

Maurer School of Law: Indiana University  
Digital Repository @ Maurer Law

Indiana Law Journal

Volume 4 | Issue 2

Article 6

11-1928

# Abraham Lincoln

William O. Lynch

*Indiana University School of Law*

Follow this and additional works at: <http://www.repository.law.indiana.edu/ilj>

 Part of the [Legal Biography Commons](#), [Legal Profession Commons](#), and the [President/Executive Department Commons](#)

## Recommended Citation

Lynch, William O. (1928) "Abraham Lincoln," *Indiana Law Journal*: Vol. 4: Iss. 2, Article 6.  
Available at: <http://www.repository.law.indiana.edu/ilj/vol4/iss2/6>

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact [wattn@indiana.edu](mailto:wattn@indiana.edu).



**JEROME HALL LAW LIBRARY**

INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

## ABRAHAM LINCOLN\*

The hand of the late Senator Beveridge was stilled by the summons that all must obey before the completion of this biography of Lincoln. It is fortunate that the fates permitted him to write that portion of the life of the great war President which has been hurried over by nearly all of his biographers. There was a special reason that a re-survey should be made of that portion of Lincoln's career which has been covered by the gifted pen of Senator Beveridge.

Much was to be expected of the man who produced the justly celebrated four-volume life of John Marshall. Turning aside from politics, as he had earlier turned aside from the law, the author astonished the fraternity of trained historians by his patience, and by his willingness to examine the sources with care. His notable experience as a public man and his splendid powers of expression, added to these qualities, enabled him to portray to the world the real Marshall, jurist and man.

In the life of Lincoln, the author, though he revealed rare gifts as a writer of history in his first work, has shown marked improvement in the treatment of men who were rivals of his leading character. When preparing the Marshall volumes, he was still the senatorial advocate of a cause, to a degree, and was not always entirely impartial when dealing with great contemporaries of his hero who were out of harmony with the noted Chief Justice. It may be asserted, without fear of contradiction, that no American historian or biographer has ever handled the political opponents of Lincoln so justly as has Senator Beveridge. Readers familiar with biographies of Lincoln will hardly recognize General James Shields, Chief Justice Roger B. Taney and President James Buchanan as they are placed before them in the impartial pages of the work under

---

\* Abraham Lincoln, 1809-1858. By Albert J. Beveridge. Boston, Houghton Mifflin Company, 1928. Two volumes, xxviii 607, vii, 741 pp. Illustrated, \$12.50.

review. It is especially true that the greatness of Stephen A. Douglas stands out. To Senator Beveridge, he was truly the "Little Giant." In every chapter, after the two rivals came into contact with each other as party leaders in the frontier commonwealth of Illinois, there is evidence of the strength of the man whose political career was so fatefully interwoven with that of Lincoln.

The story of the famous Illinois Whig and Republican is a fresh and appealing narrative to the very point where death interrupted the task that was being so well performed. The author sought and obtained aid from a number of persons. He asked and received much counsel, to which he gave generous consideration, but he went directly to the sources and made his own interpretations. No previous writer has dealt adequately with Lincoln's terms in the Illinois Legislature, nor with his two years in the National House of Representatives. Strange to say, the same is true of his career as a lawyer. These three phases of his life are treated fully and truthfully by Senator Beveridge.

Regarding the famous debates with Douglas of 1858, which are covered in the last chapter of the second volume, there is a wide departure from the accounts in standard histories. The author is not the first to challenge the traditional views that have been almost universally accepted concerning these important debates. Others have stated the truth about the third question which Lincoln propounded to Douglas at Freeport, relative to which so much nonsense has been written and repeated again and again even by scholarly writers; and the Freeport doctrine, which squared with the facts, has been explained and defended before. It is to the credit of the author of this new work, nevertheless, that, without the slightest wavering, he ignores long established notions and analyzes the situation from beginning to end simply, sanely, and without prejudice.

The author touches briefly the South Carolina nullification crisis, and, when treating this topic, he mentions the "Ordinance of Nullification" as "South Carolina's Ordinance of Secession" (II, p. 129). He states also that newspapers read by Lincoln "had printed news of the secession movement before the convention met." This is unfortunate. The terms "nullification" and "secession" are not interchangeable. The South Carolinians did not attempt to secede in 1832-1833. What they tried to do was to compel the abandonment or modification of a law of Congress which was believed by a majority of them to be contrary

to the Constitution. In the attempt to accomplish this, they used the process of nullification, not the process of secession. There were threats of secession and charges that there was a purpose to bring about secession, but withdrawal from the Union formed no necessary connection with the process of nullification as worked out by Calhoun. This is a matter about which public men, including attorneys at law, are especially prone to hold erroneous views.

Senator Beveridge believed that Lincoln was essentially a political leader. Although he practiced law about twenty years in all, he was always profoundly interested in politics. Had Lincoln been only a lawyer, he would have deserved no biography. To this phase of his life, two long chapters at the end of volume one are devoted. The author allotted so much space to Lincoln, the lawyer, partly because he felt it necessary to explode some of the erroneous notions that widely prevail in regard to his legal career.

Some of the author's conclusions relative to Lincoln's law practice may be briefly stated. He had no unusual tendency to donate his services, though like most frontier lawyers, he occasionally rejected fees. He sometimes refused cases, but as a rule he accepted employment as a matter of course, without passing judgment in advance on the right or wrong of his side of the case. He was not a profound student of the law, nor did he have any extraordinary success in winning cases. He did not do well, as a rule, when he had not had plenty of time to think over a case, since his mental processes were slow. His greatest strength was shown when appealing to juries in cases where he was fully interested. He enjoyed the hilarity of a crowd of his fellow practitioners during evenings when on a circuit, but he did not drink with his companions. He gave as his reason for abstinence, that he hated the stuff, because it always left him flabby and undone. Fees were not high and Lincoln did not amass much wealth. Neither did his contemporaries in the legal profession enjoy large incomes from the practice of law. Many of them became wealthy, but it was through successful investments. The secret of Lincoln's failure to grow rich was that he made no investments. He depended entirely on his fees. It is possible that his inability to keep out of politics helped to keep him in moderate circumstances. There is no certainty about this, however, since his campaigning brought him many friends and acquaintances.

Lincoln did not win the familiar Armstrong case through using the almanac to confuse the witness in regard to his statement about the position of the moon, though this incident was connected with the trial. He reached the hearts of the jurymen and obtained the acquittal of his client, because of his effective plea for the son of an old friend, the mother and widow being present to aid him with her genuine helplessness and unfeigned anxiety. When Lincoln went to Cincinnati to aid George Harding and Edwin M. Stanton in the famous "Reaper Case" of *McCormick v. Manny et al.*, he did not receive fair or even courteous treatment. The reader can hardly control his indignation as he considers the situation, but Lincoln did not leave Cincinnati either angry or humiliated. He saw trained, thoroughly prepared attorneys in action and listened intently to what they said. He then and there decided that he was not the equal of these college-bred men, and announced to a friend that he was going home "to study law."

The writer of this review is happy in the certainty that this new life of Lincoln to 1858 will be extensively read. He is especially glad, because of the effect that the reading will produce in those who have not understood that Lincoln became a great man only through a slow process of development. He believes that this biography will go far toward effacing standardized but false notions about the passage of the Kansas-Nebraska Act and the rivalry between Lincoln and Douglas. He believes with the late Senator Beveridge that Lincoln did not demolish the arguments of Douglas, but rather that he eventually accepted as his own the fundamental principle of Douglas—that the primary object was to preserve the Union. The great rivals were not poles apart. Instead their paths converged from 1854 to 1861.

Without a doubt there are admirers of Lincoln who will be disappointed with Senator Beveridge's treatment of the man and the political leader. All lovers of truth and fair play, however, will be, after reflection, if not at first, impressed with the rare impartiality of the volumes. It required uncommon independence, an unusual passion to record the unbiased truth, and rare courage to write the story as presented. It is a great work, though only half finished, and it will live.

WILLIAM O. LYNCH.

*Indiana University.*