

LINCOLN'S LAW OFFICE

By Hon. Henry S. Cohn

WHEN PEOPLE TODAY THINK OF Abraham Lincoln's legal career, they likely think of him as a trial lawyer. The famous movie *Young Mr. Lincoln* portrays him skillfully winning an important case and becoming a national figure. But Lincoln's law office practice between 1836 and 1861 was as important as his trial work, both to Lincoln himself and for his legal career. This article describes Lincoln outside of the courtroom.

Lincoln began studying for the bar in 1834 in New Salem, Illinois, reading Blackstone's famous treatise, which he had borrowed from a lawyer friend. He passed the Illinois bar in 1836 by establishing his credentials before a panel of local lawyers. He began his legal practice by assisting residents fill out various forms. Then, in 1837, with New Salem no longer a viable place to expand a law practice, Lincoln moved to Springfield, the state capital. Lincoln, as an Illinois state representative, had been a major force in making Springfield the capital.

Lincoln's mentor and then first law partner was John Todd Stuart, a cousin of Mary Todd, who would become Lincoln's wife. But because Stuart was a member of the U.S. Congress, he was often absent from Illinois, and the legal practice was effectively left in Lincoln's hands.

Lincoln and Stuart ended their partnership in 1841, and Lincoln formed a partnership with Stephen T. Logan, which lasted until 1844. Logan was different from Stuart in that he lacked charm. Described as "brilliant and blunt," he had been an Illinois judge and was serious when it came to practicing law. Logan was a perfect tutor for a young lawyer like Lincoln, and

Lincoln acknowledged that Logan provided him with an education in law that Lincoln had not previously received.

After Lincoln parted with Logan, he formed his final partnership with William "Billy" Herndon. This partnership lasted over fifteen years, until Lincoln left Springfield for Washington, D.C. in 1861.

The building that housed Lincoln and Herndon's office dated from 1843 and was across the street from the state capital in downtown Springfield. It is the only Lincoln office left standing today. The first

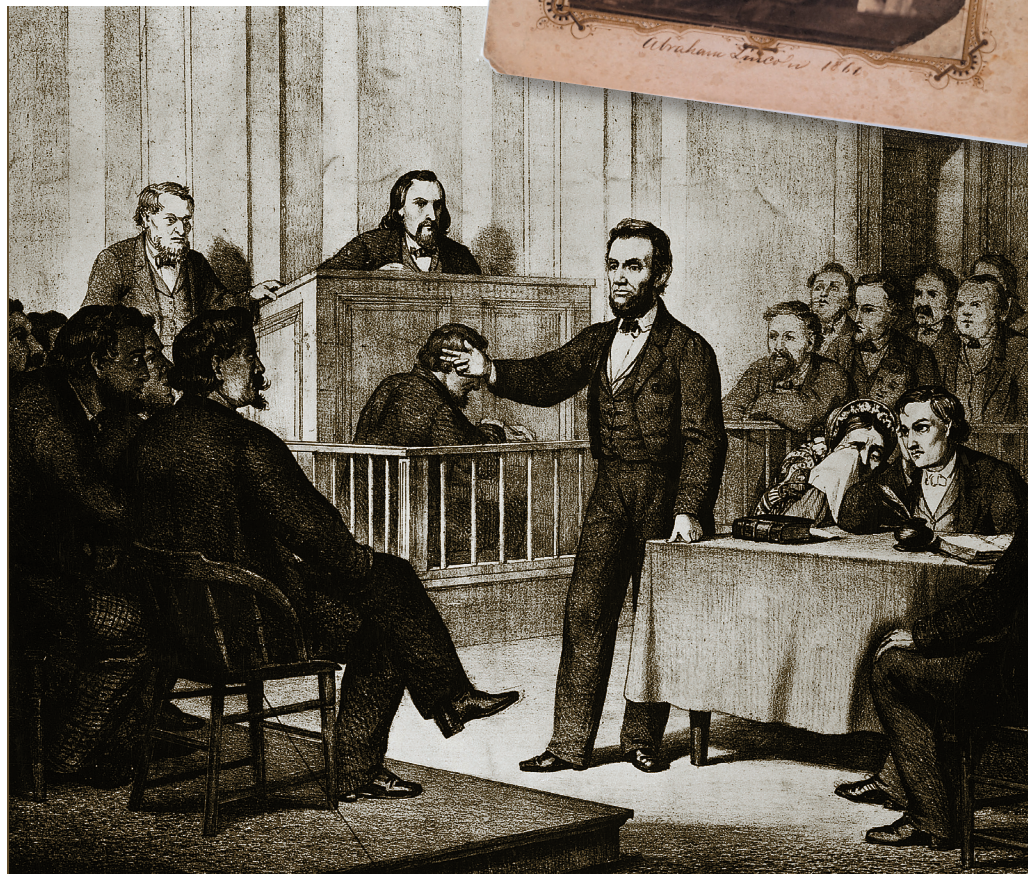


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floor had a federal post office, the second floor was a state courtroom, and Lincoln and Herndon's office was on the third floor. In 1852, they moved a block away.

There are several recollections of their office from Herndon and other lawyers. The first thing we know about the office is that Lincoln kept it filthy. He had a huge spot on the wall where two of his interns had been fighting with inkstands. There was so much dust in the corner that somebody said that some beans that had been lying around there had started to sprout.

Lincoln had a huge black hat. He carried his papers around in it, and an occasional wind would blow it away, leaving him running around the streets of Springfield picking up his papers. He'd come into his office and he'd put two chairs together; one he would sit in and the other he would stretch his long legs on. At 6'4" he was our tallest president.

One thing Lincoln liked to do was read aloud while he was trying to think, and this drove Herndon crazy. Herndon was also not pleased that Lincoln would often allow his sons to run around at the office.

In 1845, Gibson Harris joined the firm as a student and clerk. Years later he recalled the office this way: "The furniture, somewhat dilapidated, consisted of one small desk and a table, a sofa or lounge with a raised head at one end, and a half-dozen plain wooden chairs. The floor was never scrubbed.... Over the desk a few shelves had been enclosed; this was the office bookcase holding a set of Blackstone, Kent's Commentaries, Chitty's Pleadings, and a few other books. A fine law library was in the Capitol building across the street to which the attorneys of the place had access."

According to Fred Kaplan in *Lincoln: The Biography of a Writer*, the office became the center of Lincoln's law practice. He disliked extemporaneous talks and court appearances, so, to feel comfortable, he wrote out an outline of his intended addresses or court presentations.

His outline was always compact and plain with direct sentences. When asked to draft reports and legislation for the Illi-



nois legislature, the results were sharp and free of boilerplate. Sometimes he worked in references to Shakespeare or other literary figures. He was a master of words and had perfect penmanship. Many of his fellow lawyers were not as careful, and their writing was sloppy. Lincoln's superiority was remarkable considering that he had only six months of formal education.

What legal work occurred in his office? One of Lincoln's chief sources of income was representing creditors in debt collection actions. He often drafted notes and pleadings and court actions to collect on notes drafted at his office.

There were a lot of debts out there. People owed other people money. This was frontier Illinois. A well-regarded book, *Lincoln the Lawyer*, states, "He practiced law in a veritable shower of promissory notes. They rained down on him year in and year out for his entire 25-year practice." This was his specialty, the collection business.

But he also defended some debtors. One case occurred during the gold rush. A poor soul had decided to go to California to find his fortune. He needed money to get there, and his neighbors in Springfield backed him. They figured they'd get a percentage of the gold that he found. He got about as far as Oregon, but it got to be too much, and he came back to Springfield, a failure. But his neighbors wanted their \$250 back. Lincoln, representing this fellow, worked out a settlement with the backers.

A record of Lincoln's cases shows that the first case that Lincoln handled in 1836 was the conveyance of a ferry for his client. Other office work included issues over the sale and conveyance of land. He also drafted wills and advised on the validity

of an heir's conveyance of land inherited in a will. He advised clients on the wisdom of the purchase of public land. He advised on patents and was the only president who had patented an invention himself. He received the patent in 1849 for a device that would lift boats over shoals to enable them to pass over bars or through shallow water without discharging their cargoes; it was never manufactured, however.

He assisted bar associations in reviewing the qualifications of persons seeking admission to the bar. He accepted clients seeking military pensions. Starting in 1856, Lincoln obtained one of his most important clients, the Illinois Central Railroad. He gave significant advice to the railroad on pending litigation and on a state tax claim.

In addition to managing a successful law office, Lincoln's 25 years, not just in court, but also in downtown Springfield, taught Lincoln several things. He mastered the organization of facts, putting them together in a readable fashion. This skill carried over to the Civil War, where he had to manage difficult generals such as George McClellan and Joseph Hooker.

He was also a member the Whig political party and was a disciple of the Whig, Henry Clay. Even when Lincoln became a Republican, he retained the Whig philosophy. David Donald wrote an essay about Lincoln called *A Whig in the White House*. The Whigs, from the legal point of view, valued order, resolving cases, and independence, so that one never had to rely on just one client.

The final important thing to say about Lincoln is that he learned from the lawyer's perspective what a Lincoln scholar called "grease." He learned how to smooth his way and make friends with all different types of people under different circumstances. As Doris Kearns Goodwin demonstrates in *Team of Rivals*, Lincoln had skills in "cabinet making." We may conclude that Lincoln's law office was at least a factor in the North's successful outcome in the Civil War. ■

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