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Morison Buck

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ALEXANDER AKERMAN:
1869-1948

LOVER OF MANKIND WITH LIFELONG
DEVOTION TO LAW, AS WELL

Honorable Alexander Akerman, described in one newspaper account as: “Beloved jurist who was widely known for his wit and homey philosophic comments from the bench,” served as a United States District Judge after his appointment by Republican President Calvin Coolidge in 1929. While headquartered in Tampa, he also served from time to time in many other jurisdictions. Following his retirement from active service in 1940, succeeded by Honorable William J. Barker, still capable of wielding the gavel, Akerman was frequently called upon to preside as a Senior Judge because of his popularity and ability. With great pride and determination despite failing health, he continued his judicial work until the time of his death at age 78 on August 21, 1948. It might have been said of Judge Akerman that he was succeeded by Judge Barker, but no one could replace him.



As a rule, one of the most reliable methods of acquiring information about someone now deceased is to confer with another trustworthy individual in whom you have confidence who knew the deceased person well. A member of the deceased’s family may for a variety of reasons be less candid in response to an inquiry.

Allie Maynard Hirsch of Tampa, a mature lady of a certain age has a special insight into the life and career of Judge Akerman. She provides a first-person narrative of her recollections of a “wonderful man” (Judge Akerman) acquired during her growing up years, as follows:

“In 1923 my grandfather, Albert Ross Gufford, happened to meet lawyer Akerman in downtown Orlando, having known him in Macon, Georgia. Mr. Akerman knew Grandpa had three daughters and asked if one was available to be his secretary. Grandpa replied that one daughter, Allie May Maynard was available; thus began my mother’s 37 year career as a federal judge’s secretary. Mother’s association began prior to Judge Akerman’s judicial appointment.

Going back to Judge Akerman’s earlier life, I remember that he was one of seven sons of a wealthy family. His mother, a strict Presbyterian, required each son to

say a Bible verse from memory every morning at breakfast. One brother was a little slow at memorizing, and the others would work with him frantically to do his memory work because if all of the sons did not say their verses perfectly, she would remove some privilege from all of them. This was the reason attorneys would warn other attorneys never to repeat a Bible verse in Court before Judge Akerman unless they were absolutely certain they were correct.

I vaguely remember something about a falling out between Judge Akerman and his mother when he was a teenager. I think she disinherited him. Judge Akerman and wife were married when they were 16 and 17 and had six children. He studied with an older attorney to learn the law. Judge & Mrs. Akerman were like grandparents to me, and I loved them dearly.

When we first moved to Tampa, the Gasparilla water parade was preceded by a Coast Guard cutter. My Mother and I and Judge and Mrs. Akerman were privileged to stand at the bow of the cutter as the parade came into port. What a thrill for a kid!

I remember hearing that Judge Akerman thought buying toys for a small child was a waste of money because all a small child needed was a paper cup and a string and would entertain himself or herself. With six children I'm sure he had lots of experience in that regard.

While in Tampa, Judge and Mrs. Akerman lived in the Hillsboro Hotel, across the street from the Courthouse. They had a chauffeur named Amos who moved to Philadelphia after the Judge retired, and became a mortician.

The Akermans also had a large farm in one of the Carolinas where a caretaker managed it for them.

I remember that Judge Akerman declared the National Recovery Act (NRA) unconstitutional and was upheld by the Supreme Court – a landmark decision.

I also remember when federal Judge Ritter in Miami was impeached. I recall comments about Judge & Mrs. Akerman being invited to the same party in West Palm Beach (I think) given by a Referee in Bankruptcy, which led to the impeachment of Ritter. Judge Akerman declined the invitation.

The Probation Office in Tampa was instituted by Judge Akerman, with appointment of Joseph Cheney as Chief Probation Officer.

I remember Mamma saying Judge Akerman had the greatest understanding of the human heart of anyone she ever knew.”

T. Paine Kelly, Jr. of Tampa, nonagenarian and retired civil trial lawyer of great depth and courtroom presence, practiced before Judge Akerman in the former, now-vacant federal Courthouse on N. Florida Avenue. He reflects that Akerman was a good judge, a man of serious mien, austere demeanor and high moral principles. Mr. Kelly, admitted to practice in Florida in 1936, affiliated with MacFarlane, Ferguson, Allison & Kelly, in 1939, later becoming managing partner. Excluding four years on military service during W.W.2, and a relatively brief association with a smaller firm, Kelly was identified with the MacFarlane firm from 1939 until he retired in early 2005.

Akerman was born in Elberton, Georgia on Oct. 9, 1869 but was raised in Cartersville, northwest of the Greater Atlanta area. To prepare himself, he read law until eligible to practice in Cartersville. He married Minnie C. Edwards in 1880 and for a time after his marriage he operated a small grocery store. At age 29, he was appointed Referee in Bankruptcy, U.S. District Court for the Southern District of Georgia in 1898. His appetite for greater public service must have been whetted because from 1901-1912 he was Asst. U.S. Attorney in the aforementioned jurisdiction. His father, Amos T. Akerman, was Attorney General in President Grant's Cabinet, being the first Confederate staff officer to fill a Cabinet office since the War Between the States. Someone noted that the entire Akerman family had for generations been active in Republican Party politics in the normally Democratic South. One of the Judge's sons, Alexander Jr. was the only GOP representative in the Florida legislature at the time of his father's death. Another son, Emory, was at the time last mentioned Chairman of the State Republican Executive Committee.

Akerman moved about the State of Georgia during the dawn of the 20th century. During this period he was having an ongoing health problem with infected sinuses. At one point he ventured as far as Everett, Washington hoping to get some improvement in his medical condition. In 1901, he settled in Macon, Georgia, and after his tenure as Asst. U.S. Attorney he received appointment as U. S. Attorney from President Taft. The vagaries of politics brought about an end of his service as U. S. Attorney after only two years, 1912 – 1914 due to the elections of President Woodrow Wilson. Akerman actually submitted his resignation from office in 1913, but his resignation did not become effective until 1915. He continued to have medical problems and was finally operated upon in 1916 to resolve the condition.

Taking the advice of his doctors, he took his family and relocated to Kissimmee, Florida sometime during the year 1917. For about a year after settling in the Sunshine State the future judge took up farming. In 1918, he teamed up with two other lawyers to practice law under the firm name of Kribs, Akerman & Steed.

Around 1919-1920, Akerman Joined forces with former judge, John M. Cheney (sometimes spelled Chaney) and their association as lawyers in Orlando continued until Cheney's death about 1922. For the next several years, lawyer Akerman practiced law individually and with family members, Hugh Akerman and Emory Akerman. In 1928, there was a vacancy in the federal court in central Florida, and for some reason there was

an unaccounted delay in having the opening filled. Finally a delegation of attorneys from the area went to Washington to the Justice Department to see if they could speed up the process. Receiving no satisfaction from the Justice Dept. the committee obtained an appointment with former President Taft who was now the Chief Justice of the U. S. Supreme Court. They met with him at his apartment and told him their problem. Having the vacancy filled was considered a top priority due to the land “boom” and all the bankruptcies. They handed Justice Taft a list of qualified attorneys and the first on that list was Alexander Akerman, whom Justice Taft remembered from the former’s appointment as U. S. Attorney. Chief Justice Taft exerted his influence to have the judgeship filled and recommended Akerman, who was subsequently appointed United States District Court Judge at age 60.

Early in his career on the federal bench, Judge Akerman acquired the reputation of being a diligent and studious judge with the ability to write lucid opinions in many of the most difficult constitutional issues to come before the court in the 1930’s. He remarked that “no divinity student ever studied the Constitution.” He became nationally known for voiding certain New Deal legislation during the early years of the Roosevelt administration. He is believed to have been the first federal district judge to rule that the laws creating the NRA and the Agricultural Adjustment Agency were unconstitutional as purporting to give the executive branch of government the right to control purely intrastate business. Anyone interested in reading any of his decisions during that turbulent era in the nation’s history might wish to look at: *Table Supply Stores v. Hawking*, 9F. Supp. 888 (1935), *Chester C. Fosgate v. Kirkland*, 19 F. Supp. 152 (1937), and *Majors v. McLeod*, 26 F. Supp. 206

One of his significant rulings of special interest to Tampa came in July 1932. At that time he entered an injunctive order restraining unionized Tampa cigar workers, some being allegedly communist ringleaders, from continuing a tumultuous strike. His order also had the effect of breaking up the Tampa Tobacco Workers Industrial Union. The story may be found on pages 146-147 of the Orrick-Crumpacker history of *The Tampa Tribune, a Century of Florida Journalism* (1998).

For many years during what could be referred to cynically as the “Golden Age” of Tampa’s unseemly history of vice and crime, Charlie Wall was one of its most notorious racketeers. He was a member of a socially and politically prominent family but until murdered in his home in 1955, he was a genuine underworld powerhouse. In 1928, Wall was charged in the federal district court in Tampa with a violation of the Harrison Narcotics Act and other offenses. At the center of the case was a femme fatale, girlfriend and former mistress of Charlie Wall. She induced Wall to write a drug trafficker, George Zarata, to get her some “dope”, and as a result of that contact, she received 3 oz. of morphine. In the opinion reported in 75 F.2d 993 (1933), the 5th Circuit Court of Appeals reversed Judge Akerman who presided at Wall’s trial which resulted in a conviction. The 5th CCA found that the defense of entrapment was supported by the evidence. Wall’s lawyers were W. B. Dickenson and Tom Palmer of Tampa, both known to be highly skilled in criminal defense in that era. A later case worthy of note is *Texas Company v.*

City of Tampa, 100 F.2d 347 (1938). Alexander Akerman was presiding judge. Bayshore Blvd., the scenic thoroughfare designed to accommodate lovely homes having a view of Tampa Bay, free from commercial intrusion, was zoned to disallow service stations. Texaco acquired two lots on the boulevard but were denied building permits by the city. Plaintiff filed suit to compel issuance of those permits. Plaintiff's lawyer was Maynard Ramsey (who had a long life not dying until November 26, 2005). The City had a battery of high-powered, competent lawyers: Pat Whitaker, Tom Whitaker, Sr. Ralph Marsicano and Alonzo B. McMullen, all of Tampa. Judge Akerman denied any relief to plaintiff.

Judge Akerman was a solid public servant who came along so many years back that only lawyers in practice starting in the 1930's would know anything about him. Lawyers like T. Paine Kelly, Jr., of Tampa, Morris White, Bayard Angle and Judge Robert W. Patton (the latter three now deceased) come immediately to mind. He was tall yet slender and erect. His piercing eyes, behind dark-rimmed glasses he favored, gave him a rather somber appearance if his photographs are reliable. Allie Hirsch remembers that his eyes "could look right through you."

Here are some of the Judge's retrospective observations about his life and times which were made after his retirement from active federal service, giving perhaps some insight into his character and values:

"The home is nowadays looked upon as a sort of Pullman sleeping care arrangement. It's just a place to get into to sleep and to get away from afterwards."

"A man may not get fat, but he can always make a living in Florida, without bootlegging." (used to illustrate a ruling in a prohibition case)

"By the time I was nine, I knew the multiplication tables; I could repeat Longfellow's Psalm of Life, and Gray's Elegy in a Country Churchyard. I knew most of the Psalms and many other chapters of the Bible. I could give you the names of all the Kings and Queens of England in chronological order and the Presidents of the United States. I knew something of Greek and Roman history and mythology. I had mastered Latin grammar fairly well and was wrestling with Caesar's Commentaries, and I could give the common and botanical names of every plant in my mother's garden."

"If the boys and girls of that day (his Youth) had any advantage over those of the present generation, it is that they had good homes and mothers. My father died when I was 11, leaving my mother with six children. Where is the mother of the present day who can spare the time from her clubs,

bridge parties, cocktail parties, and dances to know what her child is doing, much less to know anything of his education?"

Death left his calling card for Judge Akerman at Orange Memorial Hospital in Orlando where he had been receiving treatment for about a month followed by an abdominal operation. Ironically, the October 1948 issue of Florida Law Journal carried a notice that Federal Judge Akerman had appointed a Committee on Pleading, Practice & Procedure. The appointees were Fred T. Saussy of Tampa, Chairman; R. W. Shackleford, A. G. Turner of Tampa, R. F. Maguire, Orlando, R. A. Henderson, Ft. Myers, John Edwards, Lakeland, and John Fite Robertson, Sarasota.

Morison Buck

AFTERWORD:

Judge Alexander Akerman never attended law school. But then, neither did Roger B. Taney, Chief Justice of the United States Supreme Court from 1836 to 1864.