

The system of business was as slovenly as the office itself: one day, Lincoln suddenly thrust his hand down deep into his pantaloons pocket, and fished up two dollars and fifty cents, which he gave to Herndon, saying: "Here, Billy, is your share of the fee for the suit before Squire ——."

This transaction had every semblance of reality and good faith; yet I felt bound somehow to consider

it as a bit of pleasantry; and accordingly I said incredulously: "Is that the way this law firm keeps its accounts?" "That's *jest* the way;" promptly replied Lincoln: "Billy and I never had the scratch of a pen between us; we *jest* divide as we go along:" and Herndon confirmed this statement of an extraordinary occurrence by a nod.

WHITNEY, *Life on the Circuit with Lincoln.*

## 10. JUDGE DAVIS APPRAISES LINCOLN, THE LAWYER

*Lincoln's career as a lawyer was closely bound up with the old eighth Illinois judicial circuit. Lincoln loved the life of the circuit, and he became one of its best known personages. Judge David Davis, who later became a Justice of the United States Supreme Court, presided over court on the circuit a large part of the time, and Lincoln tried cases before him perhaps hundreds of times. No one was in a better position than Judge Davis to make an estimate of Lincoln's professional traits and talents.*

In all the elements that constitute the great lawyer, he had few equals. He was great both at *nisi prius* and before an appellate tribunal. He seized the strong points of a cause, and presented them with clearness and great compactness. His mind was logical and direct, and he did not indulge in extraneous discussion. Generalities and platitudes had no charms for him. An unfailling vein of humor never deserted him; and he was always able to chain the attention of court and jury, when the cause was the most uninteresting, by the appropriateness of his anecdotes.

His power of comparison was large, and he rarely failed in a legal discussion to use that mode of reasoning. The framework of his mental and moral being was honesty, and a wrong cause was poorly defended by him. The ability which some eminent lawyers possess, of explaining away the bad points of a cause by ingenious sophistry, was denied him. In order to bring into full activity his great powers, it was necessary that he should be convinced of the

right and justice of the matter which he advocated. When so convinced, whether the cause was great or small, he was usually successful. He read lawbooks but little, except when the cause in hand made it necessary; yet he was usually self-reliant, depending on his own resources, and rarely consulting his brother lawyers, either on the management of his case or on the legal questions involved.

To his honor be it said, that he never took from a client, even when the cause was gained, more than he thought the service was worth and the client could reasonably afford to pay. The people where he practiced law were not rich, and his charges were always small.

His presence on the circuit was watched for with interest, and never failed to produce joy and hilarity. When casually absent, the spirits of both bar and people were depressed. He was not fond of controversy, and would compromise a lawsuit whenever practicable.

DAVID DAVIS IN SPEECH GIVEN AT INDIANAPOLIS,  
QUOTED IN WARD H. LAMON,  
*The Life of Abraham Lincoln.*