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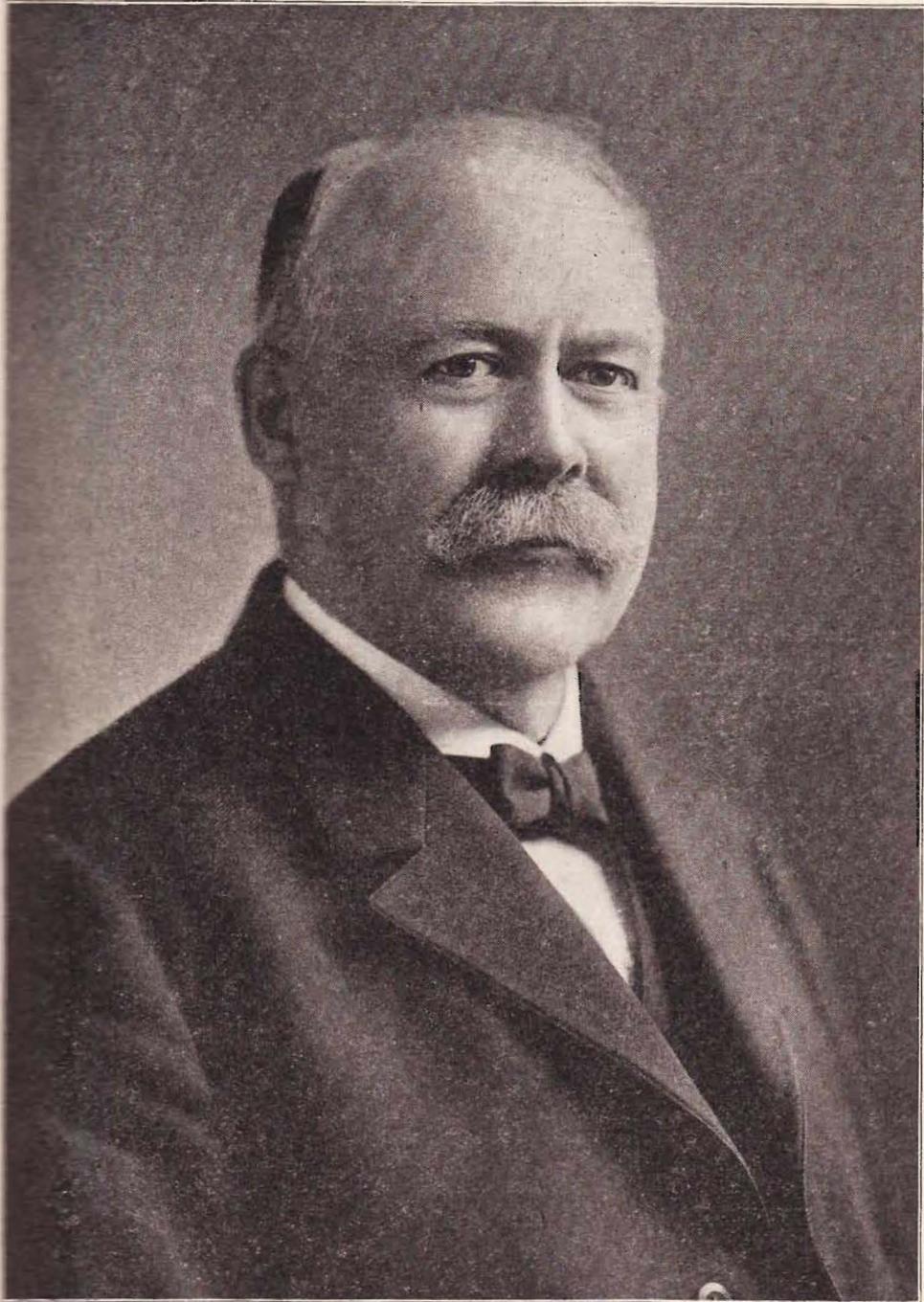
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HON. FREMONT WOOD.

Fremont Wood was born in Winthrop, Kennebec county, Maine, July 11, 1856. His parents, on both his father's and mother's side, were descendants of the early New England Puritan stock. His grandfather, Andrew Wood, was one of the early settlers of Maine, having moved from Massachusetts to Winthrop, the birthplace of the subject of this sketch, before the annexation of Maine into the Union, and upon one occasion he represented his town or district in the general court at Boston. Thomas Camp Wood, his father, was born in Winthrop, Maine, in 1809. He was the youngest of ten children and was prominent in his day and time in religious and political circles. He was one of the early New England abolitionists. He served in the Maine legislature as a colleague of Hannibal Hamlin, with whom he formed a close friendship which continued until the death of Mr. Wood. Emily Waugh Wood, mother of Fremont Wood, was a cousin of Bishop Waugh, once a prominent bishop of the Methodist church.

The subject of this sketch was born on a farm in his native town, about ten miles from Augusta, the capital of Maine, where he resided until he was nearly fifteen years of age. At this time his father died, but before his death the family farm was disposed of. The death of his father left him with an invalid mother and two sisters younger than himself. Prior to his father's death he had attended the village schools and continued thereafter in the high school and academy in his native town. In 1887 he graduated from the Waterville Classical Institute, now Coburn Institute, at Waterville, Maine, and the same year entered Bates College at Lewiston, Maine. He continued his studies here for two years, when he was obliged to give up his college course on account of sickness in his family and for financial reasons. Prior to this time he had commenced the study of law in one of the law offices of his native town, which was continued after the close of his college work. He was a member of the class of 1881 and in later years was given his degree of B. A. by the college which he had previously attended.

On June 16, 1881, Fremont Wood arrived in Boise, Idaho. He came direct from his native town in Maine and immediately settled in Boise City. He was admitted to practice in the supreme court of Idaho in September, 1881, when he entered upon active practice of the law. In the early years of his practice he served as city attorney for Boise City and as assistant to the United States attorney for the territory of Idaho. He was appointed to the latter position soon after his arrival in Idaho and served for nearly three years, from 1885 until the latter part of 1888 under James H. Hawley, United States attorney for the territory during the first administration of President Cleveland. In 1889 he was appointed by President Harrison, the last attorney of the United States for the territory of Idaho, and in September, 1890, following the admission of Idaho to the Union, he was appointed first United States attorney for the district of Idaho. He occupied this position for more than four years, from the time of his first appointment, when he resigned his office for the purpose of confining his attention to his private practice.



FREMONT WOOD

While United States attorney for the district, Mr. Wood prosecuted the Coeur d'Alene miners for conspiracy, at a special term of the United States court held at Coeur d'Alene City. The conspiracy charge involved the violation by the organized miners of the Coeur d'Alene district of Idaho of an injunction issued by the federal court, which resulted in the death of several miners and the destruction of much valuable mining property. One of the defendants prosecuted and convicted upon this trial was George A. Pettibone, whose name later became known to the world as one of the persons charged with the death of the late Governor Frank Steunenberg. After his retirement as United States attorney Mr. Wood continued the practice of his profession, specializing particularly in irrigation and mining law.

At the November election in 1906 Mr. Wood was elected judge of the third judicial district of Idaho, comprising Ada and Boise counties, to succeed the late George H. Stewart, who at the same election was chosen associate justice of the supreme court. During the first year of Judge Wood's service on the bench more than one-third of his time was occupied in the trial of the murder charge against William D. Haywood and George A. Pettibone, who had been previously indicted, together with Charles Moyer, for the killing of Ex-Governor Frank Steunenberg at Caldwell, Canyon county, Idaho. When Judge Wood was elected and called to the bench he had no expectation of sitting upon the trial of these cases. The killing for which Moyer, Haywood and Pettibone were indicted took place in Caldwell, Canyon county, which was a part of the seventh judicial district, and at the time of the election was presided over by the late Frank H. Smith, before whom the indictment was returned and all the preliminary proceedings took place. Judge Smith, however, failed in the election, and Edward L. Bryan was elected his successor. Judge Bryan, under appointment of the court, had acted as attorney for Harry Orchard, who was indicted for the same crime with which Moyer, Haywood and Pettibone were charged. On account of this association with the case, Judge Bryan felt that he was disqualified, and immediately following his qualification as judge, on the 1st of January following the election, he requested Judge Wood to preside at the trial and take charge of these cases. While this request was made early in January, the matter was kept a secret between the two judges until the April following when the cases were next called for trial. At the commencement of the term in Caldwell, early in April, 1907, Judge Wood assumed the bench in the seventh judicial district and continued in charge of the cases until they were disposed of.

Frank Steunenberg, who was murdered by the explosion of a bomb when opening the gate at his residence, had been governor of the state for four years and had resided continuously at Caldwell, Canyon county, since his first settlement in Idaho. The defendant Moyer was president of the Western Federation of Miners, an organization extending over all the gold and silver mining states. Haywood was secretary of the organization, and the defendant Pettibone closely associated therewith. On account of the prominence of all the parties and the published charge that the motive of the murder grew out of the facts involving the strict performance of duty by Governor Steunenberg, when the state was involved with the striking miners of the Coeur d'Alene district, during Governor Steunenberg's second administration, the case was removed for trial to Boise, Idaho, in Judge Wood's district. The trial commenced May 9, 1907, and continued to the last of July following. This trial attracted not only nation wide but world wide attention. The leading attorneys of the country were employed both in the prosecution and defense. One of the remarkable features of the case was the almost total absence of time occupied in argument upon the admissibility of evidence. The defendants were tried separately. The charge in the indictment was made without alleging the conspiracy; yet the state relied exclusively upon proof of conspiracy to prove the charge; or in other words to corroborate the accomplice. The homicide involved was actually perpetrated by Harry Orchard, who upon the trial testified, without equivocation, to the fact that Moyer, Haywood and Pettibone were each the actual procurers and inciters of the act. While United States attorney, Judge Wood had prosecuted the conspiracy cases above referred to and at once showed himself so familiar with the principles involving the law of criminal conspiracy that his rulings were promptly made and accepted without controversy.

The trial of the defendant Haywood occupied eighty-one days, the trial of the defendant Pettibone, over one-half that time. Both defendants were acquitted. Upon both of the trials Judge Wood was required to rule upon motions for advisory verdicts of acquittal. In the Haywood case he promptly overruled the motion, without giving detailed reasons therefor, assigning as the reason for this course the fact that two other defendants were to be tried, presumably upon the same evidence, and he did not think

their interests should be prejudiced by a discussion of the evidence from the bench. Upon the trial of Pettibone, when the motion for advisory acquittal was requested, it had become apparent that the defendant Moyer would not be tried, on account of the insufficiency of the evidence corroborating the accomplice, Harry Orchard, and at this time Judge Wood rendered an exhaustive opinion from the bench, not in the presence of the jury, overruling the motion and sustaining the sufficiency of the corroboration, if the evidence was accepted and believed by the jury.

A few weeks later, when called upon to pronounce the sentence of death upon the defendant, Harry Orchard, who admitted his guilt, Judge Wood declared that he believed that Orchard, on the trials of Haywood and Pettibone, had testified truthfully. Upon this point Judge Wood said, "I am more than satisfied that the defendant now at the bar of this court awaiting final sentence, not only acted in good faith in making the disclosures that he did, but that he also testified fully and fairly to the whole truth, withholding nothing that was material, and declaring nothing which had not taken place."

After a thorough review of the testimony, Judge Wood at the same time concluded: "During the two trials to which I have referred, the testimony of the defendant—Orchard—covered a long series of transactions, involving personal relations between himself and many others. On the first trial he was subjected to the most critical cross-examination, by very able counsel for six days, and I do not now recall that at any point he contradicted himself on any material matter, but on the other hand, he disclosed his connection with the commission of many other crimes that were probably not known by the attorneys for the state, or at least not brought out by them on the direct examination of the witness."

"Upon the second trial referred to, the same testimony was given, and a thorough and critical examination of the witness followed, and in no particular was there any discrepancy in material matters between the testimony given upon the latter trial, as compared with the testimony given, by the same witness, on the former trial."

"It was the particular province of the court to observe and follow the witness upon the former trial, and I am of the opinion that no man living could conceive the stories of crime told by him and maintain himself under the merciless fire of cross-examination by leading attorneys of the country, unless upon the theory that he was testifying to facts and circumstances which had an actual existence in his own experience. A mere child may testify truthfully and maintain himself upon cross-examination. A man of mature years may be able to frame his story and testify falsely to a brief statement of facts involving a single transaction and maintain himself on cross-examination. But I cannot conceive of a case where even the greatest intellect can conceive a story of crime, covering years of duration with constantly shifting scenes and changing characters, and maintain that story with circumstantial detail as to times, places and persons and particular circumstances, and under as merciless a cross-examination as was ever given a witness in an American court, unless the witness thus testifying was speaking truthfully and without any attempt to misrepresent or conceal. Believing as I do that this defendant acted in good faith, and when called as a witness for the state he told all and withheld nothing, I can the more readily fulfill the duty that I consider the law imposes upon me."

The court sentenced Orchard to be hanged but accompanied the sentence with the recommendation that the pardon board at least commute the sentence to life imprisonment. Before pronouncing the judgment, the defendant Orchard, in answering questions by the court, declared that he had received no promise or suggestion of immunity, either from attorneys representing the state or from any one representing, or pretending to represent, the state pardon board. To this Judge Wood replied that he was satisfied that the defendant was speaking truthfully, and that he had personally interviewed a majority of the pardon board and had their solemn assurance that the question of immunity for Orchard had never been mentioned by any one, either to them or in their presence.

The trials of Haywood and Pettibone disclosed several attempts to kill men prominent in political and judicial circles in Colorado, Idaho and elsewhere, notably Peabody, Ex-Governor of Colorado, and Goddard and Gabbert, justices of the supreme court of Colorado. Referring to these attempted crimes, Judge Wood in sentencing Orchard said: "I want to take the opportunity of this solemn occasion to say to the associates in crime of this defendant, that they cannot by such acts terrorize American executives and prevent them from performing their plain duties, and they cannot prevent American courts from declaring the law exactly as they find it. Judges and executives may

be placed out of the way by the hand of the assassin, but there will be others immediately to take their places just as ready and just as determined to perform their duties as their predecessors were, and backed by a public opinion that will ferret out and disclose the authors of every such crime."

Judge Wood has been a republican from boyhood and until he was elected to the bench was prominent in the political activities of his state. While upon the bench he took an advanced stand in promoting judicial reforms, and many changes afterward made in the procedure were due to his recommendations. He was an earnest advocate of a non-partisan judiciary and contributed much to the movement which resulted in the selection of judicial candidates without reference to party.

In 1885 Judge Wood was married at Boise, Idaho, to Miss Carrie Cartée, eldest daughter of the late General LaFayette Cartée. Of this union there are three daughters and four sons. Two of his sons, Walter Elliott, the eldest, and Cartée, the second son, were in the military service when the armistice was signed, the elder of the two having served in France since August, 1917.
