

LINCOLN LORE

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LINCOLN'S DECISION TO STUDY LAW

One hundred years ago this summer Abraham Lincoln decided to study law. The importance of this resolution is being realized more and more, and it stands out as one of the major conclusions of his entire life. The following excerpt from an autobiographical sketch which he prepared in the third person recalls this early decision:

"The election of 1834 came, and he was then elected to the legislature by the highest vote cast for any candidate. Major John T. Stuart, then in full practice of the law, was also elected. During the canvass, in a private conversation he encouraged Abraham (to) study law. After the election he borrowed books of Stuart, took them home with him, and went at it in good earnest. He studied with nobody. He still mixed in the surveying to pay board and clothing bills. When the legislature met, the law-books were dropped, but were taken up again at the end of the session. He was re-elected in 1836, 1838, and 1840. In the autumn of 1836, he obtained a law license, and on April 15, 1837, removed to Springfield, and commenced the practice—his old friend Stuart taking him into partnership."

Lincoln's first success at the polls took place on August 4, 1834, and it is very likely that he made the above important decision in the month of July. He had been giving the study of law some consideration as is evident from this previous statement in the same sketch, referring to an incident occurring two years before. "He studied what he should do—thought of learning the blacksmith trade—thought of trying to study law—rather thought he could not succeed at that without a better education."

It has just recently been discovered that Lincoln corrected—by making notes on the margin—a campaign biography of 1860. This statement he left undisturbed:

"The peculiar manner in which he afterward pursued his law studies, was not calculated to allay popular feeling. He bought an old copy of Blackstone one day at auction in Springfield, and on his return to New Salem, attacked the work with characteristic energy.

"His favorite place of study was a wooded knoll near New Salem, where he threw himself under a wide-spreading oak, and expansively made a reading desk of the hillside. Here he would pore over Blackstone day after day, shifting his position as the sun rose and sank, so as to keep in the shade, and utterly unconscious of everything but the principles of common law. People went by, and he took no account of them; the salutations of acquaintances were returned with silence, or a vacant stare; and altogether the manner of the absorbed student was not unlike that of one distraught."

This early appraisal of Lincoln's activities is in vivid contrast to the following tribute: Lord Shaw, a noted English legal authority, speaking before the American Women's Club in London, said that he considered Abraham Lincoln one of the five greatest lawyers of the past. The others he named were Papinian, Grotius, Duncan-Forbes, and Lord Mansfield. Certainly this statement coming from an Englishman was not made from any provincial bias, although an estimate of Lincoln's legal attainments by his own countrymen might not rate him above many other American jurists.

Abraham Lincoln's prominence as an attorney at law, however, invites a review of some of the factors which brought him to the important decision of 1834.

The first and most important contribution influencing his decision is the fact that he had an analytical and logical mind. He was an excellent mathematician, and his mastery of Pike's arithmetic in the Indiana wilderness laid a foundation for his progress in this branch of the sciences. In 1832 he learned the principles of surveying in an incredibly short time with no instructor to guide him. His ability to master Euclid in later life confirms his ability to concentrate and reason, indicating a type of mind altogether legal.

The other major factor which must have contributed much to his decision to study law was his love for the open forum. There is evidence that as a youth he entertained his companions with recitations of both a political and religious nature. The year he became of age he was pitted against two seasoned political veterans of the stump and came off the victor. When but twenty-three years old he was a candidate for the legislature of Illinois. He had doubtless observed that the best preparation for a political career in those days was the study of law and that the best practical training school for a finished speaker was the court room.

Just when the first law book was made available to Abraham Lincoln is problematical. One tradition has it that, while visiting in the home of Major Warnick during the winter of the deep snow in 1830-1831, "He got his first look at a law book." Warnick, Sheriff of Macon County, owned a copy of *The Statutes of Illinois*.

William Herndon states that when he visited Spencer County, Indiana, in 1865 in search of Lincoln data David Turnham was in possession of *The Revised Statutes of Indiana* for 1824. Turnham claimed this was "The first law book that Lincoln ever read." The original volume is now owned by William H. Townsend of Lexington, Kentucky.

Jesse W. Weik who collaborated with Herndon in his Lincoln publications reports a personal interview with John Pitcher, a lawyer who practiced at Rockport, Indiana, while Lincoln lived in Spencer County. Pitcher told Weik that Lincoln often came to advise with him about books and furthermore said, "I counseled with him and loaned him several books some of them being law books." It is claimed that Lincoln wrote his name in a two-volume set of Blackstone owned by Pitcher.

Another Herndon and Weik manuscript presents the tradition that Lincoln borrowed legal books from the library of John A. Brackenridge of Boonville, Indiana, recording that "when Lincoln caught sight of the several hundred volumes he was astonished at such a collection."

W. E. Barton was under the impression that it was a copy of "Squire Pate's big book of *Statutes of Kentucky* which gave Lincoln his first insight into law." Whether it was Warnick's *Statutes of Illinois*, Turnham's *Statutes of Indiana* or Pate's *Statutes of Kentucky* which Lincoln first devoured it is quite certain that long before he bought the copy of Blackstone at auction in Springfield he had from time to time come across books which dealt with the laws of the land.

Pitcher at Rockport and Brackenridge at Boonville are most often mentioned as having contributed something to Lincoln's decision to study law. Pitcher told Weik, "I understood he wanted to become a lawyer and I tried to encourage him." It is alleged that Lincoln told Brackenridge in Washington, D. C., in 1862 that it was after hearing him plead at a murder trial in Warwick County Court that he formed "a fixed determination to study law and make that his profession."

Over against these statements is one by Henry C. Whitney. He claimed that in 1856, while standing with Lincoln on the same spot at Decatur where the Lincoln caravan had stopped in 1830, he asked Lincoln if "at that time he had expected to be a lawyer." Lincoln's reply according to Whitney was "No, I didn't know I had enough sense to be a lawyer then."

There are many traditions extant about Lincoln's actual participation in trials. Once he is said to have been a defendant in a ferry suit, and on another occasion a legal advisor in a local dispute.

The fact that Abraham's father was continually in litigation over his land holdings in Kentucky undoubtedly caused the boy to accompany Thomas Lincoln to the court house at a very early age, and possibly some early contacts, unknown to Lincoln himself, contributed to the important decision he made in the summer of 1834.