

JOHN P. WILSON

1844-1922

My Father was born on a farm in Whiteside County, Illinois, in 1844, the fifth of thirteen children. He was of Scotch descent and his was the first generation born in this country. From an early age he did such work as he could on the farm and attended the country school in Morrison, Illinois. He was of delicate and frail physique, and was often made uncomfortable by his older brothers because he lacked physical strength. When he was nine years old, one of his brothers drove an ax into the end of a log and told Father he would give him a nickel if he could work it out. This was more than sufficient incentive and the work began with determination. The ax was successfully loosened and in giving it the final shove he fell forward and split his right kneecap on the blade. This accident doubtless changed the entire course of his life. No adequate medical or surgical services were available and he was confined to his bed for two years in the kitchen of the farm house which was the only place warm enough for a child so ill. Here he was nursed and cared for by his Mother who inspired in him the desire to read and realizing he would be unfit for farm work he prepared himself from then on for mental achievement.

At the end of this two year period his right leg had become permanently stiff at a right angle.

I might add in passing that on the 50th anniversary of his accident there was a family gathering at which my Father was presented with a small golden cup in celebration of what he was pleased to say was the foundation of whatever success he had.

In 1861 he entered Knox College and graduated with the Class of '65.

I found among his college papers three essays bearing the following titles:

"Unity of Purpose—A Condition of Success"

"Industry"

"In Government as Elsewhere Knowledge is Power"

These titles further disclose his fundamental beliefs. Above all, he followed the title "Unity of Purpose." Once he decided on the law, all else was subservient.

Among my Father's papers are essays and other memoranda written during his college career which, in spite of his singleness of purpose, clearly show that he led a normally versatile life, entering into all the activities except those which were physical. He wrote several plays of a humorous character and took part in many debates.

Most of the time he cooked his own meals and was a diligent student, although I am sure he was not a grind. He had the keenest possible sense of humor which stayed with him throughout his life.

After graduating from college, he taught for two years in the preparatory academy at Galesburg. His subjects were primarily mathematics and history.

In 1867 he came to Chicago with the definite purpose of meeting the challenge of a large city. He knew no one except Mr. John D. McIlvaine, who had previously run a general store on the Mississippi River where Grandfather Wilson traded. He took Father in which proved to be the greatest blessing of his life because his association with the family resulted in his marriage to Mr. McIlvaine's daughter.

Upon reaching Chicago Father secured employment as a law clerk and errand boy. He also had a job as a teacher in night school. His regular program was to work in the

law office during the day, teach night school, and then read law. He started with Vol. 1 of the Illinois Supreme Court Reports and read them all. Fortunately there were only 45 volumes at that time, and it may be this was one of the earliest instances of studying law by the case system.

One of his letters of introduction from a friend in Galesburg discloses that Father was admitted to the Bar sometime in 1867 before he came to Chicago. I remember his telling me that in those days an applicant for admission to the Bar was introduced to a sitting Judge upon adjournment of court. The Judge without leaving the Bench asked the candidate only a few oral questions generally relating to pleading, which at that time was highly important and technical. This shows one of the great changes which has taken place in this regard.

Except for his association with certain firms for a short period after his arrival in Chicago, Father practiced alone practically all of the time until the early 1880s when his younger brother, Thomas R. Wilson, joined him under the firm name of J. P. and T. R. Wilson. T. R. died in 1885 and the following year Mr. Nathan G. Moore joined my Father. In 1892 Mr. William B. McIlvaine came into the firm which was successively known as Wilson & Moore; Wilson, Moore & McIlvaine; and in 1920, as Wilson, McIlvaine, Hale and Templeton.

During the 1870s and 1880s the practice of law was fundamentally different from today. Practically no one specialized in any given subject—everyone undertook whatever character of business came to him. This was certainly Father's experience. In the late sixties and early seventies Chicago was in the throes of making many improvements by special assessments. A great number of objections were filed by property owners. At this time Father was employed to contest a certain special assessment. He had no other practice and devoted his entire time to the preparation of his objections and the moment that it was possible to file them he did, to the great amazement and amusement of the other lawyers who never filed their objections until the last moment, each seeking to take advantage of what the other men had done. The result was that many of them copied Father's objections with very real success. Many an assessment was defeated where Father represented the objectors. The result was that he shortly had a tremendous number of clients for whom he filed objections. In the case of the Town of Lake View, where he lived, he defeated so many assessments that they finally elected him town attorney.

I found among Father's papers an old printed receipt which disclosed that his volume of assessment work was so large his regular going rate for charges was one percent on the amount of the assessment. The particular bill I refer to was for forty-five cents.

Father also tried many jury cases during the first twenty years of his practice. During that period he tried jury cases almost every day, consulted with clients during the noon hour instead of eating luncheon, and examined an abstract of title to real estate practically every evening at home.

Early in his practice he had a couple of admiralty cases and thought favorably of specializing in that branch of the law, until the captain of a ship which had been in a collision came to him. Father asked him to tell him the facts. The captain responded: "You tell me what you want to know and I will tell you." That was the last conference in admiralty law that my Father ever had.

Father's daily program, to which I have referred, was

so strenuous that in 1888, when he was only 44 years old, he had a severe nervous breakdown and heart trouble. The doctors advised him that he would probably never be able to work again. As soon as he was satisfied that the doctors had practically abandoned his case, he decided to act on his own with every intention of regaining his health and going on with his practice. He applied to a banker friend for a substantial loan. He stated his situation, that he had no security for the loan, that he proposed to take half the money and with his wife go abroad and live there until he was entirely well. The balance would be used to support his family during his absence. Amazingly enough the banker had confidence in him and lent him the money. My Father spent several months abroad during which time he never even read an American newspaper. He gradually took exercise and went through an established regime of his own. At the end of that time he returned to Chicago tremendously improved and started to work once more. At first he only worked half a day and never at any time after 4:30 in the afternoon. He had scarcely returned to the city when he was asked to prepare the papers incorporating the World's Columbian Exposition, which he did and acted as counsel for the Fair.

From that time on my Father's practice developed rapidly. He was one of the pioneers in the drafting of 99 year leases and was one of the few in the early days who had a large volume of work in this branch of the law. During all this time he was still busy examining abstracts of title. It had not yet become the practice to rely on guarantee policies.

He never tried a jury case after 1888 but he was frequently in court on the chancery side.

He had a wide experience in the drafting of wills and trusts and in various corporate matters. He had a rare facility for turning from one thing to another and apparently becoming rather an outstanding expert in each subject in turn. Many of the prominent and wealthy citizens of Chicago became his clients in addition to which he had an active practice on behalf of various corporations.

Among his longest corporate associations were Marshall Field & Company, which he incorporated in 1901 and acted as counsel during the entire balance of his life, and International Harvester Company, where he acted as consulting counsel from about 1901 to his death.

One of his most interesting experiences was with the Associated Press. Victor F. Lawson, the owner of the Daily News, engaged Father to incorporate and organize the Associated Press. This was accomplished in 1893 and the original incorporation was for profit under the laws of Illinois. There were stockholders and also members. The contracts between the several newspapers in the Association were very strenuous with reference to the distribution of news to any paper which was not a member of the Association. Several of the member newspapers complained that the Interocean was breaching its contract by selling and buying news to and from a rival. Before the complaints could be carried before the Board of Directors of the AP, the Interocean filed a bill in the Circuit Court of Cook County asking for an injunction against the AP stopping it from cancelling its membership and contract agreement. The case finally reached the Supreme Court of Illinois which held that the injunction should issue for the reason that the AP was impressed with a public interest and had to make available to any newspaper the news that it gathered regardless of the terms of any contract between the several newspapers constituting the AP. This



Just prior to Mr. John P. Wilson's lecture on his father. Mr. Wilson is shown with Professor Allison Dunham, who introduced him.

was a subject of international importance and I believe a matter of first impression in the courts. The AP was immediately dissolved as an Illinois corporation. It moved to New York where Mr. Francis Lynde Stetson and my Father reincorporated it under the New York law as a cooperative association, and incorporated under the Membership Corporation Law. It was not a profit making company, strictly cooperative, paying its expenses by assessments levied upon its members. It was practically on the basis of a social club to which you could not belong unless you were elected. It operated for many years on this basis but finally in 1945 was held by the Supreme Court of the United States to be violative of the Sherman Anti-Trust law.

My Father's services were frequently sought in matters of public interest. There were a number of important ones of this character, such as the Sanitary District case. As you well know, this involved the question of the sanitation of the entire city of Chicago. The Board of Trustees of the Sanitary District was organized in pursuance of the Act entitled: "AN Act to create sanitary districts and to remove objects in the DesPlaines and Illinois Rivers." Subsequently the Board of Trustees passed an ordinance providing for the issuance and sale of bonds of the Sanitary District of Chicago. Almost immediately a bill was filed on behalf of a resident of Cook County and an owner of both real and personal property wherein it was asserted that the statute was invalid and unconstitutional, as well as the ordinance, and asked that a decree be entered enjoining the Trustees of the Sanitary District from issuing the bonds or causing any general tax to be levied and any other relief which might be appropriate. The sole issue raised in the court below and in the Supreme Court was whether a municipal corporation, such as the Sanitary District, could have its boundaries in part at least superimposed over another municipal corporation—in this case, the City of Chicago—and still remain a separate entity and not subject to the limitations with reference to bonding power, etc. imposed upon the other municipality—again, the City of Chicago.

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Father was associated in this case from its inception on behalf of the Sanitary District of Chicago, and presented the briefs and final argument in the Supreme Court. In the lower court the act was sustained and that decision was affirmed by the Supreme Court of the State of Illinois. It is hardly necessary to mention the vital importance of this decision to the people of the City of Chicago.

Many years ago when we had Justices of the Peace in Chicago, the conduct of their affairs was subject to severe criticism and it was truly a public scandal. Because of this there was a great desire to have them done away with and a Municipal Court substituted in the City of Chicago.

At the same time there was active agitation to secure a new and separate charter for the City of Chicago. Neither of these results could be accomplished without an amendment to the State Constitution.

A group of men organized the Chicago Charter Convention. In this group my Father was a very active member, and with Judge Murray F. Tuley and John S. Miller, was instrumental in preparing a constitutional amendment for submission to the Legislature in 1903. This amendment sought to accomplish two ends: First, to grant to Chicago a new and separate charter; and, second, to create Municipal Courts in the City of Chicago and do away with the Justices of the Peace in the City. That was submitted to the people in 1904 and adopted as an amendment to the State Constitution.

Immediately after this became effective, an Enabling Act was drafted and submitted to the Legislature by the same group and in the face of great opposition was duly passed.

The validity of the amendment was attacked in court in the Fall of 1905 on the grounds that it was unconstitutional. The Circuit Court of Cook County Illinois held that the amendment, as well as the statute, was unconstitutional. An immediate appeal was taken to the Supreme Court in the case of *City of Chicago v. Reeves*, 220 Ill. 274. My Father filed a separate brief and he was primarily responsible for the presentation of the case in the Supreme Court, as well as the oral argument. The Supreme Court reversed the trial court and held that the amendment and the statute were constitutional. Thereby the Municipal Court became a reality, and it was possible for the Legislature to grant a new charter to the City of Chicago, which it promptly did.

In 1909 the Illinois Legislature adopted an act "to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor."

In accordance with this act, the Governor of Illinois appointed a special tax commission of seven persons of whom my Father was one. He was elected president of the commission by its members.

The commission prepared a complete report and submitted it to the Governor in accordance with the provisions of the statute. He in turn transmitted the same to the General Assembly for their action. The report was most carefully prepared and submitted a number of material changes which were definitely thought to be improvements in the provisions of the laws governing taxation. Nevertheless no affirmative action was taken thereon because of the opposition in the main from downstate. I speak of it here solely for the purpose of showing the character of

services which my Father rendered from time to time in the public interest.

The principles which governed Father throughout his life in the practice of the law were not in any sense unusual. In fact, they were quite normal. But what was unusual was the tenacity with which he followed them. For twenty years after his illness in 1888 he decided that his sleep must be unimpaired and that could be best accomplished by a simple diet. The result was that he ate nothing for his evening meal except boiled cornmeal mush and milk.

The doctor recommended golf. As an illustration of his tenacity of purpose he wished to play golf but his lame leg prevented him from playing right-handed. He simply decided to play left-handed and played for the last ten or twelve years of his life.

His golf and restraint in eating evidenced his determination to make his body as good an instrument as self-discipline would permit to implement his mental equipment.

He had a most resourceful and fertile mind. He seemed to be able to find a way of accomplishing things which no one else had discovered. This fact is why so many lawyers brought matters to him as a last resort. He made it a practice not to serve on corporate boards. His only exception of long duration was the International Harvester Company where he acted as consulting counsel from about 1901 until his death in 1922.

Perhaps the outstanding qualities of my Father's mind were simplicity and directness. He had the rare ability to cut through any problem to the essentials. In the trial of cases his firm belief was that only the key points should be dwelt upon and reiterated and that no time should be spent in spinning fine theories which might easily become confused with the main issues. As an illustration of this, I refer to an incident that happened not long before my Father's death. He had been addressing the court steadily for about two hours and upon adjournment an elderly colored man, who had been in court all of the time, came up to one of my partners and said: "Who is that gentleman? He is a great lawyer because I can understand him."

His firm belief was that integrity is the greatest asset any man can possess. He had several sayings which he unflinchingly followed. Among them were the following:

"Never seek advice you have no intention of following."

"What a client really wants to know is what he can do—not what he can not do."

"Never make a contract for a lease—draw the lease."

He had a very keen interest in children. For about ten years he served as President of The Children's Memorial Hospital in its early days and had much to do with its development.

He also served as one of the original trustees of the Newberry Library from the foundation of the library to the date of his death.

He had a very unusual interest in all recreational facilities furnished particularly for the underprivileged.

He took a keen interest in the parks and in the forest preserves.

For many years prior to his death he served as a trustee of Knox College.

Fifty years ago he was one of a small group who stimulated the development of the University Club and contributed of his efforts and means to the construction of the new building.

He was most generous with his time and efforts in being of assistance to young men who came to him for advice and counsel.

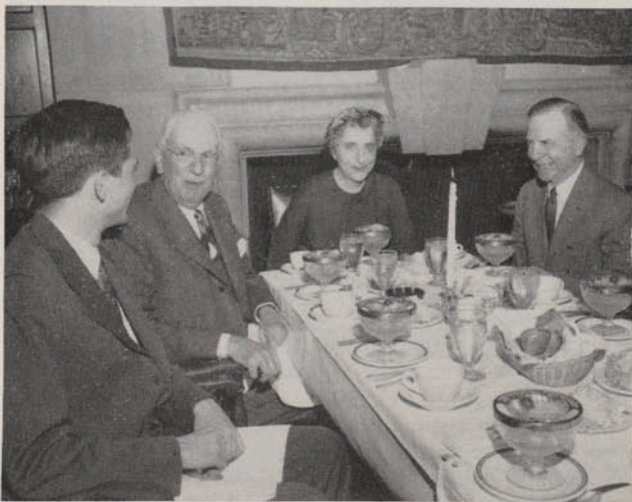
Among his leading characteristics were versatility and resourcefulness in adjusting himself to all changing conditions. An example of this was in connection with the federal income tax and estate tax laws. These laws were passed in the latter part of 1913 and 1916. In the early part of 1913 before either of these laws had been formulated, Father drew a number of trusts for himself and for

his clients which to this day have been of great value to the parties in interest and could not have accomplished the same results had their execution awaited the effective dates of the law.

Father in his seventy-ninth year was stricken while playing his customary eighteen hole golf game and died seventeen days later.

I cherish and value above all others the twenty years which I was privileged to enjoy working with my Father.

JOHN P. WILSON



At the dinner preceding the John P. Wilson Lecture. Left to right, Robert Zener, Editor-in-Chief of the University of Chicago Law Review, Mr. Wilson, Mrs. Edward H. Levi, and Glen A. Lloyd, '23, Chairman of the Board of Trustees of the University.



Edward D. McDougal, Jr., JD'23, Chairman of the Law School Alumni Building Fund Committee, with John P. Wilson Professor Roscoe T. Steffen.