where they had labored for ten years or more. It was midwinter, some of the clergymen had sick wives and young children, and they all keenly felt the hardship of breaking up their homes at a few days' notice and removing their families to Scotland. They came to Vienna seeking assistance from the English embassy, and not receiving it proceeded to the American legation. Mr. McCurdy could do nothing officially, but his intelligent interference procured them some favors, and his ready sympathy and offer of his private purse were never forgotten. He afterward received the thanks of the Free Church of Scotland, and his course was commended by the English Parliament.

On his return from Austria Judge McCurdy resumed his practice at the bar. He was learned in every branch of the law, was a forcible speaker, strong in argument, acute, witty, convincing, but always honorable and courteous to his opponents. He was constantly engaged as leading counsel in important cases until his appointment as judge. The older lawyers held his opinions in highest respect, while the younger men speak with enthusiastic gratitude of his kindness and helpful consideration, especially in the days of their timid inexperience. He was eminently qualified for the bench, always giving attentive hearing to every member of the bar who had occasion to present anything for his consideration, and discharging all the duties of his judicial office with ability and wisdom. He was a ready writer as well as public speaker and singularly happy in the choice of words, his language being remarkable for its terseness, point, and symmetry.

After the death of his father in 1860 Judge McCurdy sold his large, handsome house, where he had lived since his marriage, and took possession of the ancestral homestead, in which he spent the peaceful evening of his days. From early life he had limited his ambitions; a hereditary moderation seems to have calmed his pulses and saved him from the feverish restlessness which wears out prematurely so many public men. He repeatedly declined nominations for political office, including that of governor of the state, preferring the quiet sphere of

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legal practice or the serener position of judge. After he left the bench he indulged his studious inclinations, kept fresh his familiarity with history, the classics, poetry, and art, entertained his friends, and took active interest in the care of his estate. His daughter and only child, his intimate companion through her life, became the wife of Professor Edward E. Salisbury of New Haven, a gentleman of elegant scholarship and literary accomplishments, lately professor at Yale, a pioneer in oriental studies in this country; and Mr. and Mrs. Salisbury have since divided their residence between New Haven and the ancestral homestead in Lyme, Mrs. Salisbury presiding over both.

Judge McCurdy descended not only from the ancient MacKirdy race of Scotland and Ireland, but from the Willoughbys, Gilberts, Drakes, Wolcotts, and Griswolds of England, the Vander Lindens of Belgium, the De Gallegos of Spain and the Diodatis of Italy. Among the strong men, his more immediate ancestors, who led in the formation of our early colonies and their later independence, were Deputy-Governor Francis Willoughby, Henry Wolcott, Hon. Daniel Clarke, John Ogden, Governor Roger Wolcott, Governor Matthew Griswold, and Rev. Stephen Johnson. One might expect to find him the man he was, enlightened, high minded, public spirited. His religious training and tendencies found expression in his familiarity with the Scriptures, and in his never-failing practical efforts for the support of public worship. A characteristic incident is related of him. He had built a house for his farmer, and the man and his family were comfortably quartered in it, when suddenly it was found to be on fire and was completely destroyed. The judge was standing among his neighbors watching the progress of the flames, when in reply to some words of condolence he said: "Shall a man receive good at the hand of the Lord and shall he not receive evil?" He was reticent in regard to his religious experiences and feelings, but his habit of daily prayer and his firm faith in the doctrines of Christ are well known, and precious legacies for those near and dear to him. Inheriting a constitution of remarkable vigor and elasticity, and always temperate and regular in his habits, he never had a serious illness, but grew feeble, and passed away in June, 1891, simply from length of years. His handsomely cut features had lost none of their beauty even at his advanced age, and were even more marked after death. Having survived all his own generation of relatives and friends, the sons of his cotemporaries bore him tenderly to his burial. Until a short time before he died his conversation had been as attractive, his voice as rich and melodious, his interest in life as keen as ever. His sympathies had been so warm and tender and his love for his friends so true and active, especially for young people and little children, that great sorrow followed his departure. For him may be repeated the words he inscribed on his father's monument in describing his life. "Active and beneficent in manhood, serene in age, and

 Obituary Sketch of Henry B. Graves.

tranquil and hopeful at its close." Judge McCurdy will be remembered as one of the most conscientious and upright of citizens, who combined all the charms of good breeding and a sound heart with the unassuming excellencies of a Christian gentleman.

OBITUARY SKETCH OF HENRY B. GRAVES.

HENRY BENNETT GRAVES, of the Litchfield County bar, died at his home in Litchfield on the 10th of August, 1891, in the sixty-ninth year of his age. He came of ancestors who were prominent in public affairs, his grandfather, Ezra Graves, representing New Fairfield several sessions in the General Assembly, and his father, Jedediah Graves, being for many years a representative from the town of Sherman, besides which he was a judge of the County Court and a member of the constitutional convention of 1818. His mother was a daughter of David Northrop, a leading citizen of the same town. The following obituary notice of Mr. Graves appeared in the Litchfield Enquirer:—

"Mr. Graves had the advantages of an academic education, but never graduated from college. He studied law with the Hon. James C. Loomis of Bridgeport, and was admitted to the bar at Litchfield in April, 1845. He began practice the same year at Plymouth. In 1849 he removed to Litchfield, where he has ever since resided. All that time he has been engaged in a wide and successful professional experience. No man during the time has been engaged in more trials, few have ever had a better general success. He was the executive secretary to Gov. Henry Dutton during his incumbency of the governorship, and was clerk of the County Court one year. He has represented the town of Litchfield in the Lower House of the General Assembly seven times, viz.: 1858, 1867, 1868, 1876, 1877, 1879 and 1889. He always took a leading part in the legislation of the state, and drafted many of the laws now found in the public statutes.

"As a lawyer he possessed high professional skill, and had great fluency of speech, energy, industry, good judgment, courage and tact. He was always enthusiastic, hopeful and full of resources. These faculties could hardly fail to bring to him a large measure of favorable results. He was a man of the most kindly feelings—warm and ardent in his friendships, generous and helpful to all, and never vindictive even to his opponents. His failings seemed hardly more than the overflow of his good qualities.

"He was twice married—once to the daughter of Gov. Henry Dutton; the second time to Sarah, daughter of the late Simeon Smith of Morris. She survives him. There are three children, daughters—two of the first and one of the second marriage."