

## *Lincoln Legal Timetable*

**February 12, 1809** – Lincoln is born in Kentucky

**1816** – Lincoln’s family moves to backwoods of Indiana

**October 5, 1818** – When Lincoln is nine, his mother, Nancy Hanks Lincoln, dies of “milk disease.”

**1819** – Lincoln’s father marries Sarah Bush Johnston.

**1831** – At the age of 22, Lincoln moves to New Salem, Illinois, where he becomes involved in several jobs and activities, including the village’s debating society. He began to polish his skills of elocution and meets people who have books he can borrow.

**1834** – At the age of 25, Lincoln is elected to the Illinois General Assembly as a member of the Whig Party. In Springfield, Lincoln rooms with John Todd Stuart, an experienced legislator who shows Lincoln around the capital and helps him learn proper legislative procedure. Pursuant to encouragement from Stuart, a lawyer and a prominent Whig, (and also Mary Todd’s cousin) Lincoln also throws himself into the study of law, spending nearly every waking hour between legislative sessions reading and analyzing the rules of pleading and practice. Bowling Green, the town’s justice of peace, lends him a copy of *Revised Laws of Illinois*, and he purchases a tattered volume of Blackstone’s *Commentaries* at an auction. On one occasion he travels to Boone, Indiana, to listen to the acclaimed attorney John Breckenridge argue on behalf of a client charged with murder,

**March 24, 1836** ---Five weeks after Lincoln, 27, is reelected to the legislature, two justices of the Illinois Supreme Court, having given Lincoln an oral examination, license him to practice law.

Prior to being licensed, Lincoln had been a postman, store clerk, land surveyor, raftsman and riverboat crewman, and manual laborer of various types, including a rail splitter.

As soon as the legislative session is over, Lincoln returns to New Salem and with seven dollars (from the sale of his surveying equipment) in his pocket, he rides on a borrowed horse to Springfield, a bustling town of 1,500 inhabitants, twenty miles away. Lincoln takes a room with Joshua Speed, and accepts Stuart’s offer to join his downtown law practice where the drafting of wills and deeds are the staples of a thriving practice.

**July 1836** – Lincoln’s first known case as a licensed attorney; he represents a plaintiff seeking payment for breaking sod on 38 acres of farmland. The parties eventually settle out-of-court.

**1837** -- Lincoln begins to ride the 8<sup>th</sup> Judicial Circuit – comprised of 17 counties in the central part of the state; the arrival of a judge and attorneys generally created a stir in each town in the circuit as the caravan of a judge and lawyers brings “justice to the people.” Villagers travel from miles around, anticipating the courtroom drama as hundreds of small cases were tried, ranging from disputed wills and other probate matters, divorce, bastardy proceedings, trespass, slander and libel suits, patent challenges, collection of debts, and murder and robbery.

Some other cases include selling liquor without a license, receiving stolen property, perjury, gambling, adultery, and various assaults.

**1838** – Stuart defeats Stephen Douglas in a bruising campaign for Congress. Stuart turns almost of his cases over to Lincoln who nevertheless becomes increasingly unhappy with Stuart’s inattention to business and his own inability to significantly improve his own financial prospects.

Lincoln serves as co-counsel with Stephen T. Logan in defense of Henry Truett, accused of murdering a local doctor and minister. After Lincoln closes, the juror acquits.

**1839** – After Stuart is reelected to Congress, Lincoln represents a defendant who is being sued on default of a promissory note given for the purchase of an indentured servant named Nancy. Lincoln eventually wins in the Illinois Supreme Court on narrow technical grounds that the contract had failed for lack of consideration because there was not proof that Nancy was actually held in servitude. Lincoln has previously captured some attention in the matter for arguing the applicability of the Northwest Ordinance forbidding slavery in the territory,

**April 1841** – Lincoln, now 32, joins the law office with former circuit judge Logan, nine years senior to Lincoln, who becomes a mentor for Lincoln who now pays more attention to detail, organization, and discipline. Logan – whose extensive practice enables him to enjoy virtually the pick of the bar for a partner -- manages the day-to-day operations of the practice while Lincoln continues to travel the circuit and sharpen his skills. Logan – sometimes characterized as being a prickly fellow – is credited with correcting many of Lincoln’s slipshod ways. Before long the firm of Logan & Lincoln has attracted more law business than it can handle. Although the two men represent a host of failing corporations and individual debtors in a depressed economy, their general practice also covers the full

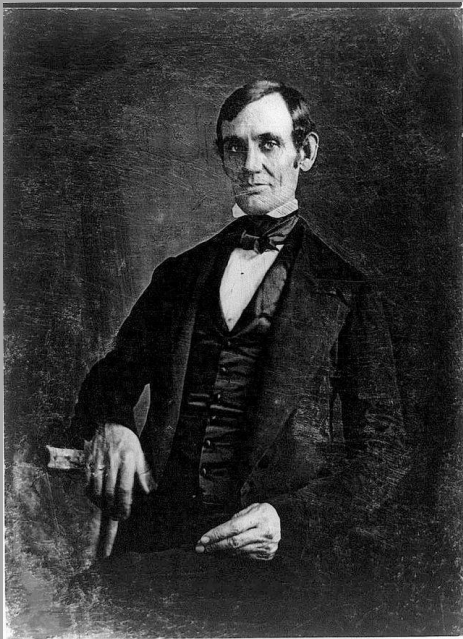
range of legal controversies, including the defense of horse thieves and murderers and the settlement of large property disputes.

**November 1842** – One single day, Lincoln and his partner handle 17 cases before the Sangamon County circuit court. This is also the heyday of his circuit riding days when Lincoln is able to establish and maintain valuable political contacts

**1844** – During the presidential campaign, Lincoln stumps for Henry Clay in his unsuccessful presidential campaign against James Polk. One week after the election, Lincoln's partnership with Logan is amicably dissolved when the latter brings his son into the firm.

Lincoln, now 35, forms a handshake partnership with Billy Herndon, nine years younger than Lincoln. Herndon, somewhat of a loose-cannon -- is another Whig who had been born in Kentucky, and had clerked in the Logan-Lincoln office. They open their office in the dingy Tinsley Building where the U.S. District Court meets, near the state capitol and the Sangamon County courthouse. Their office is furnished with two desks, six cane-bottomed

chairs, a bookcase with approximately 200 volumes, a table, and a dilapidated old sofa, upon which Lincoln likes to recline while pondering a case. Herndon is happy to manage the office while Lincoln continues to ride the circuit.



**1846** – Having earned a reputation for honest and integrity, Lincoln parlays his standing in legal circles and his political connections into election to Congress.

**1847** – Lincoln represents a slave owner, Robert Mason, in his legal claim to recover his runaway slaves, a case that has already been widely reported in Southern Illinois counties, a case that Lincoln loses after arguing that it had not been his client's intention to let the slaves become permanent residents of Illinois.

Lincoln begins a two year term in Congress, effectively putting his legal career in limbo.

**1849** – Returning from a disappointing two-year term in Congress, Lincoln fails to gain a patronage appointment as General Land Office commissioner but declines a consolation offer to become territorial governor of Oregon. After declining an offer to join a law firm in Chicago, Lincoln resumes his law practice with Herndon beginning a five year

withdrawal from politics. Later Lincoln would write that during that period he “practiced law more assiduously than ever before” and “was losing interest in politics when repeal of the Missouri Compromise aroused me again.”

As before, Herndon and Lincoln divide their duties with Billy researching cases at the state supreme court library while Lincoln interviews prospective clients, drafts briefs and declarations, and argues cases in the various courts, including the circuit courts.

**July 1850** – Lincoln gives an address at Ohio State and Union Law College on the subject of being an attorney. By now, after fourteen years of practice he has been involved -- as counsel for plaintiffs and for defendants, formal and informal partners to a lawyer of record, agent, mediator, administrator and even presiding judge -- in well over 2,000 cases.

**1851** – Lincoln adroitly represents the Alton & Sangamon RR against James R. Barrett, a landowner who refuses to complete his subscription for stock because the railroad altered its route away from the landowner’s property.

**1852** – Lincoln turns down another lucrative offer of a Chicago partnership, claiming the “the close application required of him and the confinement in the office ... would soon kill him.”

**1853** – Lincoln is now often on retainer with the Illinois Central Railroad, which runs north and south through the state. Lincoln will subsequently handle 40 cases for the railroad, including eleven appeals before the Illinois Supreme Court.

**Summer 1854** – Lincoln is preoccupied with one of the most important and demanding, and eventually lucrative legal cases of his career, acting for the Illinois Central RR before the state’s supreme court. Defending the railroad against McLean County, which is attempting to impose a local tax upon the railroad, after nearly two years of arguments and counterarguments, the Supreme Court eventually rules in the railroad’s favor. When the railroad refuses to pay Lincoln’s bill for \$2,000 he sues for \$5,000, contending that he had saved the railroad more than a half million dollars in local taxes. After a hearing before his friend David Davis, Lincoln gets his judgment.

**October 4, 1854** – In Peoria Lincoln, 45, speaking about the Kansas-Nebraska Act, makes what is now regarded as his first great speech, containing many of the themes that he will use in speeches for the rest of his life; among other things: Lincoln refers to the Declaration of Independence as the nation’s “lodestar,” and expresses his determination to defend America’s Founding document from those who deny that the Declaration of Independence applies to black Americans.

**1855** – With Mary Lincoln’s urging, Lincoln begins a campaign to be appointed by a new anti-slave majority in the Illinois legislature to the U.S. Senate; even though he leads the first ballot, Lincoln, realizing he cannot secure a majority of votes, throws his support behind Lyman Trumbull, an anti-slavery former Democrat, to prevent the election of the pro-slavery Democratic governor.

**June 1855** -- Lincoln concludes his political career is over and is determined to resume focus upon his legal career. In the so-call “Reaper Case,” a patent infringement case involving a “dream team” of attorneys, Lincoln is retained to be part of the team when it was scheduled to be tried in Chicago. Lincoln, believing he was to be lead attorney, began researching the matter and even went to his client’s factory to investigate. After the case was transferred to Cincinnati, the head of Lincoln’s team, Edwin Stanton, refers to Lincoln as a “damned long armed ape” and makes clear that he thinks Lincoln should withdraw from the case, which Lincoln does. However, rather than returning immediately to Springfield, Lincoln stays in Cincinnati to see what he can learn by observing these more sophisticated lawyers. (Later after Stanton had been in Lincoln’s cabinet for some months as his Secretary of War, Stanton tells a former associate that “... no men were ever so deceived as we at Cincinnati.”)

**November 1856** – After a grueling political campaign, the Republican’s first as a national political party, during which he makes at least 50 speeches around the state upon behalf of Fremont, Lincoln enters into the defense of a nephew and wife -- who were thought to have been having an affair--- accused of conspiring earlier in the summer to kill the victim by poisoning him by strychnine over several weeks, and failing that killing the victim by a blunt instrument. Lincoln successfully objects to the introduction of key eyewitness testimony and then uses the remaining details of the case to persuade the jury to acquit both defendants.

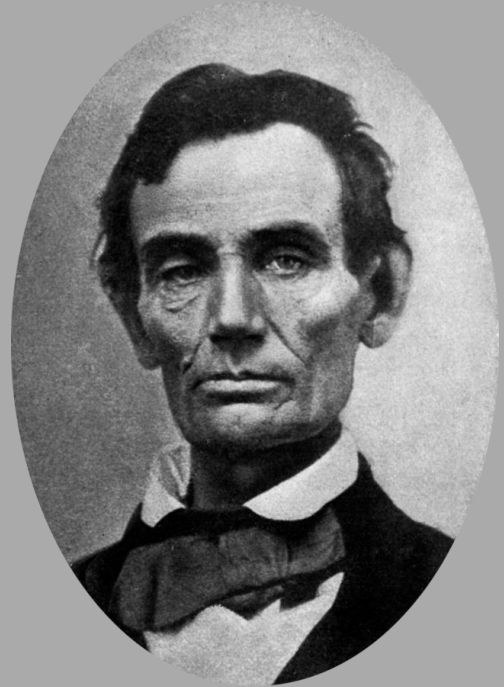
**Autumn 1857** -- Lincoln tries the so-called Almanac murder trial, arguably his most famous case, and one that some think him to be “half-cocked.” Lincoln defends “Duff”, son of a couple who had befriended Lincoln during his New Salem days. Duff and another party are accused of savagely beating a victim who had not died immediately. Lincoln destroys the testimony of one eyewitness who claims to have seen the fatal blow struck by Duff in the moonlight; Lincoln dramatically impeaches that testimony by producing an almanac showing that there was no moonlight during the night in question.

**1858** – After his grueling senatorial campaign, highlighted by the debates with Stephen Douglas, and out of financial necessity, having ended the campaign in debt, Lincoln, 49, turns his attention to earning money. During the ensuing year, because of his financial

problems and his need to maintain an active law practice that had been ignored during the 1858 campaign, Lincoln turns down several invitations to make political speeches but does not ignore politics altogether.

In his most celebrated case, Lincoln defends the grandson of an old political foe. The client, Peachy Quinn Harrison, had fatally stabbed a fellow resident at a local roadhouse. Lincoln wins an unlikely acquittal for his client.

Lincoln also represents the Rock Island Bridge Co in the *Effie Afton* case after the steamboat plowed into the first railroad bridge to span the Mississippi River. At stake was the future of interstate commerce; due to Lincoln's efforts the U.S. Supreme Court upheld the bridge company, further helping the railroads tighten their stranglehold on the national marketplace.



**1860** -- In separate interviews, three Illinois judges, including two of his political opponents, inform the interviewer that they consider Lincoln to have “been among the leading practitioners of the State for many years, and probably not a judge or a member of the bar can be found ...who will express a doubt as to his being a superior man.”

Although Lincoln still maintains a limited law practice after being nominated, he turns the bulk of his workload over to Herndon, Lincoln's partner for the past 16 years.

**Sunday, February 10, 1861** – On the day before departing for Washington, and almost 25 years after getting license to practice law, Lincoln directs Herndon not to take down their law-office shingle at the foot of the stairs, saying “...the election makes no change in the firm of Lincoln and Herndon. If I live I'm coming back sometime, and we'll go right on practicing law as if nothing had ever happened.”

#### Some Stats

Lincoln was involved in approximately 4,000 court cases. Many of his cases -- as many as 2,500 --involved some form of debt litigation, mostly promissory notes, but he was also involved in a wide variety of other types of cases, including 500 cases involving division of a dead man's property, 100 divorce cases, and 194 criminal law cases, ranging from 70 small scale larceny cases to 19 murder cases, losing only one client to the hangman's noose.

Lincoln once commented that the overwhelming bulk of his cases were “utterly uninteresting.”

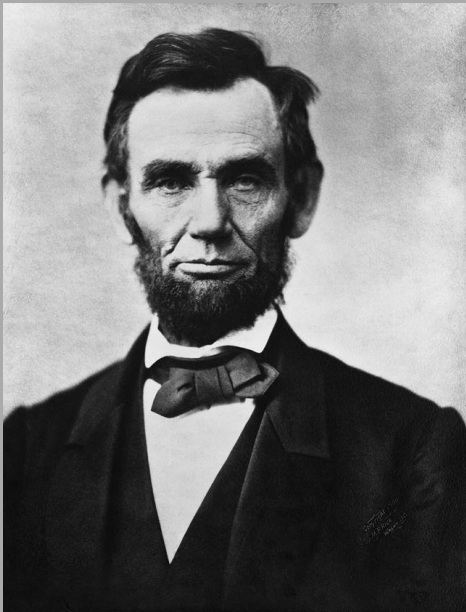
Prior to enactment of bankruptcy Statutes in 1841, Lincoln had been Federal court only seven times. During 17 months of Bankruptcy statutes, Lincoln litigated 73 bankruptcy cases, including two that were in the U. S. Supreme Court.

Lincoln represented more than 600 women during his career. He was also in 24 cases involving Afro-Americans.

Another important area of his practice involved “energy men”, start-up businessmen, hustlers, and/or investors. These cases often involved resolution of debts.

Lincoln represented railroad companies 73 times including the Illinois Central R.R. 50 times, but he was just as likely to represent parties against railroad companies.

### Characteristics



Lincoln was an extremely intelligent man – a “towering genius” -- who was seldom intimidated

Lincoln knew lawyer’s work was mostly drudgery but he never complained. Once when he was asked about the secret of success for an attorney, he replied “work, work, work...”

Lincoln was the paragon of lawyerly virtue. Was respected by everyone, even adversaries, for his honesty and conscientiousness. His word was his bond.

He was highly competitive and tenacious, even ruthless, but not win-at-all-costs. He was very adroit at managing a case. Often would concede most points to his adversary sometime to the point that his adversary would be caught off guard when Lincoln honed in on the issues in dispute. He knew how to pitch his stories.

He was unfailingly polite but would be underestimated at an opponent’s peril.

Usually was rustic using his homeliness to draw attention to himself. Normally attired in sloppy, ill-fitted clothing but could be more refined if it would work to his client's advantage

He almost always tried to mediate cases, especially those involving debt, money, or other property, rather than take them to trial.

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DF – 09/19/14