

LINCOLN LORE

Bulletin of the Lincoln National Life Foundation - - - - - Dr. Louis A. Warren, Editor
Published each week by The Lincoln National Life Insurance Company, Fort Wayne, Indiana

Number 915

FORT WAYNE, INDIANA

October 21, 1946

THE JUDGE WHO ASSIGNED THE COUNSEL

An inquiry recently came to the editor of *Lincoln Lore* from a Lincoln student at Ottawa, Canada, seeking to learn the name of the member of the Dominion Parliament referred to in Mrs. Andrews book, *The Counsel Assigned*. This query led to the review of correspondence on the same subject carried on seventeen years ago with F. G. Tallman, now deceased, who was a well known Lincoln collector living at Wilmington, Delaware. Mr. Tallman was a schoolmate of Mrs. Andrews at Rochester, New York, and both of them were acquainted with D. B. Cooper of the same city who furnished Mrs. Andrews the source material for the book above mentioned.

The story told by Mrs. Andrews in her book related to a court scene in Illinois where a boy was on trial for murder. The lad having no lawyer to defend him Mr. Lincoln offered his services and became "The Counsel Assigned" by the judge presiding over the court.

Mr. Cooper was eighty-five years old in 1929 when he wrote to Mr. Tallman stating that he had forgotten the name of the member of the Canadian Parliament, who thirty-six years before told him the story which he relayed to Mrs. Andrews. He inquired if Mr. Tallman might assist him in discovering the name of the informant and gave the account of how he met the stranger from Canada:

"On Christmas, 1892, my good wife made me a present of a book I had never known about, entitled 'The Great Discourse.' I took that book with me as two men you know well, Mr. A. E. McChesney and Alex Grant of the Grant Hardware and myself went over to Bermuda together, sailing from New York March 7, and stopped at the Hamilton House.

"The first evening . . . while Mr. Grant and I stopped in the lobby . . . a very tall, handsome man 6 ft. 4 in. tall (Lincoln Height), . . . noticed that I had a large red book in my hand stopped, saying, 'May I look at your book?' . . . This gentleman was not only very tall, but very white, very slim, and hair white as snow, 85 years old, a most interesting, educated gentleman."

After advising Mr. Tallman about this chance meeting in Bermuda Mr. Cooper recreated in these words the incidents associated with the relating of the story by the new acquaintance and which later Mrs. Andrews popularized:

"He sat down and talked with us, telling us Lincoln stories until one o'clock in the morning, explaining that he was an American until within a few years, and how by fortunate investment in Canadian Timber Land, it became necessary for him to become a Canada Citizen, and that he was now a member of the Parliament at Ottawa. He perhaps, knew Lincoln as almost no other man knew him. . . .

"He told us many stories, but the one that brings out most completely, the character of Lincoln, was the one which I later gave to Mrs. Mary Shipman Andrews, and is her story, 'The Counsel Assigned'."

Mr. Cooper then gave to Mr. Tallman a somewhat fuller description of the storyteller as he recalled his history: "I will add here a bit of the early history of this very remarkable man who was poor and worked his way from the East as had Mr. Lincoln, in traveling nearly all the way on foot to Chicago. He engaged to go to Peoria, Ill., to teach school and when he arrived in Chicago, very tired, just at night, he called at a Hotel with

just fifty cents and asked the proprietor who happened to be at the desk himself, what it would cost him for a room for the night. The man was very much impressed with the young gentleman, and answered '50 cents.' . . .

"The proprietor himself was down and saw that the gentleman had a good breakfast, and when this young man stepped up to the desk to pay for his lodgings, he tried to persuade him to remain in Chicago, for he said, 'We are in need of just such men as you, right here in Chicago,' but the young man replied that he had to go this added hundred miles because he had contracted to be in Peoria to teach school, he was under obligation to go. The proprietor said, 'Yes, you are' and having learned that he was planning to walk the rest of the way, pushing a ten dollar bill into his hand, said, 'You have walked enough, you take the stage coach and go comfortably, and if you are ever in Chicago and it is perfectly convenient for you, return the ten dollars—if not I shall always feel that it is well invested.' So much appreciated by this gentleman, the extreme courtesy, he of course kept him in touch with his location so that at the end of two years, he had been elected School Commissioner, and Chicago had been selected for a meeting of the teachers in the vicinity of Chicago, and this young man was down for a speech, and the night that he spoke, it had become known to the proprietor of the hotel who wanted very much to hear him, so he slipped into the hall, and was sitting well back in a chair, and there were a good many Chicago people near him who knew him very well, knew his habits and how generous he was, and when the gentleman arose to speak,—he began by telling them how he first arrived in Chicago, and without naming the hotel or the man who was the proprietor, he told of the circumstances here related, and while he was telling, several of the men who knew without his being named, slipped around behind him, picked up the proprietor in his chair suddenly, and sat him up on the platform."

There are some slight discrepancies in the story as related by Mrs. Andrews in 1912 and the story as remembered by Mr. Cooper in his comments in the letter to Mr. Tallman in 1929. In its earliest version the Canadian in his Illinois days was a committeeman for Lincoln in his race for Congress, but in the later version prepared for Mr. Tallman, it was during the Lincoln-Douglas Debates that he was secretary of a campaign committee.

At the conclusion of the story as told by Mrs. Andrews she states that after the American (Mr. Cooper) had heard the strange story by his new acquaintance, Mr. Cooper said, "May I ask how you came by the story? You told it with a touch of intimacy, almost as if you had been there." The Canadian replied: "I was the judge." The judge who assigned the counsel.

Of course Mrs. Andrews' book does not claim to present an historically accurate episode with time, place, and personnel authentically coordinated.

But who was this close friend of Lincoln; about the same age, the same height, who came west as a young man, taught school in Peoria, became a school commissioner, political committeeman for Lincoln, lawyer, judge, successful lumberman who was living as late as 1893 and then at 85 years old was a member of the Canadian Parliament at Ottawa?