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## Court honored Lincoln as a fellow lawyer

**T**his past April, America commemorated the 150th anniversary of the end of the Civil War.

On Sunday, April 9, 1865, Gen. Robert E. Lee surrendered to Gen. Ulysses S. Grant at Appomattox Court House in Virginia. But the elation in the North from Lee's surrender would last but five days.

On Good Friday, April 14, celebration turned to disbelief, anguish and sorrow as telegraphs clicked away in cities and towns across the nation with the news: Abraham Lincoln had been shot at Ford's Theatre in Washington, D.C.

During the two weeks after Lincoln's death, his body would travel by a funeral train, westward back to Illinois, stopping in cities along the way — Baltimore, Philadelphia, New York, Albany, N.Y., Buffalo, N.Y., Cleveland, Columbus, Ohio, Indianapolis and Chicago. Millions waited in line to pass by his coffin.

Millions more waited by the tracks as the train passed slowly by.

Finally, on Wednesday, May 3, 1865, the train arrived in Springfield, and Lincoln was home.

That same morning at 11, the Illinois Supreme Court convened a special session in Ottawa, where it was then sitting, to remember their colleague.

The report of this proceeding may be found at Volume 37 of the Illinois Reports. It begins describing the scene that morning: "The court room and

interior of the building were draped in mourning and over the bench was suspended a portrait of the late president, enwreathed in evergreens and emblems of grief."

Former chief justice John D. Caton was the first to speak. He told of knowing Lincoln as a fellow lawyer: "While poets sing his praises, and orators proclaim his greatness as a public man, it becomes us, his professional brethren, who knew him better than strangers could know him, to speak of him as we knew him in his profession."

While "Honest Abe" was a common nickname across the land, Caton had known that honesty firsthand: "His great reputation for integrity was well deserved. ... He seemed entirely ignorant of the art of deception or of dissimulation. His frankness and candor were two great elements of his character which contributed to his professional success. If he discovered a weak

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point in his cause, he freely admitted it and thereby prepared the mind accept the mode of avoiding it."

The former chief justice remembered too that Lincoln looked for the best, not the worst in people: "His heart was full of benevolence, and he was ever

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prone to put the most favorable construction on the frailties of his fellow men."

And he recalled another side of Lincoln — that of lightening the work of the law: "Who of this bar does not remember him as of yesterday, when he was among us relieving the hard labors of the profession by his enlivening presence."

Justice Sidney Breese next rose to speak on behalf of the court. He told of how Lincoln would not take an unfair advantage of his opponent:

"He was, besides, an honest lawyer, practicing none of the chicanery of the profession to which he was devoted, nor any of those mean and little and shuffling and dishonorable arts all do not avoid; nor did he seek an advantage over his adversary to which he was not fairly entitled, by the merits of his cause, and by the force of his arguments."

He spoke also of Lincoln's logical mind and his humility: "With an exterior by no means polished; with nothing in the outward man to captivate, there was that within him, glowing in his mind, which enabled him to impress by the force of his logic, his own clear perceptions upon the minds of

those he sought to influence. He was therefore, a successful lawyer, but bore with humility the distinction he had won."

And Breese spoke of Lincoln's "sunny smile": "His enthusiasm, his simplicity, humor and that freshness of mind, which his unpretending life and habits gave him, won the esteem of all, and these qualities were not dimmed on attaining the distinguished position to which his admiring countrymen advanced him.

"In that, as in the more humble walks of life and homely social intercourse, his energy, his respect, his kindly humor were still seen and felt; and though a melancholy tinge seemed to pervade his countenance when in repose, no sooner was it lighted up by that sunny smile ever ready to play upon it, than the whole man was changed, and one more genial, frank and entertaining was rarely to be found."

After Breese concluded, chief justice Pinkney H. Walker noted that in light of the ceremonies the next day in Springfield where Lincoln would be finally laid to rest, the court "would adjourn until Friday morning at 9 o'clock."

The Supreme Court's remembrance of Lincoln reminds us that before Lincoln became a legend, he was a lawyer. The generation of lawyers who practiced with him at the Illinois bar witnessed his honesty, logic, humility and humor and were drawn to the timeless qualities of his character.

And amid all of the changes in our profession over a century and a half, the voices of Lincoln's colleagues on that May morning in 1865 speak to us still.