

 Obituary Notice of Eleazer K. Foster:

attacked his spine, and gradually impaired his physical powers, so that in the latter part of his career he could not mingle in the discussions to the extent that he would have desired. He was, however, always at his post of duty, and a laborious worker on committees, where he had a prominent place; and he spoke frequently, at first in more elaborate efforts, but afterwards generally in off-hand powerful arguments, inspired by his earnest and positive convictions, and remarkable for compactness, brevity and effective force. He came to be regarded as one of the ablest members of the Senate, and his acknowledged uprightnes, independence and intellectual power combined to give him an influence in that body hardly surpassed by any in his time. He died with no blot on his good name, and no man ever suspected his integrity, or questioned his purity or his personal honor.

At his death his associates in Congress and his brethren at the Fairfield County bar paid fitting tributes to his memory. Hon. Carl Schurz, who was one of the most eminent members of the Senate during six years of Mr. Ferry's service, in opening a public lecture at Norwalk shortly after the decease of the latter, spoke as follows:

"I see around me the life-long friends and neighbors of Senator Ferry, now no more; a man whom I cherished as a dear companion and associate, and to whom I looked up as one of the foremost men of the republic, in talent, integrity and patriotic spirit. More than almost any one I knew did he possess those qualities of mind and character which just at this period of our history are so greatly needed for the guidance of public affairs. There was in him a clearness and grasp of judgment which no sophistry could baffle, a sense of right and wrong which no party spirit could stagger; a depth and strength of conviction which no self-interest could obscure; a force of will which no opposition could bend; an independence and pride of genuine manhood which no frown of power could frighten, and no blandishment could seduce. Had his body been as strong as his mind and heart, he would beyond doubt have compelled universal recognition as one of the very first of statesmen in American history."



 OBITUARY NOTICE OF ELEAZER K. FOSTER.*

Few men have ever lived in New Haven whose death called forth an expression of sorrow so universal and so sincere as that of Judge

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Foster. For more than thirty years he had been a conspicuous figure in that community, and so hale and fresh and full of life he always seemed, that when it was announced that his illness would probably prove fatal, an expression of surprise and grief fell from the lips of every one.

ELEAZER KINGSBURY FOSTER was born in New Haven, May 20th, 1813. His father, Eleazer Foster, son of Edward Foster and Rachel Newell, was born in Union, Conn., graduated at Yale College in 1802, and was a prominent lawyer in New Haven at the time of his death, in 1819. His mother, Mary Pierpont, was a lineal descendant of Rev. James Pierpont, who settled in the ministry in New Haven, in 1684, and was one of the founders of Yale College; and of Mary Hooker, daughter of Rev. Samuel Hooker, of Farmington. Their descendants have ever since resided in New Haven, and the sisters of Judge Foster still retain and occupy a portion of the original homestead of Rev. James Pierpont.

Mr. Foster graduated at Yale College in 1834, studied law partly in New Haven and partly in the office of W. T. Worden, Esq., at Auburn, N. Y., was admitted to the bar in New Haven in March, 1837, and resided there in the practice of his profession until his death, June 13th, 1877.

He married Miss Mary Codrington, then of New Haven, a lady of English birth, and formerly of Kingston, Jamaica, January 2d, 1838. Three sons survive him, all graduates of Yale College—William E., now an editor of the *Buffalo Commercial Advertiser*; Eleazer K., a practicing lawyer at Sanford, Florida; and John P. C., a practicing physician in New Haven. A beloved daughter, Mary, died December 12th, 1864, at the age of twenty-one. His wife died September 25th, 1872.

Soon after his admission to the bar he was elected prosecuting grand-juror of the town. He was appointed judge of probate for the New Haven District in the years 1845, 1846, 1848, 1849, and chosen a delegate to the Republican National Convention at Chicago in 1860. In 1854 he was appointed State Attorney for New Haven County, and nominated Register in Bankruptcy, by Chief Justice Chase, when that office was created, and continued in both these positions until his decease. He was a member of the Common Council of the city of New Haven during six years. He represented the town of New Haven in the General Assembly in the years 1844 and 1845, and also in 1865, when he was elected speaker of the House. In 1858 he was a candidate for the Republican nomination for the office of governor of this state, but was defeated by Governor Buckingham. Later his friends again proposed to him to be a candidate, when he would probably have been nominated and elected, but he withdrew from the canvass for private reasons.

This brief record of offices and honors conveys no idea of the man. At the bar, in public life, and in society, Judge Foster was a man of mark. The eminence that he attained at the bar was not due to laborious application or systematic study. A noble presence, a grand voice,

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the graces of oratory rising often to eloquence, wit and humor, a thorough knowledge of human nature, and a quick sympathy with all ranks of men—these were the gifts that always secured to him a place in the front rank of the profession. For many years his official position had confined him chiefly to the practice of criminal law. But in this department he was repeatedly required to deal with the most important causes, and to encounter the ablest, the most gifted, and the most laborious of his brethren. To these demands he was always equal, and was ever regarded as a most formidable antagonist before the jury. With this tribunal he was especially successful. His tact, his ready wit, his quick perception of all their prejudices and preferences, always kept him in harmony with the jury, and often he seemed able to carry them along with him to whatever conclusion he desired. As a cross-examiner he was remarkably skillful, and many an unhappy culprit has seen the secrets of his breast laid bare by him, even while believing that every avenue of approach to them had been securely closed. In the administration of his office of State Attorney he sought to do justice, rather than to exact the extreme penalty of the law. He never demanded the pound of flesh, but whenever the case would allow, he mitigated the severity of the prosecution, and tempered justice with mercy. His management of causes was honorable and manly; he treated antagonists, both parties and witnesses, kindly and generously, so that it was not uncommon for persons, with whom the necessities of the case required him to deal severely, to thank him for his forbearance.

Judge Foster was the last survivor, (save Hon. Alfred Blackman,) and also the youngest, of that brilliant circle of lawyers whose fame in the past is already becoming a tradition to the lawyers of this generation.

In many respects Judge Foster was peculiarly fitted to adorn the highest positions in public life, and no doubt, at times, conscious of his own abilities, he aspired to those higher walks which he failed to reach. In politics he was a whig until the dissolution of that party, after that always an earnest republican. As a public and political speaker he was necessarily a great favorite.

The political and public meetings and ceremonial occasions which were graced with his presence, and enlivened with his wit and eloquence, seem, as we recall them, almost countless. Though the people loved him, and honored him whenever they had an opportunity, he was not the master of those arts by which nominations are secured, and less able and more contriving men often grasped the prizes which might have been worthily bestowed upon him.

But in social life he was pre-eminent. All men counted his society a privilege. He was a man of infinite humor, fresh, constant and inexhaustible, and ever a fountain of cheerfulness and entertainment to all with whom he came in contact. He had dramatic power that would have distinguished him as an actor. The cultivated, the refined, the

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learned, found pleasure in his society. The humblest and poorest were cheered and brightened by his conversation. Although fond of the pleasures of the table, at which on festive occasions he was the central figure, his personal habits were simple and unostentatious. He was a very early riser, and those morning hours which most professional men devote to sleep, he spent in walking about the town, meeting and chatting with people of every sort, and brightening himself and them with his cheerful talk.

Beneath these gay and lighter aspects of his character rested a thoughtful and serious mind. He had on all important subjects deep and earnest convictions. He loved justice, and truth, and honor, and his passionate outbreaks of indignation at any thing false, or mean, or cruel, often startled those who had only seen him in his pleasant moods. He was some times irascible and impatient, but the deep-seated kindness of his nature soon absorbed these temporary feelings, and nothing that he said left any sting behind. He had great physical strength and courage, and as is often the case, these were combined with most gentle and tender feelings. He loved little children, and they always attracted his notice, and he was an immense favorite with them. He loved to surprise some poor man or woman with a kindly and generous gift, to reward a little street *gamin* beyond his expectation, or to draw a hearty laugh from a knot of the common folk.

Without special culture in any branch of the fine arts, he instinctively appreciated and delighted in whatever was excellent in these. He was very familiar with the Bible and with Shakespeare, and his quotations from these books, as well as from many others, were frequent and felicitous. He was very thoughtful of the feelings of others, and had the happy faculty, in whatever society he was thrown, of saying something to please and to be remembered. A marked trait in his character was the real and sincere pleasure he felt and expressed in the prosperity and happiness of others, and in their enjoyment. These characteristics made him an universal favorite, and in every circle of society, in his native town, he was missed and mourned.

Judge Foster was a man of deep religious convictions. He believed firmly in the fundamental doctrines of the Episcopal Church, of which he was a member. His Christian faith and hope and his entire resignation to the divine will were often and fully expressed by him during his last illness.

The Greeks had a proverb that no man should be pronounced happy while he lived; yet we surely may now call him happy who, having closed a long and honorable career, has advanced with courage and hope from this life temporal into the life eternal, leaving the rich legacy of an honored name and the tender affection of the people among whom he had always lived, to children worthy to receive and to cherish it.

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