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## CHAPTER XIII.

### LAWYERS IN CHICAGO.

**W**ILLIAM A. WOODS.—Absolute capability often exists in specific instances, but is never brought into the clear light of the utilitarian and practical life. Hope is of the valley, while effort stands upon the mountain top; so that personal advancement comes not to the one who hopes alone, but to the one whose hope and faith are those of action. Thus is determined the full measure of success to one who has had the prescience and power to direct his efforts toward definite ends, and well may we hold in high regard the results of individual endeavor and personal accomplishment; for cause and effect here maintain their functions in full force. While hundreds in our great republic have risen from poverty to affluence, there are comparatively few who have won tributes of admiration and honor by reason of the splendid intellectual achievements which have gained them precedence in the world of mental activity. Mind and not force is held to be the dominating influence in the affairs of this enlightened century, and the greatest honor is due him who has made for himself opportunities for mental development and has attained thereby the higher planes in the realm of thought and intellectual potentiality. Such is the task that Judge Woods has accomplished, and to-day he holds distinctive precedence among the able jurists and legists of the nation. He is now the incumbent as circuit judge of the United States for the seventh district,—to which important and responsible office he was appointed by President Harrison, on the 17th of March, 1892. He is widely known in law circles throughout the Union, and the distinguished appointment mentioned came to him as fitting recognition of talents that have been developed through laborious and untiring effort.

A native of the state of Tennessee, William Allen Woods was born near Farmington, Marshall county, on the 16th of May, 1837, being the last born, and the only son of Allen Newton Woods and Martha Blackburn (Ewing) Woods. When he was but a month old his father, who was pursuing a theological course, died, and the subject of this review became an inmate of the home of his maternal grandfather, William D. Ewing, who was a prosperous farmer, but who retained, contrary to the usual custom of the place and period, only two slaves,—an aged couple who had been long in the family. The paternal grandfather, whose holding of slaves was larger, was a man of prominence and influence in that section of Tennessee. When the Judge was seven years of age his mother married Captain John J. Miller, who, being opposed to slavery, removed, in 1847, with his family to Iowa, where he died soon afterward. Thus it was that William A. Woods passed his days upon the farm in the Hawkeye

state until he had attained the age of fourteen years, incidentally profiting by such limited educational advantages as the locality afforded. He afterward found employment in a saw mill and in the village store. His alert mentality and intuitive appreciation quickened his ambition for securing wider educational facilities. By carrying a hod for the plasterers he worked out a subscription he had made to the building of an academy at Troy, Iowa, and in that institution he completed his preparation for college, serving meanwhile as assistant instructor. He was an earnest student of not only the text books, but also of the problems that were calling forth the attention of the public, and thus he was led to take an advanced stand upon the temperance question and to become a prominent member of the Order of Good Templars. He was made chief of his home lodge and an officer in the grand lodge of the state, which he assisted in organizing when less than eighteen years of age.

In 1855 the embryonic judge realized the long cherished desire of entering upon a college course, and he matriculated in Wabash College, at Crawfordsville, Indiana, where he pursued the classical course to its completion, graduating as a member of the class of 1859. He was a thorough, systematic and earnest student, displaying a special aptitude in mathematics, and for a year after his graduation he remained in his alma mater as an instructor in that particular branch of learning. It was within his collegiate experience that Judge Woods gave distinctive evidence, in another direction, of the breadth of his nature and of the humanitarian standpoint from which he viewed the problems which were then agitating the public mind. Although his grandsires were both slaveholders, his father, as well as his stepfather, had been opposed to the institution, and even in his immature years he became a practical abolitionist. A slave girl given to his mother by her father had thereby become the property of his father, who provided in his will that she should have her freedom upon attaining the age of twenty-one. The girl married, and before she was entitled to freedom gave birth to a boy, who was left as a slave in Tennessee, the mother accompanying the family to Iowa, in 1847. When Judge Woods was in the midst of his college course, and when his finances were at such low ebb as to compel him to borrow money, he was urged to consent to the sale of the slave boy, who at that time would have commanded a good price; but he declined to profit in that way, and insisted that the boy should be brought north and given his freedom, which was done.

Upon leaving college Judge Woods accepted a position as a teacher at Marion, Indiana, where he remained until the school was disbanded, owing to the excitement which followed the battle of Bull Run. Thoroughly loyal to the cause of the Union, he enlisted in a company which was organizing, but by reason of an injury to his foot he was not able to go into the service. Meanwhile, in view of his chosen vocation in life, he had pursued the study of law with diligence and marked proficiency. His reading had always been extensive and of wide range, but as a life work he had determined to enter the legal profession, and from the time of his graduation had given close attention to technical study along that line. He secured admission to the bar in December, 1861,

at Marion, and on the 17th of March, 1862, entered upon the practice of his profession in Goshen, Indiana,—a state which he has honored and dignified by his labors as a lawyer and jurist, as well as a man among men. The dreary novitiate which awaited him was short; almost from the beginning he was successful, and as he demonstrated his ability to handle complex and important litigations his clientage grew rapidly in volume and in representative character.

In 1867 Judge Woods was elected a member of the general assembly of Indiana, where he served most efficiently on the judiciary committee, and introduced a number of bills, most of which found their way to a place on the statute books of the state. In 1873 he was elected judge of the circuit court for the thirty-fourth circuit of Indiana, composed of the counties of Elkhart and Lagrange, and was re-elected in 1878, without opposition, discharging the judicial duties with such ability as to gain a state reputation and to secure from the Republican convention of 1880 a nomination for the office of judge of the supreme court, to which he was elected. An article upon the supreme judges of Indiana, prepared by W. W. Thornton, and published in 1892, contains the following discriminating estimate: "By his experience on the *nisi prius* bench Judge Woods came to the highest tribunal well fitted for its exacting duties. He was and now is a man of splendid physique. He is a man of originality, depending less than the ordinary judge upon precedents and the opinions of others. He is fearless, and does not hesitate to express his views when duty requires him to do so. Somewhat combative in his nature, but not offensively so, he is ever ready to meet an opponent. His independence of character and thought has occasionally led him into error, though not seriously so, in his judicial opinions. The language of his opinions is forcible, and they are totally destitute of verbiage. He goes directly to the core of a case, decides it in a few paragraphs, reasoning out the controverted question, and citing few authorities. Although he was but little over two years on the supreme-court bench, he ranks as one of the strongest men who ever sat upon it."

Judge Woods continued as a member of the highest judicial tribunal of Indiana from January, 1881, until May, 1883, when he was appointed by President Arthur to the position of United States district judge for the district of Indiana, succeeding the late Judge Walter Q. Gresham, who had been appointed postmaster-general. For almost nine years Judge Woods held this preferment, and within that time tried more than the usual number of political cases. The most important was the trial and conviction of parties indicted for conspiring to obtain unlawful possession of tally sheets containing a record of the vote in the city of Indianapolis at the congressional election of 1886. Judge Woods' construction of the statute applicable to the case was strenuously contested, but was sustained by the decision of the supreme court; *In re Coy*, 127 United States, 731. The case which attracted most attention, however, was the proceeding against Colonel Dudley, charged with writing a letter from New York, within the campaign of 1888, advising bribery at the polls. The election was the most exciting ever held in the state, and charges of corrup-

tion were freely made by both parties. A "confidential" letter, purporting to have been written by the chairman of a Democratic county committee to a subordinate, had fallen into the hands of the enemy. It advised that voters who could be bought were simply floats and should be looked after closely, that no one might escape. Another letter, over the alleged signature of Colonel Dudley, written on a sheet bearing the imprint of the Republican national committee, and addressed to an unknown person in Indiana, was published by the Democratic state committee. It gave full and explicit directions concerning the election, and contained the offensive clause: "Divide the floaters into blocks of five, and put a trusted man, with the necessary funds, in charge of these five, and make him responsible that none get away and that all vote our ticket." In his charge to the federal grand jury, which met November 14, 1888, Judge Woods called attention to section 5511 of the United States revised statutes, which makes bribery an offense, and provides that any person who "aids, counsels, procures or advises any such voter, person or officer, to do any act hereby made a crime, \* \* \* shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or both, and shall pay the costs of the prosecution." A consideration of this statute by Judge Woods and ex-Senator McDonald having developed a difference of opinion between them as to its proper construction, Judge Woods purposely omitted any construction of the section, and gave his charge to the jury substantially in the language of the statute, so as to leave the district attorney free to conduct the investigation before the grand jury in his own way. A month later, in response to a request for more explicit instructions, he quoted section 5511 of the statutes and added this construction: "But in any case, besides the mere fact of the advice or counsel, it must be shown that the crime contemplated was committed, or an attempt made to commit it." This precipitated a storm of partisan criticism. It was charged by the Democratic press, and by the senior member from Indiana upon the floor of the United States senate, that this construction was inconsistent with the first charge, and that the judge had been induced to shield the guilty by making indictment impossible under the construction of the law. The criticism having been repeated in words of bitter denunciation in the Democratic state platform of 1890, the judge published an elaborate statement of facts, with correspondence and data, which not only exonerated him from any possible suspicion of wrong-doing and inconsistency, but also showed his construction of the law to be correct. It also appears that his ruling was in exact accordance with an early decision of the supreme court, in the case of the United States versus Mills, 7 Peters, 137, which seems to have been overlooked until after public discussion of the subject had ceased. The vindication was complete.

Judge Woods continued upon the United States district bench until March 17, 1892, when, upon the nomination of President Harrison, he was confirmed and commissioned circuit judge of the United States, for the seventh district, and as such he presides in the circuit court of appeals, which sits in Chicago. He was well fitted by previous judicial experience and a profound knowledge

of the law to assume the duties of this important and dignified office, and the decisions which he has rendered upon this bench have won the commendation and approval of the brightest legal minds of the nation. Among the notable cases which have been tried before him, the one that undoubtedly attracted great attention and general interest was the application for an injunction, on behalf of the government, to compel the directors of the World's Columbian Exposition to close the gates on Sunday. In the hearing of the case Circuit Judges Woods and Jenkins and Judge Grosscup, of the district court, sat together. The first two decided to grant the injunction, and each delivered an elaborate oral opinion in support of his decision. The former held that there had been such a transfer of the possessions of Jackson Park to the United States for the purposes of the exposition as to vest in congress the right of control, and that as congress had made Sunday closing a condition upon which it had voted an appropriation in aid of the exposition, and had required the commission to adopt a rule for the closing of the gates on Sunday, if the gift were accepted, the government had the right to exact compliance with the condition and rule. The further actions touching this matter are an integral portion of the history of the litigations pertaining to the exposition, and need scarcely be referred to in this connection. A more detailed account appears in the sketch of Edwin Walker,—the eminent Chicago attorney, who was intimately concerned with the litigation, on other pages of this volume.

Another case over which Judge Woods presided, and which called forth the attention of the nation, was the trial, for contempt of court, of Eugene V. Debs, et al., in which Edwin Walker, special counsel, and Thomas E. Milchrist appeared for the government, and S. S. Gregory and C. S. Darrow for the defendants. In the opinion, filed December 14, 1894, the charge of contempt was sustained, seven of the defendants being found guilty of contempt of court in violating the injunction. In his opinion Judge Woods said, among other things: "If men enter into a conspiracy to do an unlawful thing, and in order to accomplish their purpose advise workmen to go upon a strike, knowing that violence and wrong will be the probable outcome, neither in law nor in morals can they escape responsibility." The substance of the evidence is: "The defendants, in combination with the members of the American Railway Union and others who were prevailed upon to co-operate, were engaged in a conspiracy in restraint or hindrance of inter-state commerce over the railroads entering Chicago, and in furtherance of their design those actively engaged in the strike were using threats, violence and other unlawful means of interference with the operations of the road; that by the injunction they were commanded to desist; but, instead of respecting the order, they persisted in their purpose, without essential change of conduct, until compelled to yield to superior force. The court, therefore, finds the defendants guilty of contempt, as charged."

In an address delivered before the Marquette Club, of Chicago, in February, 1898, Justice Brewer, in reviewing the animus and results of the great strike, paid to Judge Woods the following high tribute: "The great strike of which this city was the historic center attests the wisdom of judicial interfer-

ence. \* \* \* The peaceful ending of that strike is a supreme attestation of the power of the American people to govern themselves. That honest and true-minded men were in both sides of that controversy no sensible man doubts, and that it was settled judicially, and not by bayonets and bullets, is the glory of all. And here let me say in passing that the hero of that struggle for the domination of law was Circuit Judge William A. Woods, whose name will be revered and honored through the coming ages, long after the memories of his critics and assailants shall have become, like the body of Lazarus, four days in the grave."

On the 6th of December, 1870, was solemnized the marriage of Judge Woods to Miss Mata A. Newton, of Des Moines, Iowa, and of this union two children have been born, namely: Alice Newton, who is an art student, and Floyd Allen, who is a lawyer at Indianapolis.

The social qualities of Judge Woods have won him many friends, both within and extraneous to professional circles, and his rich fund of knowledge, as combined with a genial personality, make him an approachable and companionable gentleman,—one who realizes the true values of life and recognizes how fatuous are pretentiousness and self-glorification. In his sixteenth year he became a member of the Presbyterian church, to whose general work and collateral charities he contributes a due quota. In his political adherency he is a staunch Republican, but no political preference has ever biased his judicial labors and actions. "He has a genius for the law," was the published expression of a prominent Indiana politician of opposing views in political matters. Courage, firmness, persistence in application, strength of will, tenacity of purpose, capacity for work and rugged honesty,—these are some of his dominating characteristics. He is recognized as a jurist of the highest integrity, careful and painstaking in research, deliberate and conservative in judgment. His sense of justice is strong and inviolable, and while his heart is tender, his sympathies are never misplaced. Whatever he may be off the bench, while discharging his duties he is strictly nonpartisan. Tyrian and Trojan are the same to him. His powers of reflection, naturally penetrating and comprehensive, have been matured and strengthened by years of experience. His record on the bench of the various courts stamps him as an upright judge, and in all things above reproach. Another federal judge in a public speech said of him: "Than whom no judge on any bench can see further or more quickly into any question." Such men honor their profession and dignify human nature.

Murray F. Tuley, judge of the circuit court of Cook county, is one of the best known jurists that Chicago has produced. A man of unimpeachable character, of unusual intellectual endowments, with a thorough understanding of the law, patience, urbanity and industry, he took to the bench, upon his election in 1879, the very highest qualifications for what is one of the most responsible offices in the system of our state government; and his record as a judge has been in harmony with his record as a man and lawyer, distinguished by unswerving integrity and a masterful grasp of every problem that has presented itself for solution.