

About 1884, there died in Springfield, Ill., a well-known lawyer, a partner of U.S. Senator Palmer, known as "Gov. John Robinson." He had known Lincoln well at the bar and was a "war Democrat" in congress while Lincoln was President. His knowledge of Lincoln was intimate and thorough.

A Lincoln admirer, who became acquainted with Gov. Robinson, once asked him:

Governor, when Lincoln was nominated for President, he was put before the people as "Honest Old Abe", the idea conveyed being that he was honest so far above his fellow men as to be known among them by that name. How was this?

Gov. Robinson replied:

There was nothing in it. Before he was nominated for President, I don't suppose the name "Honest Old Abe" was ever applied to him in the world. The words were purely a fiction of the newspapers.

In a business way he was honest, of course. He paid his bills—when he had the money—and in that respect was honest just the same as the great mass of men are—that is, he was not dishonest. As a lawyer, he was honest and true to his client. I do not think he ever advised a client to go into litigation unless he felt there was good ground to expect a favorable result—he would never encourage litigation for the sake of making a fee. In that sense, he was honest, but no more so than many lawyers, of whose honesty no special remark is ever made.

But there was a sense in which many people deemed him unusually honest and that probably formed the basis for the "Honest Old Abe" sobriquet. In the trial of a lawsuit, he had the manner of treating his antagonist with such perfect fairness, as to make the jury and bystanders think that he could not be induced

to take advantage of him—a manner which was the hell-firedest lie that was ever acted, because the very fairness he assumed was an ambuscade to cover up a battery, with which to destroy the opposing counsel, and so skillfully laid, too, that after it done its work, only occasionally would the defeated party, and almost never would the uninitiated, discover the deception. He possessed this power to a degree beyond that of any lawyer I ever knew and he used it to such an extent that it was his very strongest weapon in the trial of a case.

For example: If he were defending a case, after the jury were empaneled, he would give the very closest attention to the opening statement xxxxxxxx by the plaintiff's attorney—indeed, as if he had never heard of the case before. When the plaintiff's attorney had finished, he would, quite likely, open his statement of the case something after xxxxx this manner:”

“Gentlemen of the jury, I have been quite interested in Mr. A's remarks concerning this action. What he says about it is, in the main, correct. It is evident that he has given much study and attention to it—more, I have no doubt, than I have, because I find he is more familiar with the details of it than I am. He has stated several features of the case of which I was not before aware, but my client tells me they are true and whatever is true about this case, gentlemen, I am not here to deny.

Mr. A. says thus and so, (referring to some leading fact, about which there could be no possible chance of dispute). I am sorry to say, gentlemen, that that is probably true—that the facts in that regard are against us. I wish it were otherwise, but we cannot change the facts; we must take them as they exist. I am nowhere to make any formal admissions against my client, any more than I am to dispute what I know to be true. I understand that Mr. A. can prove this particular fact by half a dozen respectable witnesses, and, of course, he is prepared to do it. These witnesses are truthful men and when they have testified to that fact, you may consider it fully proven, for we shall not attempt to contradict or impeach them.

Mr. A. says thus and so,(another similar fact). That is a thing of which I never heard till he stated it,but,from what my client has since told me,I presume Mr.A.will be able to fully prove that fact,also. He is too good lawyer to omit the proof upon a point so strongly in his favor as that. I re-gret to say that I presume you will find the facts upon that x point against us,and whatever figure it cuts xxx in your verdict, we must bear it without grumbling.

Mr. A. says thus and so,and he has explained to you, at great length,that,therefore,your conclusion upon such and such a point must be against us. Mr. A's reasoning is perfectly correct—that is,your conclusion upon that proposition will necessarily be against us,if the facts are as he stated them— I might as well admit that,at the outset. But,of course,if the facts are the other way,Mr. A. will not claim that you should find in his favor,upon this branch of the case. Now,just what the facts are,I am not prepared to say. I think perhaps the testimony may not be all one way. If it should be contradictory,and you should believe the version given by our witnesses,the court will tell you and Mr. A. will admit that your finding,upon this point should be in our favor,instead of the plaintiff's. Bear this in mind,gentlemen,when listening to the witnesses upon this subject,so that your x verdict will be in accord with the weight of the testimony.

Another point emphasized by Mr.A. was thus and so. I have not understood the facts concerning it to be as he states them. Of course,as good a lawyer as Mr.A. would not make such a statement as that unless he had some testimony in support of it. If he establishes that fact to your satisfaction,gentlemen,you must decide this case in his favor. I would not have the face to ask you for a verdict in favor of my client,in the xxxx of a fact like that,the controlling force of which I admit,right here. My client tells me,however,that thereis no such fact in the case, and when he and my brother A. disagree,I am bound to believe my client,truthful as I know brother A. to be,ordinaxxx. Of course,my client may be mistaken,but I am rather inclined to think that brother A. has been misinformed as to this particular factand if I cannot convince you that my surmise is right,my x client will have to take the consequences,serious as they may be. We will trust to luck and hope for the best,anyhow.

A part of Mr. A's statement had reference to what he called a question of law. He said that the evidence would show thus and so and that the court would tell you that the law books said that,under proof of that kind,your verdict

must be for the plaintiff. That may be the law. I had not thought of that point in the case and have not looked it up. It seems that Mr. A. had thought of it and, of course, he has looked it up, carefully. My recollection is that the law is just a little different from what he states it to be. However, that is a question for the judge to pass upon when he gives you our charge. If he charges you as brother A. says, you, most certainly, will follow his instructions and beat us. But if he should not so charge, brother A. will not claim that you should xx find for him, upon that point. However, we will leave that question for the court.

And so he would continue, rehearsing all the facts, apparently conceding every important one to the other side, xx only in a half-hearted way claiming the benefit of those which were in his favor, and wind up with a statement that all he wanted xxx xxxxxxxxxxxxxxxxxxxx for his client was that all the facts—no matter whom they affected or how—should be shown and if they did not entitle his client to a verdict, he hoped the jury would decide the other way.

If the opposite lawyer was not thoroughly alert to the situation, or did not know Lincoln's tactics, he was inclined to overlook the fact that the admissions, so regretfully made by Lincoln, were only as to facts which were the most easily susceptible of proof, that the doubtful points were always carefully guarded with an "if" and he would frequently think that he had a "walk-over". XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. Lincoln's client, under the same impression, would frequently writhe in his chair, as he heard his lawyer seemingly confess judgment in favor of the other side. The jury would settle back in their chairs, thoroughly convinced that here was a xxx lawyer who would not deny facts, who would not take an unfair advantage, who wanted his case tried with fairness and honesty to both

sides, who simply wanted justice done, regardless of who won or who lost the case, and they were at once disposed to look with special favor upon any move he might make during the trial.

But, alas for Mr. A.. If, seeing his case so nearly conceded and so mildly contested, he was lulled into inactivity during the trial and failed to close every loophole of escape for the defendant, his awakening to discover the fatality of his omission, or that one of the points which Lincoln had so meekly held in reserve was the controlling element in the case, came after the evidence was closed and too late to retrieve.

Lawyers who knew him were not deceived in this way, but the average juror could never see anything but his exceeding fairness and innocence in a trial—an innocence like that of a coal of fire in a bag of flax.