

LINCOLN THE LAWYER

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In 1837, when Abraham Lincoln arrived in Springfield, Illinois, to pursue a legal career, he was alone and poor, with no relatives accessible for support, no friends waiting, and no connections to call upon. At the time the city consisted of 1,400 residents, boasted eleven lawyers, eighteen doctors, and nineteen dry goods stores.¹ Springfield was a world apart from the uncultivated wilderness of Indiana from which Lincoln had parted to seek out education and opportunities. His path to the courtroom was hindered by many obstacles, distractions, and doubts. He overcame his personal hurdles through not only perseverance and talent, but with the backing of an incredible assembly of supporters which enabled him, and encouraged him, to become Abraham Lincoln—the lawyer.

Lincoln's motives for becoming a lawyer have never been clear. It is likely a combination of many factors, including his political ambitions, yet history shows that Lincoln was exposed to the courtroom at young age. Antebellum courtrooms were some of the best entertainment available at the time. Trial arguments were filled with theatrics, “bustle, business, energy, hilarity, novelty, irony, sarcasm, and eloquence.”² Lincoln took pleasure in a good speech and would go to courthouses simply to listen to proceedings. In Lincoln's case, family business and the proximity of courthouses to his homes enabled him to be a spectator during his precious free time. His father served on juries, attended Sheriff's sales, filed deeds to land, was sued once, and had occasion to initiate suit himself.³ When the family moved to Pigeon Creek, Indiana, they lived within fifteen miles of three courthouses in Warrick, Spencer, and Perry counties.⁴ As a young man Lincoln moved to New Salem, Illinois, where he continued his courtroom viewings, and in particular could be found in Judge Bowling Green's courtroom. The two bonded over a mutual love of jokes and funny stories. The judge encouraged Lincoln's interest in the law, allowing Lincoln to cultivate his natural speaking abilities by trying small cases without charging him a fee.⁵

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1. CARL SANDBURG, ABRAHAM LINCOLN THE PRAIRIE YEARS AND THE WAR YEARS 61(1970).

2. BRIAN DIRCK, LINCOLN THE LAWYER 15 (University of Illinois Press 2007).

3. *Id.*

4. *Id.*

5. *Id.*

It is most likely Lincoln's pursuit of the law was spurred by his need for a steady job. At the age of twenty-three he had tried his hand at numerous occupations: rafts-man and riverboat worker, manual laborer, store clerk, postman, and land surveyor.⁶ Given his background, Lincoln's father worked as a farmer and a carpenter, and his lack of formal education, the natural choice at the time would be for Lincoln to follow in his father's footsteps. His interests, however, lay elsewhere. He characterized his multitude of odd jobs as those which merely "procured bread, and kept soul and body together."⁷ A farmer, neighbor, and employer of Lincoln's commented on Lincoln's disinterest in manual labor stating, "Abe was awful lazy, . . . he worked for me [but] was always reading and thinking—[and] I used to get mad at him."⁸

Passing the bar and becoming an attorney was an available avenue to middle and possibly upper class status. Additionally, it was not terribly difficult to become an attorney in the 1830's. At the time there were no written exams. The bar exam was oral in nature, yet the substance unknown. In 1836 no formal tests were required for certification in Illinois. A judge or lawyer appointed by the court would merely attest the person requesting admittance to the bar possessed sufficient "moral character."⁹

Some Americans held the sentiment that there existed little need for attorneys in society and certainly not the large numbers of them available in the early 1800's. In particular, they held the belief that the law should be demystified, returned to the common people, and anyone should be able to plead their case before the court.¹⁰ In order to achieve this scheme, the law should be written in a language the layman could decipher and apply.¹¹ According to these Americans, all attorneys contributed to daily society were speeches and documents.

Due to the fact that attorneys were far from rare, many of those studying to become attorneys had alternative professions in the event they failed the bar or could not obtain enough clients to sustain a livelihood. Lincoln did not have such an alternative in the 1830's when he began studying for the bar. He arrived in Springfield with little money, no shelter, and no attorney to study under. Luckily, he stopped at a general store where he met Joshua Speed who would turn out to be Lincoln's most intimate, lifelong friend. Lincoln could not afford a seventeen dollar bedstead from the general store and was forced

6. *Id.*

7. *Id.* at 12.

8. *Id.* at 15.

9. *Id.* at 21.

10. *Id.* at 13.

11. *Id.* at 35.

to ask Speed for credit until Christmas. Lincoln explained to Speed, “[If my] experiment as a lawyer is a success I will pay you . . . [at Christmas]. If I fail in that I will probably never pay you at all.”¹² Speed observed, “I thought I never saw so gloomy and melancholy a face in my life.”¹³ As a result, Speed offered to share half of his own bed with Lincoln at no charge.

Speed’s generosity forged a friendship with Lincoln that weathered the years and lasted even after Lincoln moved to the White House. They often corresponded by letter with Lincoln asking Speed for advice, even reaching out for moral support when Lincoln’s life became complicated. After passing the bar, Lincoln wrote to Speed, “I am so poor and make little headway, that I drop back in a month of idleness, as much as I gain in a year’s rowing.”¹⁴

In response to a personal issue of Speed’s, Lincoln wrote, “You well know that I do not feel my own sorrows much more keenly than yours.”¹⁵ “You know my desire to befriend you is everlasting—that I will never cease, while I know how to do anything.”¹⁶ Their bond was so strong that Lincoln’s Secretary of War, Stanton, ordered a request for arms filled, on the spot, based only on Speed’s word these arms were needed in Kentucky.¹⁷ War between the Unionists and would be Secessionists was a serious concern when Speed approached Stanton.

Despite the relative ease of becoming an attorney at the time, Lincoln had many obstacles and distractions on his path to the bar. There were less than a handful of law schools in 1837. Whereas most students studied under an attorney and took the bar after three years, it took Lincoln four years to complete his studies and he merely visited a local attorney to borrow books.¹⁸ Lincoln was also forced to take odd jobs in order to support himself while studying. Additionally, whenever the Illinois legislature convened Lincoln would cease studying to take his seat until the session ended.¹⁹

The very fact that Lincoln was essentially a self-taught attorney contributed to the additional year of studying Lincoln needed to pass the bar. Although highly intelligent, Lincoln was not quick minded. He was blessed with an excellent memory, but was slow to absorb and retain material,

12. SANDBURG, *supra* note 1 at 61.

13. *Id.* at 62.

14. *Id.* at 76.

15. DON E. FEHRENBACHER, ABRAHAM LINCOLN SPEECHES, AND WRITINGS, 1832–858 SPEECHES, LETTERS, AND MISC. WRITINGS, THE LINCOLN DOUGLAS DEBATE 78 (1989).

16. *Id.* at 79.

17. GEOFFREY PERRET, LINCOLN’S WAR, THE UNTOLD STORY OF AMERICA’S GREATEST PRESIDENT AS COMMANDER IN CHIEF 254 (2004).

18. DIRCK, *supra* note 2 at 21.

19. *Id.*

especially the dense information found between the bindings of law texts.²⁰ He was seen copying entire sections of books to assist his memory. A friend of Lincoln remarked, he “always seemed to be doing Something Coolly and Slowly so.”²¹ Lincoln himself said, “I am slow to learn and slow to forget . . . my mind is like a piece of steel, very hard to scratch anything on it, and almost impossible to after you get it there to rub it out.”²²

Lincoln also volunteered to fight in the Black Hawk War during his four year study period. While enlisted, Lincoln encountered Springfield attorney John Stuart. Stuart encouraged Lincoln’s legal studies and allowed Lincoln to borrow books to study for the bar.²³ The first law book Lincoln read was Sir William Blackstone’s COMMENTARIES ON THE LAWS OF ENGLAND, which has been likened to a “do it yourself guide to becoming a lawyer.”²⁴ Nearly every attorney started with the dry and difficult task of reading and memorizing the text. James Kent, the leading legal scholar of Lincoln’s time, attributed his success to Blackstone’s COMMENTARIES, stating, “he had but one book . . . but that one book he mastered.”²⁵ Other popular books Lincoln would have relied upon are Joseph Chitty’s A TREATISE ON PLEADING, AND PARTIES TO ACTIONS, WITH SECOND AND THIRD VOLUMES, CONTAINING PRECEDENTS OF PLEADINGS, AND AN APPENDIX OF FORMS, Joseph Story’s EQUITY JURISPRUDENCE, and the Revised Statutes of Illinois.²⁶

In the autumn of 1836, Lincoln obtained his law license. Unfortunately, little is known about the exam which was administered to Lincoln in Sangamon County Circuit Court.²⁷ Without much ado, the clerk of the court, William Butler, entered Lincoln’s admittance to the bar on the court record. Butler, another supporter of Lincoln, often brought the then struggling Lincoln home to have meals with wife and family.²⁸ Although Lincoln had passed the bar, he faced the difficult job of obtaining a position with an established firm.

As luck would have it, John Stuart was parting ways with his partner Henry Drummer when Lincoln began searching for employment. At the time, positions for attorneys were primarily limited to partnerships. Lincoln did not have the option to teach as there were very few law schools in the country, nor were there any regulatory agencies or advocacy organizations for the poor, to

20. *Id.* at 20.

21. *Id.*

22. *Id.*

23. *Id.* at 21.

24. *Id.* at 16.

25. *Id.* at 17.

26. *Id.* at 17–8.

27. *Id.* at 21.

28. SANDBURG, *supra* note 1 at 61.

which Lincoln could apply.²⁹ Large law firms were few and far between in antebellum United States and there were no such positions as in house attorneys or lawyers on retainer.³⁰

Stuart was a southerner from Kentucky with political connections who moved in Springfield's high-society circles.³¹ Unlike Lincoln, Stuart possessed polished manners which enabled him to network and easily make political connections. For Stuart, politics was his first love and the law came second. He aspired to become the southern equivalent of a "gentleman of affairs" in Illinois.³² Their partnership was similar to others at the time. "There were no binding rules for how partners conducted themselves."³³ By today's standards, their partnership would be categorized as extremely casual. Partners could be relatives or merely people who shared office space. It was not unusual for an attorney to be partners with a person in one town and partners with someone else in a different town. In any event, it was a stroke of good luck for Lincoln to step into an established office with clients and potential income on the horizon. Stuart also had political connections which later would become crucial to Lincoln's political career.

Stuart and Lincoln advertised in the Sangamon Journal on April 15, 1837.³⁴ Lincoln's first case, *Hawthorne v. Wooldridge*, settled out of court. It was a breach of contract claim arising from Wooldridge's failure to pay Hawthorne for breaking the sod on thirty-eight acres of farmland.³⁵ The case was heard by Judge Stephen Logan, who had been on the bench for two years. Logan had an impressive legal record and began studying for the bar at age seventeen. He was regarded as one of the sharpest legal minds in the state, but "discarded the ornamentations of dress and was handicapped by the fact that nature had not given in his appearance any indication of his talent."³⁶ He took pleasure in terrorizing young members of the bar and was generally a "grouch, snappy, and irritable."³⁷ He demanded a strict standard of wording and punctuation on every writ or decree. Oddly enough, Logan was an inveterate whittler and would read court documents "while surrounded by piles of white pine shingles and a gunnysack full of shavings."³⁸

29. DIRCK, *supra* note 2 at 23.

30. *Id.*

31. *Id.* at 24.

32. *Id.*

33. *Id.*

34. *Id.* at 25.

35. *Id.* at 25.

36. *Id.*

37. *Id.*

38. *Id.* at 26.

Stuart defeated Stephen Douglas in the race for the Illinois Congressional seat and left Lincoln alone to navigate unfamiliar areas of law.³⁹ At this time the firm was not flourishing. Lincoln tackled typical general practice cases, criminal and civil alike, without his partner available for advice. He worked long hours and sometimes slept in a bed placed in the corner of the office. From 1840–1841, Lincoln had work-related nervous depression.⁴⁰ To make matters worse, his courtship of Stuart’s cousin, Mary Todd, was far from smooth sailing. After their broken engagement, Lincoln wrote to Joshua Speed, “I have, within the last few days, been making the most discreditable exhibition of myself in the way of hypochondriaism”⁴¹ “I am now the most miserable man living. If what I feel were equally distributed to the whole human family, there would not be one cheerful face on earth.”⁴² Lincoln dissolved the partnership with Stuart in 1841.

After Lincoln parted ways with Stuart, his life gradually improved. A dear friend of Lincoln’s, Edward Barker, was dissolving his partnership with Logan who had left the bench and reentered private practice. Logan, leader of the Springfield Bar, chose to partner with Lincoln because of his great speaking abilities, which complemented Logan’s research and reasoning ability.⁴³ “Logan had the technical experience that Lincoln lacked; Lincoln was a more appealing and winsome trial lawyer.”⁴⁴ Lincoln had tried cases before Logan when Logan sat on the bench, against Logan when Logan reentered private practice, and with Logan as co-counsel. Logan knew Lincoln’s strengths and weaknesses well.

In addition to the new partnership, Lincoln married Mary Todd in 1842, after a tumultuous courtship. Their marriage did not damage Lincoln’s standing in the community or his political ambitions. Mary’s father had been a Captain in the War of 1812, and her grandfather fought in the American Revolution.⁴⁵ She was aggressive, brilliant, and feminine, as well as accomplished. She was fluent in French, and “versed in apparel and appearance.”⁴⁶

As Logan’s partner Lincoln was making more money. He purchased a new home and was able to provide for his growing family, but was not rich. Lincoln had more opportunities to try appellate cases before the state Supreme

39. *Id.* at 27.

40. *Id.*

41. FEHRENBACHER, *supra* note 15 at 68.

42. *Id.* at 69.

43. SANDBURG, *supra* note 1 at 79.

44. DIRCK, *supra* note 2 at 27.

45. SANDBURG, *supra* note 1 at 71.

46. *Id.* at 72.

Court and in United States Federal Court. It is possible that Logan supplied Lincoln with training he should have received before becoming licensed, but it is more likely that Logan corrected some of Lincoln's poor office habits that Stuart established by putting his political career first.⁴⁷ Logan corrected the deficiencies in Lincoln's briefs and taught him the importance of preparation. Logan and Lincoln dissolved their partnership in 1844. By the end of their partnership Logan greatly admired Lincoln for his hard working nature, remarking of Lincoln, "He got to be quite the formidable lawyer."⁴⁸

After years of experience, Lincoln decided it was time for him to become the senior partner in a partnership arrangement. Realizing his weaknesses came from his "lack of formal education" and that "deep legal research and the finer points of drafting pleadings and writs would likely never be his strong suit," Lincoln looked for a junior partner who could complement his political connections and superior oral persuasive skills.⁴⁹ He chose twenty-six-year-old William Henry Herndon, "Billy," who had been studying in Logan and Lincoln's offices and had just passed the bar.⁵⁰ Both Lincoln and Billy were from Kentucky and politically affiliated with the Whigs.⁵¹ Prior to studying for the bar Billy clerked in a Springfield general store for Joshua Speed.⁵²

Herndon was of "medium height," possessed dark eyes which were set far back, a "shock of blue-black hair," and a rawboned facial structure.⁵³ He was the son of tavern keeper and the grandson of a farmer who freed his slaves. He was worldly, with his tavern life upbringing balanced well by his book learning. He was known to be "intense, sensitive, . . . [and have] hair trigger emotions."⁵⁴ Billy was also somewhat of a loose cannon—an alcoholic who supposedly never allowed his addiction to interrupt this work. Lincoln once bailed Billy out of jail after a drinking spree. When others would disparage Lincoln's choice of partner he would defend Billy's name. "I know my own business, I reckon. I know Billy Herndon better than anybody, and even if what you say is true I intend to stick by him."⁵⁵ Their partnership lasted twenty-one years.⁵⁶

47. DIRCK, *supra* note 2 at 28.

48. *Id.*

49. *Id.* at 29.

50. *Id.*

51. *Id.* at 30.

52. *Id.*

53. SANDBURG, *supra* note 1 at 80.

54. *Id.*

55. DIRCK, *supra* note 2 at 30.

56. *Id.*

It is from Lincoln's final and longest lasting partner that history is afforded a view of how Lincoln the lawyer conducted himself on a daily basis. Lincoln chose not to change his manner of dress to fit his new occupation. His typical attire was a "dusty black frock coat [and] dirt-splattered boots."⁵⁷ His tie was normally slightly crooked, and he did little to tame his "mop of unruly black hair."⁵⁸ Clothing hung off his tall frame. Lincoln used his stovepipe hat as an extension of his office, often carrying his memo book and bank books in his hatband.⁵⁹ In one instance Stuart sent Lincoln to meet a client "who thought Lincoln looked like a country rustic on his visit to a circus" and in turn hired a different attorney.⁶⁰ This is likely the attire Lincoln was most comfortable in given that he was sloppy by nature, but it also assisted him in not alienating the general population who were potential clients or jurors. Perhaps his plain attire enabled jurors to identify with him. He cautioned Herndon to speak to the common people so that they could understand you, because the educated will understand you anyway.⁶¹

His clothing could also be a reflection of the poverty he endured during this youth. Herndon complained that Lincoln was "frugal to excess" and that he had "no avarice of the get" but did have "avarice of the keep" when it came to money.⁶² Three years prior to becoming an attorney Lincoln purchased a failing general store through promissory notes in hopes of making it profitable once the Sangamon River became a portal for deep-draft vessels. The business went under and Lincoln was left deeply in debt.⁶³

Evidence suggests that Lincoln's mode of dress may have been a sound trial tactic, easily changed to suit the client's needs. In a high profile libel case, which aroused much attention and packed the courthouse, Lincoln represented the plaintiff against a newspaper editor. His opposing counsel was a highly prominent, former U.S. Congressman. Lincoln's trial strategy was to make his client appear "calm and reasonable"—the victim of a "wild-eyed" newspaper editor who brought to town his flashy and expensive legal team.⁶⁴ Lincoln traded in his usual mode of dress for a suit made from dapper broadcloth, a silk top hat, shiny boots, and a silk choker at his neck.⁶⁵ He toned his speech down as to not be excessively theatrical; giving an overall

57. *Id.* at 102.

58. *Id.*

59. *Id.* at 105

60. *Id.* at 27.

61. *Id.*

62. *Id.* at 75.

63. *Id.* at 54.

64. *Id.* at 105.

65. *Id.*

impression that he “did nothing for effect,” when in reality he altered much of his person to fit the case at hand.⁶⁶

According to Herndon, Lincoln was at his best when speaking to a group of people, rather than one on one conversation. If anxious, Lincoln could be abrupt, impolite, or break out into one of those humorous narratives he loved to tell.⁶⁷ None of this social anxiety found its way into the courtroom. Lincoln had a courtroom finesse that was all his own. Although he was “unfailing polite” during trial, one opponent remarked, “I have too many scars from his blows to certify he was as harmless as a dove Any man who took Lincoln for a simple minded man would very soon wake [up] with his back in a ditch.”⁶⁸

Lincoln’s partner commented on his effective courtroom manner, observing that Lincoln’s homeliness was not necessarily a shortcoming; it contrasted with his keen speaking ability. Lincoln was

loose and leathery . . . and looked woe-struck, the whole man, body and mind, worked slowly as if in need of oiling. When addressing the jury he was at first very awkward . . . his voice shrill, piping, and unpleasant. His manner, his attitude, his dark, yellow face, wrinkled and dry, his oddity of pose, his diffident movements—everything seemed to be against him.⁶⁹

After warming to the presentation, Lincoln became animated, gained his composure, and his natural ability for captivating an audience with a story took over.

While the words “Emancipation Proclamation” brings to mind a President firmly against the continuation of slavery, during his legal career Lincoln had the occasion to find himself on both sides of the issue. In 1839, in *Bailey v. Cromwell*, Lincoln’s legal argument consisted of the theory that African Americans had the presumption of free status unless proved otherwise under the Northwest Ordinance’s 1787 ban on slavery.⁷⁰ Since free women could not be bought or sold, a promissory note to pay for a free individual was illegal.⁷¹ The Illinois Supreme Court agreed.

Fifteen years before becoming president, Lincoln represented Robert Matson, a slave holder, who brought five slaves into Illinois for seasonal work. Lincoln argued since the slaves were traveling, their owner mainly residing in

66. *Id.*

67. *Id.* at 40.

68. *Id.*

69. *Id.*

70. SANDBURG, *supra* note 1 at 79.

71. *Id.*

Kentucky, their transit time in Illinois did not make them free.⁷² Lincoln did not prevail.

Lincoln and Billy's office was located in the Tinsely building, mere walking distance from the Springfield capitol. Although antebellum offices were generally on the "seedy side", Lincoln and Herndon's was an "epic mess" even by most attorney's standards.⁷³ One visitor commented their office was "apparently innocent of water and the scrub-man since creation's dawn."⁷⁴ There were no carpets. The dark wood floor was covered with layers of dust and dirt. Likewise, the windows were clouded with muck and likely never opened since they opened over the roof of a stable. There was a scattering of books, documents, and inkwells on all available surfaces. An overstuffed envelope where Lincoln had written "when you can't find it anywhere else look in this" best represented the men's views on organization.⁷⁵ For Lincoln his office was most likely a male sanctuary where he was able to escape the ordered domesticity of the home Mary had created. Lincoln seemed to take pride in the state of his office commenting once to a prospective clerk, "Do you see that spot over there? Well, one of these young men got so enthusiastic in his pursuit of legal lore that he fired an inkstand at the other one's head."⁷⁶

Compared to modern law offices Lincoln and Billy's office was spartan. It had no décor. It contained a table, a stove for heat, a rocking chair, some cane bottomed chairs, and a long couch that Lincoln would stretch out when reading.⁷⁷ Lincoln read out loud and no other way which annoyed Billy to no end. His favorite way to research was to sit with his legs fully extended, his feet resting on a chair in front of him, directly next to the pine table so that he could keep his books and papers nearby and on his lap.⁷⁸ Elsewhere in the room there was a secretary and two sets of bookshelves which contained over 200 books.⁷⁹ The bookshelves were peppered with the usual texts of the time, plus odds and ends. Specifically, there were Blackstone's, Chitty's, *Illinois Revised Statutes*, case reports on the British Court of Exchequer, a book on medical jurisprudence, one on poisons (likely because of Lincoln's defense of Anderson who was accused of killing his brother with strychnine),

72. DIRCK, *supra* note 2 at 148.

73. *Id.* at 37.

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. *Id.* at 39.

79. *Id.* at 37.

Congressional Reports from Lincoln's stint as a representative, and some literature such as Byron and Shakespeare among the shelves.⁸⁰

Lincoln found the office distracting and would quit his work at any opportunity to tell stories and jokes. He turned down a profitable partnership in Chicago in 1852, for no other reason than "the close application required of him and the confinement in the office . . . would soon kill him."⁸¹ Instead he chose to "ride the circuit." The Eighth judicial circuit was "120 miles long and 160 miles wide ranging from Springfield to Indiana."⁸² Towns that did not generate sufficient tax dollars to have their own courthouse and judges relied on lawyers and itinerant judges who rode the circuit, stopping at county seats, to litigate cases.⁸³ On the circuit Lincoln would have lived a vagabond existence, freed from his office, surrounded by men who had tested one another's mettle and been accepted into their circle.⁸⁴ It was an adventure of sorts, different from the day to day life of an office attorney.

Unless an attorney worked in a large urban area, he could not earn enough money to stay in practice from community lawsuits. Riding the circuit was a difficult way to earn a living, but for some necessary. The roads were muddy, sometimes so bad that carriages could not be used, and people instead went by horseback.⁸⁵ The food and accommodations were simple. They slept where they could find shelter; be it farm houses or villages inns, sleeping two to a bed, eight to a room for possibly three weeks.⁸⁶ Riding the circuit was said to offer a new attorney more experience than he could get within ten years in an office.

Lincoln was unable to ride the circuit his first years in practice. He was newly married and did not have a horse to follow the circuit.⁸⁷ Later, riding the circuit produced as much as forty percent of his firm's income.⁸⁸ Lincoln was unusual in that he was the only one who rode the entire Illinois circuit, which meant he could be gone as long as three months at a time.⁸⁹

Sources indicate that Lincoln may have ridden the circuit to avoid a rocky home life. Mary was reputed to have had an unstable temperament.⁹⁰ Herndon commented many times he came into the office and found Lincoln

80. *Id.* at 38.

81. *Id.* at 53.

82. SANDBURG, *supra* note 1 at 78.

83. DIRCK, *supra* note 2 at 53.

84. *Id.*

85. *Id.* at 46.

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *Id.* at 47.

on the couch having slept there all night.⁹¹ It is just as plausible that he rode the circuit to escape the office and his partner.⁹² Whatever the case may be, Lincoln traveled light. He took along his Blackstone's and Chitty's for reference, literature for entertainment, his usual dark suit and vest, a blue cloak purchased while in Congress, the trademark frill-less hat, and a broken green umbrella kept folded by a piece of string, all stuffed into a carpetbag.⁹³

For all his effectiveness in the courtroom Lincoln did not sacrifice his integrity. The phrase "Honest Abe" is not without foundation. It was rumored once that Lincoln, in the middle of a trial, discovered case law in support of the opposition, and Lincoln proceeded to inform the judge, "I have not been able to find any authority sustaining my side of the case, but I have found several cases directly in point on the other side. I will now give these cases and submit the case."⁹⁴ In his "Notes for a Law Lecture," where Lincoln was addressed legal ethics in an attempt to overcome the public's notion that lawyers on a whole were dishonest, he spoke to young lawyers urging them to "[r]esolve to be honest at all events . . . and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than the one in the choosing of which you do, in advance, consent to be a knave."⁹⁵

To discourage what modern society would refer to as ambulance chasing, Lincoln called to his fellow bar members:

Never stir up litigation...A worse man can scarcely be found who does this. Who can be more nearly a fiend than he who habitually overhauls the register to deeds in search of defects in titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession which should drive such men out of it.⁹⁶

Lincoln's election as President was a culmination of his educational, legal, and political endeavors. Upon leaving for Washington, Lincoln told Herndon not to remove their law firm sign, informing Herndon, "I am going to come back sometime, and then we'll go on practicing law . . ."⁹⁷ It is clear, despite a successful political career and presidency, Lincoln considered himself first and foremost an attorney. When asked to identify himself in his

91. *Id.*

92. *Id.*

93. *Id.* at 45.

94. *Id.* at 3.

95. *Id.* at 2.

96. *Id.* at 4.

97. *Id.* at 151.

Dictionary of Congress autobiography, Lincoln wrote, "Profession, a lawyer."⁹⁸

98. *Id.* at 8.

