

George A. Cooke 1909-1919

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The descendant of Scotch-Irish immigrants, George Anderson Cooke was born on July 3, 1869, near New Athens, Ohio, in the hillside log cabin of his grandfather James Cooke. Family ancestors arrived in the United States in 1783 and initially settled in Washington County, Pennsylvania. Great-great-grandfather Robert Cooke moved to Harrison County, Ohio, in 1804, where he farmed with his son James Cooke.¹



George Cooke was the second of three children of Dr. Thomas and Vanceline Downing Cooke. After his father died in 1872, Cooke and his family spent two years on the farm of his maternal grandfather, John Downing, in Mercer County, Illinois. They returned to New Athens, but after the death of their mother in 1880, a Mercer County aunt, Ellen Downing, reared the children.² According to a local attorney, Downing “gave to these children a motherly love and training which Judge Cooke never forgot and which he cherished as one of the most valued contributions in the building of his character. All his lifetime he gave credit to this motherly aunt, and lost no opportunity to repay her with his love and appreciation.”³

Cooke attended public school during the winter terms until 1885, when he worked at odd jobs, “by which means,” wrote a local reporter, “he secured enough money to purchase an outfit of clothing and such school books as he would need” to attend Aledo High School. Graduating in

1888, Cooke entered Knox College, where he joined Beta Theta Pi fraternity and participated in debating and athletics. “During his college course both when in school and in vacation time, he engaged in every conceivable kind of work whereby he could earn money to meet his expenses. He sawed cord wood, mowed and raked lawns, acted as steward of a boarding club, was monitor of men in college, worked on the farm, sold books and other articles--in fact no work was too menial or humble for him.”⁴

After receiving the Bachelor of Arts degree in 1892, Cooke studied law in the office of future Illinois Supreme Court Justice Guy C. Scott and was admitted to the Illinois bar at Mt. Vernon in July 1895.⁵ Cooke briefly practiced in Galesburg, then served as junior partner in the Aledo firm of Scott & Cooke, until forming a partnership with John F. Main. Within a year, Main moved to Seattle, Washington, and eventually became a state Supreme Court justice. Cooke partnered with Alexander McArthur in 1900, and with John M. Wilson from 1905 to 1908, and then maintained a private practice.⁶

On October 20, 1896, Cooke married Sarah S. Blee, the only child of Robert and Martha Jane McHard Blee of Aledo and a fellow Knox College graduate. The Cookes became parents of two daughters and two sons.⁷ Prominent in the Democratic party, George Cooke represented the Thirty-third District in the Illinois House of Representatives from 1902 to 1906.⁸ From 1903 to 1909, he also served on the Democratic State Central Committee.

On September 25, 1909, the forty-nine-year-old Cooke defeated Republican Milton McClure for a seat on the Illinois Supreme Court from the Fourth District, filling the unexpired term of his deceased mentor and former partner Guy Scott.⁹ In 1912, with endorsements from several major Republican newspapers, Cooke won a full-nine-year term, defeating circuit court judge Robert J. Grier.¹⁰

In a 1913 case, Chief Justice Cooke delivered the opinion in *Gillespie v. Ohio Oil Co.*, affirming a decision by the Lawrence County Circuit Court. Charles Gillespie and R. T. Gillespie, owners of ninety acres of Lawrence County land, leased the premises for \$1 to James R. Poole, “for the purpose of developing, producing and marketing oil and gas therefrom.” Terms of the lease required Poole to erect a well on the premises within one year or pay the lessors an annual rental of 25 cents per acre until completion of the well. As royalty, the Gillespies were to receive one-eighth of all oil produced, plus \$100 per year for each well from which gas would be marketed.

Poole assigned the lease to the Ohio Oil Company, which did not begin drilling until five years later. From the time of the lease until completion of the well, the Gillespies received a total of \$90 in rental fees. The well produced twelve barrels of oil per day for the first two days; then, even though the company pumped the well daily, the amount dwindled to ninety-six barrels in ten months. The Gillespies brought suit to nullify the lease, alleging that Ohio Oil should have further developed the land for oil and gas production. In affirming the circuit court judgment, Justice Cooke decreed, “Oil was produced continuously after the drilling of the well. It is true that the quantity produced was so small as to make the venture unprofitable, but the strict letter of the lease was complied with.”¹¹

Cooke also rendered the opinion in the 1916 *Crittenden v. Hindman* case. The Randolph County Circuit Court case involved Mary A. Hindman, widow of Alexander Hindman, whose children sued on the grounds that, since her previous marriage as Mary A. Head to Martin Hoover had not been dissolved by divorce, her marriage to Hindman was void. Hoover asserted that, prior to marrying Head, he had been married but not divorced, and a search of county court records found no divorce proceedings. Cooke affirmed the circuit court decision that Mary

Hindman, as the lawful wife of Alexander Hindman, was “entitled to the interests which the statute gives the widow in his estate.”¹²

In ten years on the court, including a term as Chief Justice from 1913 to 1914, Cooke wrote 531 opinions, “a monument to his industry and ability as a judge,” wrote Justice Floyd E. Thompson. “I began the practice of law in an adjoining [Rock Island] county shortly after he was elected to the Supreme Court. He was interested in all young lawyers and he was always ready to give them the benefit of his experience. As a young lawyer I often availed myself of the privilege of visiting with him and he always made me feel that he was delighted to have me call. It was he who first suggested that I should be a candidate to succeed him on this court and who persuaded me that I should presume to a position of such importance and responsibility.”¹³

Devoted to his wife and children, Cooke decided to leave the court at the end of 1918 for a return to the practice of law. “He conferred with me about this matter,” recalled an associate, “and remarked that while he owned a great obligation to the people who had so signally honored him, yet he could not escape the conviction that it would be unfair to his family to reject the offer of a private practice which would enable him better to provide for his family and give them advantages which they otherwise could not have.”¹⁴

In his December 12, 1918 letter of resignation to Governor Frank O. Lowden, Cooke cited those financial considerations: “Notwithstanding the liberality of the state in the matter of salary, I am unable to make adequate provision for the future. This is largely due to the many demands made upon a public official of a nature which cannot be ignored, and the inability of one in a judicial position to become interested in any other line of endeavor.”¹⁵

The Cookes moved to Chicago in early 1919, while also maintaining their Aledo residence.¹⁶ He became senior partner in the Chicago firm Cooke, Sullivan & Ricks and chief

counsel of Peoples Gas Light and Coke Company. “Cooke understood and liked people,” recalled a fellow Chicago attorney, “and was able to make the most of the human elements that are present, although they may be latent, in every legal problem. He had a friendly and even fatherly manner that put persons at their ease when they came to him to tell him about their troubles. He showed the utmost interest, and it was not assumed but genuine. His hearing gave an impression of calm power, which inspired confidence. He was generous to opposing lawyers and refused to believe ill of them if there was any alternative. They also trusted him in return. These qualities made him an effective negotiator. He was skillful in relieving tension, softening asperities, and often brought fair settlements out of tangled and difficult controversies.”¹⁷

“This has been one of the busiest decades in his long and useful career,” wrote Edward F. Dunne of Cooke in 1933, “but to the majority of Illinois people the immediate suggestions arising from mention of his name are concerned with his service on the Illinois Supreme bench, a service lasting nearly a decade and in which he impressed his legal knowledge, his broad understanding and liberal spirit on many important decisions emanating from the courts.”¹⁸

A thirty-year Illinois State Bar Association member, Cooke served a term as Association president. He was a congregant of the Presbyterian church, a Thirty-third degree Mason, Mystic Shriner, and a member of the Knights of Pythias, Elks, and Independent Order of Odd Fellows.

Still in active practice, George Cooke died at age sixty-nine at his residence, 233 East Walton Place, on December 6, 1938. Following Presbyterian services at his Aledo home, Cooke was buried in the family mausoleum in Aledo Cemetery.¹⁹

¹ George W. Smith, *History of Illinois*, 4 Vols. (Chicago: American Historical Society, 1927), Vol. 4, p. 339.

² 373 Ill. 11; Newton Bateman and Paul Selby, *History of Illinois and History of Mercer County* (Chicago: Munsell, 1903), p. 725; Edward F. Dunne, *Illinois: The Heart of the Nation*, 5 vols. (Chicago: Lewis Pub. Co., 1933), Vol. 3, p. 148.

³ 373 Ill. 14.

⁴ *Aledo Democrat*, 23 April 1912, p. 1.

⁵ Frederic B. Crossley, *Courts and Lawyers of Illinois*, 3 Vols. (Chicago: American Historical Society, 1916), Vol. 2, p. 687.

⁶ Crossley, *Courts and Lawyers of Illinois*, p. 687.

⁷ *Aledo Times Record*, 7 December 1938, pp. 1, 7; Crossley, *Courts and Lawyers of Illinois*, p. 688.

⁸ Crossley, *Courts and Lawyers of Illinois*, p. 687.

⁹ Daniel T. Johnson, *History of Mercer County, Illinois, 1882-1976* (Aledo: Mercer Co. Bicentennial Committee, 1977), p. 705; Walter A. Townsend, *Illinois Democracy* (Springfield: Democratic Historical Association, 1935), v. 2, p. 58.

¹⁰ *Aledo Democrat*, 26 March 1912, p. 1, 30 April 1912, p. 1, 21 May 1912, p. 1.

¹¹ *Gillespie et al. v. Ohio Oil Company*, 260 Ill. (1913) 169.

¹² *Crittenden et al. v. Hindman*, 271 Ill. (1916) 577.

¹³ 373 Ill. 16.

¹⁴ 373 Ill. 14.

¹⁵ *Aledo Democrat*, 17 December 1919, p. 1.

¹⁶ *Aledo Times Record*, 27 April 1932, p. 3.

¹⁷ 373 Ill. 18-19.

¹⁸ Dunne, *Illinois: The Heart of the Nation*, Vol. 3, p. 148.

¹⁹ *Chicago Daily Tribune*, 6 December 1938, p. 9; *Aledo Times Record*, 7 December 1938, p. 1, 14 December 1938, pp. 1, 3.