

LIFE SKETCHES

OF

EMINENT LAWYERS,

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

IN TWO VOLUMES.

BY
GJC
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ABRAHAM LINCOLN, ILLIOIS.

(1809-1865.)

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Sixteenth President of the United States. Born in Hardin county, Kentucky, February 12, 1809; died in Washington, April 15, 1865, aged fifty-six. Born in extremest poverty, wholly unaided by parents—his father being unable to read or write; only a year in any school, never for a day master of his own time till twenty-one, yet made his way to the Legislature of Illinois at twenty-five; to the law at twenty-seven; to Congress at thirty-seven; to the Presidency at fifty. A many-sided man, he was successively boatman, axeman, hired laborer, clerk, surveyor, captain, legislator, lawyer, postmaster, orator, politician, statesman, President. In his youth he read many times and partially transcribed "Aesop," "Crusoe," "Pilgrim's Progress," a "United States History," and "Weem's Washington." He also read deeply philosophy, science, and literature—especially Shakespeare. Was a master of style, and a commanding orator—his two-minute Gettysburg oration of two hundred and seventy-two words, being an enduring classic.

“Though a natural born lawyer,” says Washburne, “he had yet studied profoundly the principles of the common law.” Studied his cases so thoroughly, and was so uniformly successful, that he was regarded as unequalled, being in every important case in his circuit. No man in Illinois had such power before a jury. This consisted in perfect lucidity of statement; great fairness—often appearing to concede away his case—and skill to convey a common mind to his own conclusions. Disregarded custom, and when necessary was “hurtful in denunciation and merciless in castigation.” Was for years attorney for the Illinois Central, and received a \$5,000 fee for successfully defending the McLean county tax case in the lower and Supreme Courts. The clearing of William Armstrong of murder, and the McCormick reaper patent case were important trials. “In all the elements,” says Judge David Davis, “that constitute a great lawyer, he had few equals.” Adds Bishop Fowler, “He gave liberty to one race, and security to another, and, measured by results, is the grandest man in history for six thousand years.”

Government of People.

“That this Nation, under God, shall have a new birth of freedom, and that Government of the people, by the people, for the people, shall not perish from the earth.”—From speech at Gettysburg, November 19, 1863, which consists of 272 words, and has been pronounced “the most classic and most enduring of American orations.” Edward Everett said of it in a letter to Lincoln: “I should be glad if I came as near the central idea of the occasion in two hours as you did in two minutes.”

Malice Toward None.

“With malice towards none, with charity for all, with firmness in the right, as God gives us to see the right.”—Second inaugural address.

People's Verdict.

“The verdict of the people can always be trusted when they have had a fair chance to hear the evidence.”

Fooling the People.

“You can fool all the people some of the time, and some of the people all the time, but you can't fool all of the people all of the time.”

Deliberation.

“Nothing valuable can be lost by taking time.”—From first inaugural speech.

Mother.

“All that I am, or hope to be, I owe to my angel mother—blessings on her memory.”—Holland’s Life of Lincoln, p. 23.

Union Predicted.

“The mystic cords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be by the better angels of our nature.”—From first inaugural speech, March 4, 1861.

Secession.

“The principle of secession is one of disintegration, and one upon which no government can possibly endure.”—Message to Congress, July, 1861.

Union and Slavery.

“If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing

some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do believe it would help to save the Union."—His rejoinder to Horace Greeley, which words are inscribed on the base of Lincoln's statue in Chicago.

Brevity in Speech.

Brevity in speech and writing was one of his marked characteristics. "He had the capacity of patience beyond any precedent on record."—Morse's *Life of Lincoln*, p. 242.

Lincoln's Four Youthful Books.

Lincoln in his boyhood had access to four books, the Bible, "Pilgrim's Progress," which taught him to use figurative language, "Burns' Poems," which developed his fancy and imagination, and "Weem's Life of Washington," which inspired him with the noble spirit of Washington.

Favorite Poem.

His favorite poem was, "Oh! Why Should the Spirit of Mortal Be Proud?" He was in the habit of reciting it often.

No Stimulants.

Used no stimulants, and never indulged in profanity.

At Twenty-seven.

Achieved a commanding position among the leaders of Illinois at twenty-seven, and from that time to the day of his death was recognized as one of the most powerful orators in the State.

Walked One Hundred Miles.

“Walked to Vandalia—one hundred miles—to attend a political convention, and walked home again, at twenty-seven years of age.”—Holland’s Life of Lincoln, p. 71.

As a Lawyer.

“He studied his cases with great thoroughness, and was so uniformly successful that the people regarded him as having no equal. He had been in practice but a short time when he was found habitually on one side or the other of every important case in the circuit. No man in Illinois had such power before a jury as he. His power consisted in the perfect lucidity of his statement, his great fairness in the treatment of both sides of a case, and his skill to conduct a common mind along the chain of his logic to his own conclusion.”—Id. 77-8.

Yielded Many Points in Lawsuits.

“He would yield point after point before a jury, that nearly every lawyer would dispute under the same circumstances, so that, sometimes his clients trembled with apprehension, and then after he had

given his opponent all he had claimed, and more than he had dared to claim, he would state his own side with such power and clearness that that which had seemed strong against him was reduced to weakness; that which had seemed to be sound was proved to be specious."—Id. 80.

Preponderance of Evidence.

"The side on which you would be willing to bet is the side on which rests the preponderance of evidence. It may not be right, but that is not the question."—To a jury.

Duel.

Was challenged to fight a duel in 1839, by James Shields, because, to save a young lady, he had fathered an offensive poem written by her. Lincoln chose broad-swords. Bloody Island, in the Mississippi, between Illinois and Missouri, was chosen as the place. But friends interfered, and it was never fought.

A Wise Man in Virginia.

"Being introduced to a very stout person by the name of Smali he remarked, 'Small, Small. Well, what strange names they do give men, to be sure! Why, they've got a fellow down in Virginia whom they call Wise!'"—Mathew's "Words," etc., p. 271.

Ignorance of Father.

His father could neither read nor write.

Subscription Paper.

A subscription was started in court to repair a rent in the seat of a brother lawyer's pantaloons, and being passed to Lincoln, until then a stranger to the rent and to the paper, he looked up, took in the situation at a glance, and wrote: "I have nothing to contribute to the end in view."

His Stature.

Lincoln stood six feet and three-fourths inches in his stocking feet.—Holland, p. 35; Carpenter's Inner Life of Lincoln, p. 217.

Greatest American.

"The greatest American of this century."—Dr. Herman E. Von Holst.

Not the Choice for President.

"He was not the choice of the American people for President, but of less than half of them—and this, too, even if the Confederate States be excluded from the computation."—Morse's Life of Lincoln, p. 179.

Abraham Lincoln—By Garfield.

"A character so unique that he stands alone, without a model in history or a parallel among men. Born to an inheritance of extremest poverty; surrounded by the rude forces of the wilderness; wholly unaided by parents; only one year in any school; never, for a day, master of his own time until he

reached his majority; making his way to the profession of the law by the hardest and roughest road;—yet by force of unconquerable will and persistent, patient work, he attained a foremost place in his profession.”—Extract from address, “Lincoln and Emancipation,” in House of Representatives, Feb. 12, 1878.

Watterson on Lincoln.

“Born as lowly as the Son of God, in a hovel; of what real parentage we know not; reared in penury, squalor, with no gleam of light, nor fair surroundings; a young manhood vexed by weird dreams and visions, bordering at times on madness; without a grace, natural or acquired; singularly awkward, ungainly, even among the uncouth about him; grotesque in his aspects and ways; it was reserved for this strange being, late in life, without name or fame, or preparation, to be snatched from obscurity, raised to supreme command at a supreme moment, and intrusted with the destiny of a nation.”—Extract from lecture, December, 1893.

Judge Breese on Lincoln.

“For my single self, I have for a quarter of a century regarded Mr. Lincoln as the finest lawyer I ever knew, and of a professional bearing so high-toned and honorable, as justly and without derogating from the claim of others, entitling him to be presented to the profession as a model well worthy of the closest imitation.”—Memorial of the Illinois bar.

Tributes to Lincoln.

"I have no hesitation in saying that he was one of the ablest lawyers I have ever known."—Judge Thomas Drummond.

"In all the elements that constitute the great lawyer, he had few equals. He was great both at nisi prius and before an appellate tribunal."—Judge David Davis.

"He was successful in every case at the bar that he ought to be. He was often appealed to by the judge to say what rule of law ought to be applied in a given case, and what disposition the parties ought to make of it, and his opinion when expressed, always seemed to be so reasonable, fair and just, that the parties accepted it."—J. P. Usher.

"He had no superior in Illinois, and few superiors in the older States, as a lawyer and an advocate."—Hugh McCulloch.

"He was a good lawyer and a great advocate."—John B. Alley.

"Stephen T. Logan and Lincoln formed a partnership in 1841, which lasted two years, and there was never a stronger law firm in the State. Though Mr. Lincoln was a natural born lawyer, he had yet studied profoundly the principles of the common law."—E. B. Washburne.

“In 1854, Lincoln was the leader of the bar in Illinois.”—Lawrence Weldon.

“His power of analysis was wonderful. He strengthened every case he stated.”—James B. Fry.

“Lincoln is the most commanding figure in the ranks of self-made men which America has yet produce—owed least to books, schools and society.”—George S. Boutwell.

“He is the gentlest memory of our world.”—Robert G. Ingersoll.

Attorney for Illinois Central.

For years before he was elected to the Presidency, Lincoln was attorney of the Illinois Central railroad, to assist local counsel.

Two Old Rails Brought Into Political Convention, 1859.

“At the State Republican convention at Decatur in May, 1859, Governor Oglesby announced, as Lincoln came into the hall, that an old Democrat of Macon county desired to make a contribution to the convention. The offer was accepted, and two old fence rails were brought in, gaudily decorated, inscribed: ‘Abraham Lincoln, the rail candidate for the Presidency in 1860. Two rails from a lot of 3,000, made in 1830, by Thomas Hanks and Abe Lincoln—whose father was the first pioneer of Macon county.’”
—Holland’s *Life of Lincoln*, p. 198.

Five Thousand Dollars From Illinois Central.

“One of his most important cases was *McLean County, Illinois, v. The Illinois Central Railway company* for taxes. Lincoln went to Chicago and put in a charge of two thousand dollars, above the retainer of two hundred and fifty dollars the company had sent him to attend to the defense. Lincoln won in the lower and Supreme Court. George B. McClellan, then superintendent of the railway company, was astonished at the exorbitant fee, and laughingly said, ‘for that sum they could have secured the services of Daniel Webster.’ Lincoln, much stung by the remark, withdrew his bill, returned to Springfield, and his lawyer-friends advised him to put in an account of five thousand dollars; that the legal question was an important one, settling the railway tax question throughout the State, and five thousand dollars was little enough. Lincoln accordingly brought suit. The case was tried in Bloomington before Judge David Davis, upon affidavits of N. B. Judd, O. H. Browning, S. T. Logan, and Archy Williams, respecting the value of the services, and was decided in favor of the plaintiff, judgment being given for five thousand dollars.”—Herndon, 351-2; Lamon, 331.

Murder Trial of William Armstrong.

“The trial of William Armstrong for murder was an important suit. Old Hannah Armstrong, the friend of Lincoln’s youth, mother of the defendant, had solicited him to defend her son. ‘Lincoln told the

jury,' relates the prosecuting attorney, 'of his once being a poor, friendless boy; that Armstrong's parents took him into their house, fed and clothed him, and gave him a home. There were tears in his eyes as he spoke. The sight of his tall, quivering frame, and the particulars of the story he so pathetically told, moved the jury to tears, also, and they forgot the guilt of the defendant in their admiration of his advocate. It was the most touching scene I ever saw.'"—Herndon, p. 357.

The Wright Pension Case.

"David Davis said this of Lincoln: 'When in a law suit he believed his client was oppressed—as in the Wright case—he was hurtful in denunciation. When he attacked meanness, fraud, or vice, he was powerful, merciless in castigation.' The Wright case referred to was a suit brought by Lincoln and Herndon to compel a pension agent to refund a portion of a fee which he had withheld from the widow of a Revolutionary soldier. The entire pension was four hundred dollars, of which sum the agent had retained one-half. The pensioner, an old woman crippled and bent with age, came hobbling into the office and told her story. It stirred Lincoln up, and he walked over to the agent's office and made a demand for a return of the money, but without success. Then suit was brought. The day before the trial Mr. Herndon looked up for Lincoln, at his request, a history of the Revolutionary War, of which he read a good portion.

He told Herndon to remain during the trial until he heard his address to the jury. 'For' said he, 'I am going to skin Wright, and get that money back.' The only witness introduced was the old lady, who through her tears told her story. In his speech to the jury, Lincoln recounted the causes leading to the Revolutionary struggle, drew a vivid picture of the hardships of Valley Forge, describing with minuteness the men, barefooted, and with bleeding feet, creeping over the ice. As he reached that point in his speech wherein he narrated the hardened action of the defendant in fleecing the old woman of her pension, his eyes flashed, and throwing aside his handkerchief, which he held in his right hand, he fairly launched into him. His speech for the next five or ten minutes justified the declaration of Davis, 'That he was hurtful in denunciation, and merciless in castigation.' There was no rule of court to restrain him in his argument, and 'never did I,' relates Herndon, 'either on the stump or on other occasions in court, see him so wrought up.' Before he closed he drew an ideal picture of the plaintiff's husband, the deceased soldier, parting with his wife at the threshold of their home, and kissing their little babe in the cradle, as he started for the war. 'Time rolls by,' he said in conclusion, 'the heroes of 1776 have passed away, and are encamped on the other shore. The soldier has gone to rest; and now, crippled, blinded, and broken, his widow comes to you and to me, gentlemen of the jury, to right her wrongs. She was not always thus.

She was once a beautiful young woman. Her step was as elastic, her face as fair, and her voice as sweet as any that rang in the mountains of old Virginia. But she is poor and defenseless. Out here on the prairies of Illinois, many hundreds of miles away from the scenes of her childhood, she appeals to us, who enjoy the privileges achieved for us by the patriots of the Revolution, for our sympathetic aid and protection. All I ask is, shall we befriend her? The speech made the desired impression on the jury. Half of them were in tears, while the defendant sat in the court-room, drawn up and writhing under the fire of Lincoln's fierce invective. The jury returned a verdict for every cent asked. Lincoln was so much interested in the old lady that he became her surety for costs, paid her way home, and her hotel bill while she was in Springfield. When the judgment was paid, the proceeds were remitted to her, and no charges made. Lincoln's notes for the argument were unique: 'No contract—Not professional services—Unreasonable charge—Money retained by defendant not given by plaintiff—Revolutionary War—Describe Valley Forge privations—Ice—Soldiers' bleeding feet—Plaintiff's husband—Soldiers leaving home for army—Skin defendant—Close.'—Herndon's life of Lincoln, 340-1-2.

Logan's Shirt Joke.

"That which Lincoln's adversaries feared most was his apparent disregard of custom, or professional

propriety, in managing a case before a jury. He brushed aside all rules, and very often resorted to some strange and strategic performance which invariably broke his opponent down, or exercised some peculiar influence over the jury. Hence the other side in a case were in constant fear of one of his dramatic strokes, or trembled lest he should 'ring in' some ingeniously-planned interruption not on the program. In a case where Judge Logan, always earnest and grave, opposed him, Lincoln created no little merriment by his reference to Logan's style of dress. He carried the surprise in store for the latter till he reached his turn before the jury. Addressing them, he said: 'Gentlemen, you must be careful and not permit yourselves to be overcome by the eloquence of counsel for the defense. Judge Logan I know is an effective lawyer. I have met him too often to doubt that; but shrewd and careful though he be, still he is sometimes wrong. Since this trial has begun, I have discovered that, with all his caution and fastidiousness, he hasn't knowledge enough to put his shirt on right.' Logan turned red as crimson, but sure enough, Lincoln was correct, for the former had donned a shirt and by mistake had drawn it over his head with the pleated bosom behind. The general laugh which followed destroyed the effect of Logan's eloquence over the jury—the very point at which Lincoln aimed."—Herndon, p. 356.

Abraham Lincoln as an Advocate.

“In the summer of 1881 I spent some time at Saratoga Springs, and had many conversations with the Honorable David Davis, then one of the Justices of the Supreme Court of the United States. He related to me some of his early experiences as a judge, and one of them made a very deep impression. I asked him the secret of Lincoln’s success as a lawyer. He said that when he was a young man he was Judge of a Circuit Court in Illinois, and one time, while holding that court, two men came up for trial on the charge of murder. They had rich relatives, and one of them employed Abraham Lincoln to defend him, and the other employed Leonard Swett, afterward an eminent criminal lawyer, who lived in Chicago and died a few years ago.

“Judge Davis said that one evening, as it was the custom, Lincoln and Swett came to his room in the hotel, and during the conversation Lincoln spoke about as follows: ‘Swett, Davis and I are old friends, and what we say here will never be repeated to our injury. Now, we have been engaged in this trial for two days, and I am satisfied that our clients are guilty, and that the witnesses for the State have told the truth. It is my opinion that the best thing we can do for our clients is to have them come in to-morrow morning, and plead guilty to manslaughter, and let Davis give them the lowest punishment.’ Mr. Swett said he would do nothing of the kind. He said, ‘Mr. Lincoln, you don’t know what evidence I have got in

reserve to combat the witnesses for the State.' Mr. Lincoln replied, 'I don't care what evidence you have got, Swett; the witnesses for the State have told the truth, and the jury will believe them.' Mr. Swett said, 'Mr. Lincoln, I shall never agree to your proposition, and propose to carry on our defense to the end.' Mr. Lincoln replied, 'All right.'

"They went on with the trial. The defendants put their witnesses on the stand, and the time came for the arguments. Then Mr. Lincoln said to Mr. Swett, 'Now, Swett, I cannot argue this case, because our witnesses have been lying, and I don't believe them. You go on and make an argument.' Swett made the argument, the case went to the jury, and the men were acquitted.

"The next day Mr. Lincoln went to Mr. Swett and said: 'Swett, here is the \$500 which I have received for defending one of these men. It all belongs to you; take it.' Of course, Mr. Swett did not take the money; but it showed, as Judge Davis said, that Mr. Lincoln felt that he had done nothing to earn the money. Judge Davis told this story as illustrating the honesty and integrity of Abraham Lincoln as a lawyer."—Ratcliffe Hicks, of N. Y., Feb. 1894, *Century*.

Our Best Model for the Young Lawyer.

"There is no American life which is so full of encouragement to the young lawyer as that of our great Lincoln. He came through adversity, pure, refined,

illustrious, the peer of Washington, our great American, the best model for the young lawyer, one whose life has made our country the most powerful on the globe."—L. E. Chittenden, June, 1894, Green Bag, p. 269.

Read Little—Thought Much.

"Mr. Lincoln read less and thought more than any man in his sphere in America. When young he read the Bible, and when of age he read Shakespeare. This latter book was scarcely ever out of his mind."—Herndon's Life of Lincoln.

Not a Reader of Novels.

"He stated in 1864 that he never read an entire novel in his life; that he once commenced 'Ivanhoe' but never finished it."—Carpenter's Inner Life of Lincoln, p. 115.

"Close Construction"—"Rigid Government."

"'Rigid government' and 'close construction,' Lincoln said was hanging a man for blowing his nose in the street, and quashing the indictment for failing to specify which hand he blew it with."—Idem, p. 254.

Judge—Intoxicated Coachman.

"The judge who told his intoxicated coachman 'he was drunk,' was told by the coachman 'that was the first right decision he had given for the last twelve months.'"—Idem, p. 251.

Instructed the Professor of Rhetoric.

“After Lincoln’s debate with Douglas, and before his nomination to the Presidency, in 1860, he made a political speech in New Haven. The professor of rhetoric in Yale College, not only listened closely to him there, but followed him up to Meriden the next evening, and heard him again for the same purpose. He gave a lecture to his class upon his powers as an orator.”—Carpenter’s Inner Life of Lincoln, p. 310.

First Tariff Speech.

“Lincoln’s first speech on the tariff question was short and to the point. He said he did not pretend to know much about political economy, but thought he knew enough to know that ‘When an American paid twenty dollars for steel to an English manufacturer, America had the steel and England had the twenty dollars. But when he paid twenty dollars for steel to an American manufacturer, America had both the steel and the dollars.’”—From Chicago Inter-Ocean.

Experience With Stanton.

For his experiences with Stanton see article on “Stanton.”