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The First Meeting of Lincoln and Stanton.

In 1851 I was thrown for a time into acquaintance with Mr Lincoln, under circumstances which, while they produced a close intimacy between us, it is hardly necessary to detail.

Four years later when I was engaged with John H.Manny, Hon. Wait Talcott and others in the manufacture of reapers, our firm was sued by Cyrus H.McCormick for alleged infringement of his patents. It was the celebrated case, known before the Supreme Court of the United States, as McCormick vs Manny et al. The case was very intricate, and considered one of great importance, as may appear from the following partial list of lawyers, who had more or less to do with the patent litigation as it proceeded, viz:-

Edwin M.Stanton, William H.Seward, Reberdy Johnson, H.Winter Davies, Senator Douglas, Thomas Corwin, Isaac N.Arnold, E.C. Larned, P.H.Watson(All of whom were at some time cabinet ministers or members of Congress) E.N.Dickenson, George Harding, the two Benwicks, and last though not least, Abraham Lincoln.

Mr Lincoln was not originally in the case, but from my acquaintance with him, I induced the other parties in interest to retain Mr Lincoln, after Senator Douglas dropped out of the case.

The amount of retainer paid Mr Lincoln was, he subsequently told me, the largest he had ever before received, and in fact I think the largest retainer ever paid him.

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The preperation of the case involved many months in taking testimony, and the legal expenses to our side alone were, I think, more than $60,000. A large sum to be expended on a single case at that early date.

The case came on for hearing before Mr Justice McLean of the United States Supreme Court, and Associate Judge Drummond in Cincinnati, during the months of September and October 1855.

Mr Lincoln was retained only as associate counsel. But through some misunderstanding he expected to take part in the argument. There were between one and two thousand pages of printed testimony, and ~~a very~~ large number of machines and models introduced into the case. ~~Enough to~~ required a separate room in the Court House, for their exhibition.

Previous to the beginning of court in Cincinnati, Mr Lincoln had read the testimony over with some care, and prepared a written argument, which he brought with him to Cincinnati.

Mr Stanton, subsequently Secretary of War, Mr Harding, Mr Dickerson and Mr Reberdy Johnson, (subsequently Attorney General of the United States) had devoted some weeks or months to studying the case, and preparing their respective arguments.

On arriving at Cincinnati, Mr Lincoln read to his associates the argument which he proposed to make, and which would have taken perhaps an hour or more to deliver. As it had not been intended that he should appear in the argument, and the paper he read showed that he did not fully appreciate its mechanical and legal point

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it was deemed best that he should not speak in the case.

This was at first, a severe disappointment to him. But as we shall see he was later very glad of the decision.

As I was the sole intimate friend of Mr Lincoln, in the case, when it was decided thathe should not take part in the argument, he invited me to his room to express his bitter disappointment, and it was with difficulty that I persuaded him to remain as counsel during the hearing. We generally spent the afternoons together.

The arguing of the case took a large part of two weeks. Mr E.N.Dickerson occupied several days in opening the case against us. Mr ~~Dickerson~~ The was followed on our side for several days by Mr George Harding, the celebrated patent lawyer of Philadelphia, and he again by Mr Stanton.

The hearing had hardly progressed two days before Mr Lincoln expresses to me his satisfaction that he was not to take part in the argument. So many and so deep were the questions involved that he realized he had not given the subject sufficient study to have done himself justice.

The court room, which during the first day or two was well filled, greatly thinned out as the argument proceeded day after day. But as the crowd diminished, Mr Lincoln's interest in the case increased. He appeared to entirely forget himself and at times rising from his chair walked back and forth in the open

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space of the court room, as though he were in his own office, pausing to listen intently as one point after another was clearly made out in our favor. He manifested such delight in countenance and unconscious action that its effect on the Judges, one of whom at least all ready highly respected him, was evidently stronger than any set speech of his could possibly have made. The impression produced on the Judges was evidently that Mr Lincoln was thoroughly convinced of the justice of our side, and anxious that we should prevail, not merely on account of his interest in his clients, but because he thought our case was just and should triumph.

The final summing up on our side was by Mr Stanton, and though he took but about three hours in its delivery, he had devoted as many, if not more, weeks to its preperation. It was very able and Mr Lincoln was throughout the whole of it, a rapt listener. As Mr Stanton closed his speech in a flight of impassioned eloquence, and the court adjourned for the day, Mr Lincoln invited me to take a long walk with him. For block after block he walked rapidly forward, not saying a word, evidently deeply dejected.

At last he turned suddenly to me exclaiming, "Emerson, I am going home". A long pause. "I am going home to study law". "Why" I exclaimed, "Mr Lincoln you stand at the head of the bar in Illinois now; what are you talking about!" "Ah yes," he said, "I do occupy a good position there, and think that I can get along with the way things are done out there now. But these college

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trained men, who have devoted their whole lives to study, are coming West, don't you see, and they study their cases as we never do. They have got as far as Cincinnati now. They will soon be in Illinois".

(Another long pause, Then stopping and turning toward me, his countenance suddenly assuming that look of strong determination, which those who knew him best sometimes saw upon his face, he exclaimed, "I am going home to study law. I am as good as any of them, and when they get out to Illinois, I will be ready for them." His air at once became entirely changed. As we walked on toward the Ohio River he appeared happy and even joyous. From that time 'till he left the city, some days later, he appeared to be in the best of spirits, as though he saw a future triumph clearly and distinctly before him.

He spoke repeatedly of being glad that he had thus come in contact with these men, as though it were, so to speak, a great and controlling incentive to his mind.

To illustrate the sort of intercourse existing amongst us I may mention the following incident.)

Some negotiations had been had looking toward a compromise. "r Stanton was called into conference and on learning that nothing satisfactory had been proposed, he sprang up and exclaimed, his countenance assuming the expression of a lion, " I know of but one way to compromise, and that is with a sword in my hand, and to ~~smite with it, and keep~~

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smite with it, and keep smiting until the enemy yields to you all that is right." There was absolute fierceness expressed in every line of his face and muscle of his body, as he thundered forth these words.

Is it any wonder that years afterwards "r Lincoln chose Mr Stanton as his War Minister? In fact the last time I saw Mr Lincoln, when he was President of the United States, he said this was his first meeting with Mr Stanton, and reverted to the recollection of the hearing in Cincinnati as the incident which lead him first to entertain the idea of entrusting Mr Stanton the war portfolio.

To those familiar with ~~his~~ political speeches it will be observed that ~~Mr Lincoln,~~ from this time forward, they were of a much more profound and statesmanlike character than they had ever been before. His determination was evidently fixed that no one in the land should excel him either in profoundness of thought or terseness ~~in~~ force of expression.

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Lincoln was first suggested to Mr. Manne as counsel in this case by a younger member of the firm, Mr. Ralph Emerson, who is still living at Rockville, Ill. Mr. Emerson, as a student of law, had been thrown much into company with Mr. Lincoln, and he had learned to respect his judgment and his ability; indeed, it was Lincoln who had been instrumental in deciding Emerson to abandon the profession. The story, as Mr. Emerson tells it, is characteristic and significant. The young man had seen much in the practice of his chosen profession which seemed to him unjust, and he had begun to feel that law was incompatible with his ideals. One evening after a particularly trying day in court, he walked out with Lincoln. Suddenly turning to his companion he said, "Mr. Lincoln, I want to ask you a question. Is it possible for a man to practise law and always do by others as he would be done by?" Lincoln's head dropped on his breast and he walked in silence for a long way; then he heaved a heavy sigh, and when he finally spoke it was of a foreign matter. I had my answer, said Mr. Emerson and that walk turned the course of my life.

During the trial at Cincinnati the two men were thrown much together and Emerson's recollections are particularly interesting. The case was very intricate, he says, and constituted one of great importance.

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