

## CHAPTER XXV BENCH AND BAR

LIFE OF GOVERNOR CLEVELAND—SEARLS' REMINISCENCES—SKETCHES OF CLEVELAND,  
PENROSE AND PHILLIPS—WILLIMANTIC LAWYERS.

Most of the leading Windham County lawyers of the present day are included in the sketches of the first or Biographical Volume of this work. Following are sketches and reminiscences of some of the leaders of an earlier day:

### CHAUNCEY F. CLEVELAND

The outstanding figure of the last century in Windham County public was of course Chauncey F. Cleveland, of Hampton, often spoken of as Windham County's only governor. They who make that statement, however, forget the names of Samuel Huntington and Jonathan Trumbull. Huntington was born in Windham in 1731 and lived there until 1760, when he removed to Norwich. He often visited in Scotland while governor. Trumbull was of Lebanon, but Lebanon was in his day a part of Windham County and in 1746 he was appointed judge of the County Court.

But to Chauncey Fitch Cleveland belongs the distinction of being Windham County's only governor since the present county lines were defined. He was a native of Hampton, born February 16, 1799, son of Silas Cleveland, and of English descent. He served as chief executive in 1842 and '43. Among his private effects several years after his decease, were found fragmentary notes for an autobiography he had evidently dictated to members of his family, and which were carefully preserved by his widow until she passed away in 1917, when members of the family loaned these notes to the author, through his life-long friend, Allen Jewett of Clark's Corner, for the specific purpose of having it incorporated in this volume. These notes, together with others made after the death of the governor, constitute the greater part of the following memoir of him whose memory should ever be kept fresh in the minds and hearts of the citizens of Connecticut.

The date of April, 1814, he commenced to teach school and before he had reached his majority he had taught six terms of school. At the age of seventeen years he commenced to study law, and during the August term of court, 1819, upon an examination, he was admitted to the bar and commenced practice in his home town. He was really a self-made man, having only common school educational advantages, but by determination and energy he became a well-versed gentleman and was also of a practical turn of mind, making his knowledge count for the most in life.

For more than twenty years he was connected in one capacity or another with the military affairs of Connecticut, beginning at the lowest round and ending in holding the highest office in the state—a major-general.

In 1826 he was elected member of the Connecticut House of Representatives and was re-elected in 1827-28-29 and again in 1832-35, when he was made speaker of the House, holding that office two years and in 1836, after the adjournment of the regular session, Congress having set apart over one million dollars to this state in surplus revenue, an extra session of the Connecticut Legislature was called for the purpose of determining what should be done with so large a fund. Much difference of opinion existed as to where this money be placed. Mr. Cleveland, as speaker, vacated his chair and took the floor where by his logic and forceful presentation of the case, secured a greater portion of this fund for the support of the common schools.

He was re-elected in 1836—the only democrat from his county and one of thirty-eight in the state. He had been appointed the first man to hold the office of state bank commissioner, and in the 1837 Legislature helped to defeat the pernicious measure proposed by the whig party, among which there appeared a determined effort to saddle the school fund and railroad debts upon the state. He received due credit for his labors. This was during the great financial panic of those days which spread throughout the land.

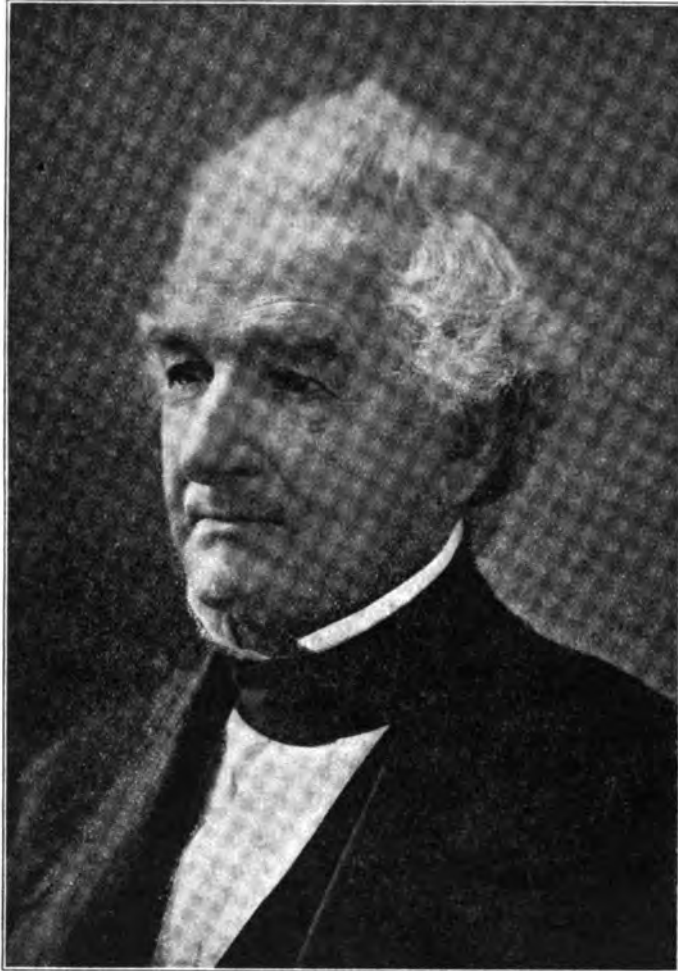
Mr. Cleveland opened a law office at Norwich, having for his partner Col. James A. Hovey, the firm title being Cleveland & Hovey. Previous to this, however, he had held the office of Probate judge for the Windham district; for a series of years was prosecuting attorney for Windham County. In 1842 he was elected governor by a plurality of 1,836 and again in 1843 he was elected. It was during the session of the Legislature in 1842 when he highly recommended the abolition of imprisonment for debt in this state. The imprisonment for debt had taken the poor man, though honest, and placed him in the hands of the unflinching rich man. This law was passed, but under great opposition of the whig party. Since then every state in the union has adopted the no-imprisonment for debt law.

Another one of Governor Cleveland's recommendations was that for the first appropriation made in Connecticut for the support and care of the insane poor. He also recommended and the Legislature passed the bill which secured to children under fourteen years of age, who were workers in factories, the ten-hour system and a three months' schooling year. In brief, it may be stated that Governor Cleveland's recommendations were made for the benefit of that class who were more or less at the mercy of the rich, and a legislature in fact, as in name, nobly responded to his recommendations, and much, very much good has resulted from it which has and will bless the people of the state. With such a record it is no wonder that the people of this state again elected him as their governor in 1843.

After serving ably and well as chief executive for his commonwealth for two terms, he resumed law practice and continued the same until almost eighty years of age. In 1842 Trinity College conferred on him the degree of Doctor of Laws.

In 1847 the railroad interests of Connecticut were coming to be of great importance. Mr. Cleveland was returned as a member of the House, and labored hard to have the state encourage the building of such highways; he served in the sessions of 1847 and 1848.

In 1849 he was elected to a seat in Congress over Hon. John A. Rockwell and again in 1851. In Congress he bitterly opposed the further extension of slavery, and later was active in forming and supporting the republican party. He was present at Philadelphia when Gen. John C. Fremont was nominated for President; also at Chicago when Abraham Lincoln was nominated in 1860. It was



EX-GOV. CHAUNCEY F. CLEVELAND

the question of slavery that caused Mr. Cleveland to leave the democratic party and aid in building up the republican party. In 1861, Governor Buckingham appointed him a delegate to the Peace Convention held at Washington, D. C., and there he did all in his power to bring peace about without a civil war, but all to no avail. After the war ended and peace was reigning throughout the land, he returned to the democratic party sufficient to support Horace Greeley for President in 1872. In 1863 Governor Cleveland was again a member of the Connecticut Legislature and was elected speaker in 1866 of the same body. He became a candidate for United States senator, but on account of his old anti-slavery proclivities could not be elected.

After a long and eventful life, this distinguished citizen passed from earth's shining circle. He was about eighty-eight years of age at the time of his decease. He died suddenly at 2 o'clock in the afternoon, near his home in Hampton. He died without pain and instantly, of apoplexy. Strange enough the manner in which he died was the one he had chosen and the time of the year—the "month of roses"—was the one season he had desired to die in. He had hoped to be spared any pain and lingering illness and so it was that he passed away without warning. He had gone from his house to the Congregational Church, where he sat upon the steps and called to a Mr. Holt a neighbor, telling him of some work he wished to have done "tomorrow." Mr. Holt left him sitting there, in usual health and when he went back to the place from which the governor had called him—six to eight rods away—he looked back and saw the prostrate form of the good man. Hurrying back, he discovered that he was dead. He died on the church steps—the church he had attended and supported—for more than sixty years.

He was buried in the family tomb which he had made in 1850, in the South Cemetery at Hampton. Indeed, it was befitting that his active pall-bearers should have been selected from out the men who in their young manhood had worked for him on his farm. Be it remembered that Governor Cleveland was a true type of a spirited commoner, and allowed his hired men and women to eat at the family table. He was ever a friend to the poor and unfortunate, and was very dignified, yet truly democratic in his manners. The names of his active pall-bearers just mentioned were: Charles J. Bush, Austin Pearl, George Bennett, Albert Guild and James Kelley.

The governor was the sixth in genealogical line from the American ancestor—Moses Cleveland of Ipswich, England, who settled in Massachusetts in 1635.

Of his domestic relations let it be said that he was twice married—first to Miss Diantha Hovey, by whom was born two children: a son John and a daughter Delia, who became the wife of lieutenant-governor of Connecticut; the mother died in 1867 and two years later Governor Cleveland married Miss Helen Litchfield, who survived him until 1917.

### RECOLLECTIONS OF GOVERNOR CLEVELAND

*By State's Attorney Charles E. Searls*

My acquaintance with Chauncey F. Cleveland began during the later years of his professional life, and continued until his death.

After his retirement from practice I met him infrequently, but for the last six or eight years of his business activity I knew him intimately and was associated with him continually in the preparation and trial of causes.

He was unquestionably during that time, and for many years before, the first citizen of Windham County. His fame as a lawyer was co-extensive with the limits of the state, and his reputation as a man of affairs extended beyond the state lines. He was governor of Connecticut in 1843 and 1844; was a member of Congress from the old Third Congressional District, consisting of New London and Windham counties, from 1849 to 1853, and was speaker of the Connecticut House of Representatives in 1863.

His personal appearance was most attractive and impressive and his bearing always dignified, yet kindly. He was of medium height, of graceful figure, and had, while I knew him, a shock of soft, snow-white hair. His hands were very white and shapely, and he knew how to display them to the greatest possible advantage when arguing a case. In dress he was immaculate, and his clothing was of the latest fashion. He generally carried a handsome gold-headed cane, which, according to my recollection, was presented to him by admiring constituents.

He knew practically every man, woman and child in the county, and could call the names of most of them.

He was in fact a typical gentleman of the old school, polite and friendly, except upon occasion, for example, when dissecting before a jury the sins and enormities of the opposing counsel and his client.

To the younger members of the Bar he was a protector and counsellor, ever ready to advise and assist them as occasion might require. The writer remembers well the first case he had in the Superior Court, and that, upon the verge of the trial, he was stricken with stage fright. In his perturbation he appealed to Governor Cleveland, and that great-hearted man said at once, and in most soothing tones: "Don't worry; I will try the case with you," and he did so, thus enabling me to win, of so much moment to the fledgling, my first important legal contest. When all was over and the remains of the enemy and his counsel had been removed, I went to Governor Cleveland and requested his bill. He replied: "Not a cent, my son. I am glad to help you. Come again when in trouble." This was only one of the many instances which might readily be recalled of like kindness extended to the trembling neophyte.

Governor Cleveland did not know a large amount of law in the abstract, and, greatly to his credit, did not pretend to know very much of it. In fact he seldom drafted a writ, usually sending a client to a brother lawyer, who would make out the process, attend to the pleadings, and assist finally upon the trial. When the case reached a stage where the arguments were in order, the governor would appear, smiling, immaculate, a majestic figure, and then proceed, after due compliments to the jury, collectively and individually, to tell them what they should do and what their duty might be in connection with the verdict which they would return later. Usually they hastened to act as he had indicated and had made clear to them to be their bounden duty under their oaths.

His political career was most honorable, although not of long duration. Sara Lippincott, then Sara Clarke, once an authoress of considerable repute, writing in 1851 as a newspaper correspondent from Washington, under the nom de plume of Grace Greenwood, refers to him as follows: "Governor Cleveland of Connecticut frequently looks in upon us. He is a very agreeable, but an ambitious man, I fear, for not content, as many a legislator would be, with the reputation of being one of the handsomest men in Congress, he aspires to win a

still higher fame by the advocacy of sentiments just and noble, but today unpopular, yet having within themselves the germs of future honor."

I must not forget to mention one marked trait of Cleveland's character, and that is the part which he always played as a peace-maker between litigants. He seemed never to have in mind the amount of his fees, but invariably would advise an amicable adjustment, and would even go so far sometimes as to get the parties and their counsel together in his room in the old hotel at Brooklyn, and there act as the friend of all concerned, not infrequently bringing about a settlement of the controversy.

When Sumter was fired upon, and the Civil war burst in all its fury upon us, he, by voice and pen, and in every possible way, without ceasing, used his utmost endeavor to arouse the people to a full realization of the tremendous issue confronting the nation, and to awaken and fan their patriotism.

As the result of his life-work and his large practice, he left a very modest estate, every dollar of which was worthily earned, not a penny representing extortion or dishonesty.

### PENROSE AND PHILLIPS

*By Hon. Charles E. Searls*

When in 1870 I was admitted to the Bar of Windham County, Governor Cleveland of Hampton, John J. Penrose of Plainfield, and Gilbert W. Phillips of Putnam, were recognized leaders of that Bar.

Upon the retirement of Governor Cleveland, Mr. Penrose became, and continued to be until his health gave way and he retired from practice, its recognized head.

The professional activities of Mr. Phillips, for a number of years, were almost entirely in the line of railroad work, and being one of the counsel of the New York and New England Railroad Company, he was therefore during that time, seldom seen in the local courts.

These men were antithetic in appearance, in thought, in expression, and notably in the way each prepared and tried his cases.

Mr. Penrose was a lawyer of the old school, one of a generation of lawyers almost extinct. He came to the Bar at a time when the ability to abuse roundly opposing counsel, his client, and his witnesses, during the progress of a trial, and especially in the argument, was regarded as a prerequisite of a successful practitioner, and the opinion was universal that an attorney did not earn his fees if he omitted to flay, in an artistic manner, the other side whenever the opportunity presented itself. Right well did Mr. Penrose conform to existing conditions and beliefs, but all this without malice and apparently without causing any feeling of resentment upon the part of those thus attacked, in fact many of his clients had been upon former trials flagellated by him in open court.

A certain lawyer, whose active days in the profession were nearly over, had reached that stage of his practice when he had but a single case remaining upon the docket. Whenever this gentleman appeared before the court, which happened quite often, for he was besieging that tribunal, in season and out of season, with motions of every description, Mr. Penrose took special delight in comparing him with an aged hen scratching assiduously for her offspring consisting of one diminutive and sickly chick.

Upon another occasion, when an attorney corpulent and short of breath, after