





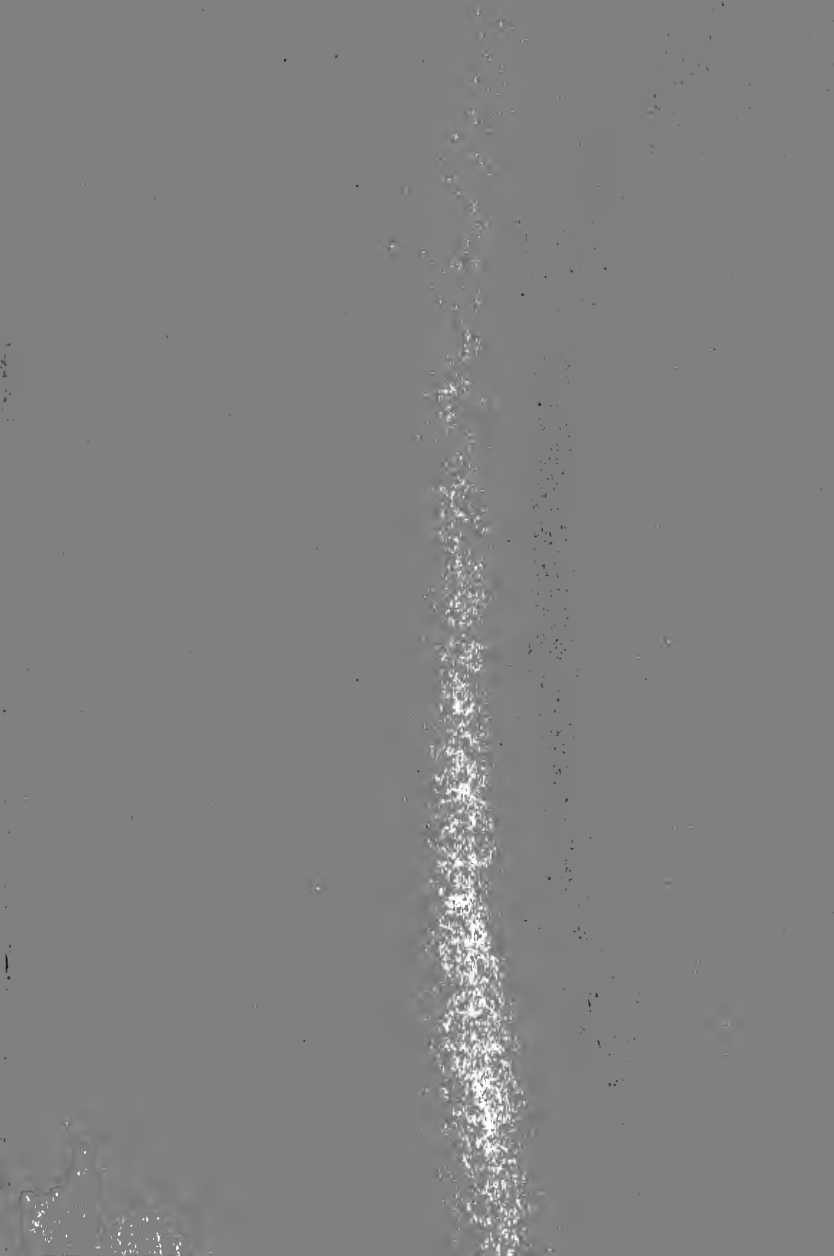
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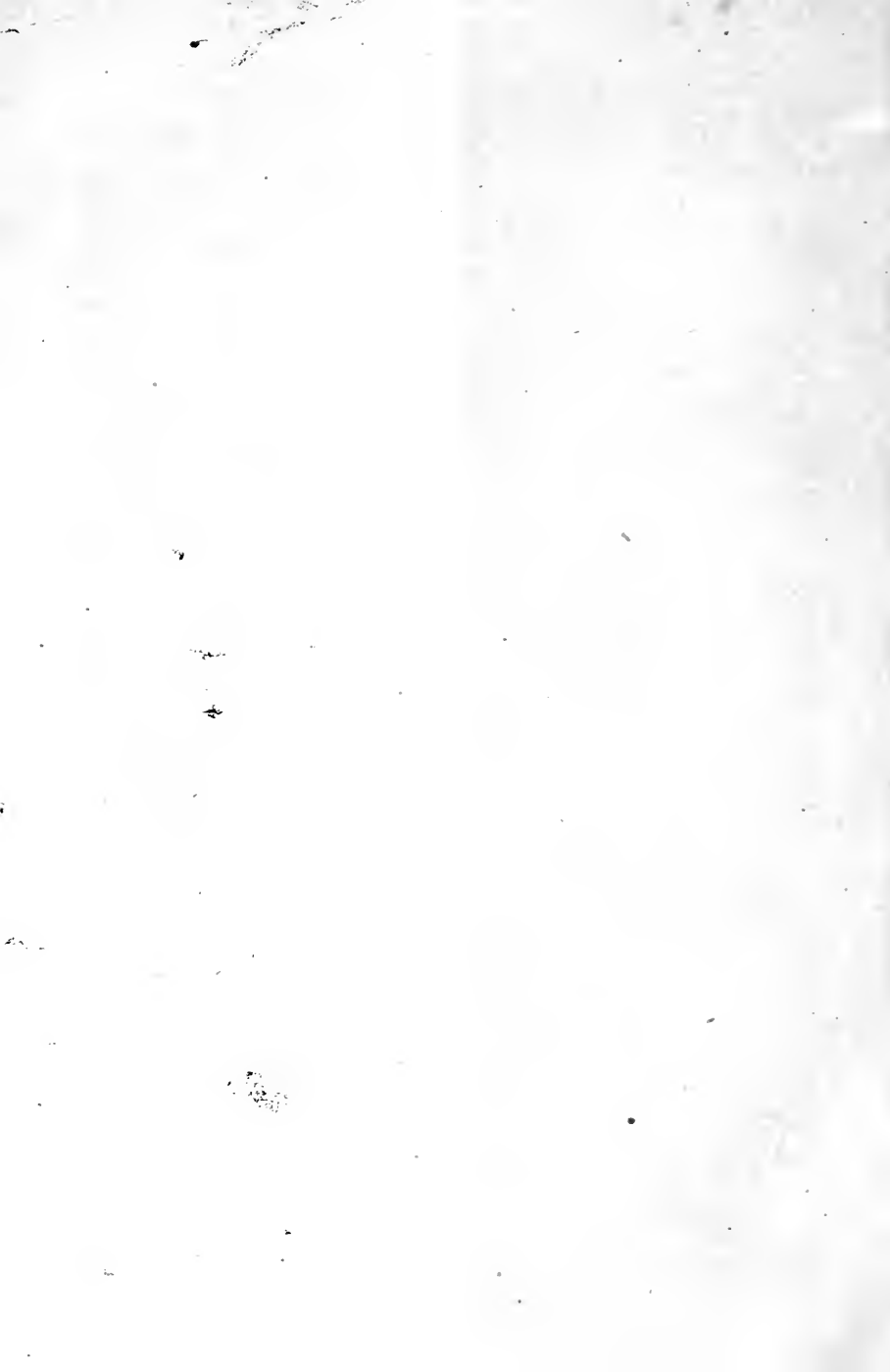
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In Memoriam.



DEATH OF LINCOLN.

PROCEEDINGS

IN THE

SUPREME COURT OF ILLINOIS.

PRESENTATION OF THE BAR RESOLUTIONS IN RE-
GARD TO MR. LINCOLN'S DECEASE.

CHICAGO:

J. W. MIDDLETON & CO., PUBLISHERS, 196 LAKE STREET.

1865.

ADDRESSES

BY

Hon. J. D. Caton and Justice Breese.

WEDNESDAY of last week having been the day appointed at a recent meeting of the Bar for the presentation to the Supreme Court of the resolutions passed by them, expressive of their affection and respect for our lamented late Chief Magistrate, at an early hour the court room was filled to its utmost capacity by ladies and gentlemen to witness the solemn and impressive proceedings. The court room, and indeed the whole interior of the building, was tastefully and elaborately draped in mourning, and over the bench was suspended a portrait of the late President, handsomely entwined in evergreens and the emblems of grief.

At eleven o'clock the court met, the full bench being present, the Hon. P. H. Walker, Chief Justice; Hon. Sidney Breese and Hon. Chas. B. Lawrence, Justices.

The court being opened by proclamation, the Hon. J. D. Caton, formerly Chief Justice, rose and addressed it as follows :

REMARKS OF JUDGE CATON.

May it please your Honors :

The solemn duty has been assigned me of formally announcing to this Court the death of Abraham Lincoln, and to present to the Court the resolutions which the Bar has adopted expressive of our appreciation of the deceased, and of our bereavement at his loss, and to ask that they be spread upon the records of the Court.

These are the

RESOLUTIONS OF THE BAR.

“Being assembled to express our grief for the sudden death of the President of the Republic, to mourn for the loss of an eminent member of our profession, and to pay a merited tribute of respect to the memory of Abraham Lincoln, we, his brethren of the Bar, do

Resolve, 1st. That we deeply deplore the irreparable loss which the nation has sustained in this trying hour of its history, by the melancholy death of its distinguished Chief Magistrate. That it is with the most

profound sorrow that we part with a brother member of the Bar who has so long occupied an exalted position among us—one whose great ability, unblemished integrity, and kind and genial nature have commanded so much of the respect, admiration and love of our profession, and that with the most sincere grief we mourn for the death of one whose inestimable social qualities have so endeared him to us as a man.

2nd. That a copy of these resolutions be presented to the Supreme Court of the State of Illinois, now in session, with a request that they be spread upon its records, and that a copy be sent to the Secretary of State of the United States, and another copy to the family of the deceased; and that, to the members of his family we tender our heartfelt sympathy in their sad affliction, and our kindest and best wishes for their future prosperity."

In the performance of the sad duty, both precedent and propriety will justify me in adding a few words, though but a few, to what is expressed in these resolutions. In any other position I might be permitted to speak of Mr. Lincoln as he is known to every inhabitant of this broad land, and as

he will be known in history in all future time—as President of the United States.

Little more than four years ago he was, by the voice of the American people, taken from among us at the bar and placed over this great nation. In administering the affairs of this Government, he has, undoubtedly, displayed a very high order of ability.

At the very commencement of his administration, a great rebellion broke out, and presented the question whether the light of this republic, which had for a few years shone so brightly, was but the brilliant flash of a meteor to illuminate the political horizon of a civilized world for but a moment, and then go out in darkness, or was the fixed shining of a luminary which should point out to future ages the pathway to liberty, prosperity and happiness.

With the aid of great men, whose names history will write on the same page with his own, and with the support of a patriotic people, he had put down the rebellion, and already saw the angel of peace arising “with healing in his wings” to bless his native land, when he was struck down by an assassin’s hand. He is mourned by a whole nation as few have been mourned before him.

But to others we must leave the pleasing task of speaking of him as the chosen ruler of the nation. 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.

For nearly thirty years was Mr. Lincoln a member of this bar. But few of us are left who preceded him. From a very early period he assumed a high position in his profession. Without the advantage of that mental culture which is afforded by a classical education, he learned the law as a science. Nature endowed him with a philosophical mind, and he learned and appreciated the elementary principles of the law, and the reasons why they had become established as such. He remembered well what he read, because he fully comprehended it. He understood the relations of things, and hence his deductions were rarely wrong from any given state of facts. So he applied the principles of the law to the transactions of men, with great clearness and precision. He was a close reasoner. He reasoned by analogy, and usually enforced his views by apt illustrations. His mode of

speaking was generally of a plain and unimpassioned character, and yet he was the author of some of the most beautiful and eloquent passages in our language, which if collected together would form a valuable contribution to American literature. Those who supposed Mr. Lincoln was destitute of imagination or fancy know but little of his mental endowments. In truth, his mind overflowed with pleasing imagery.

His great reputation for integrity was well deserved. The most punctilious honor ever marked his professional and private life. He seemed entirely ignorant of the art of deception or of dissimulation. His frankness and candor was one great element in his character which contributed to his professional success. If he discovered a weak point in his cause he frankly admitted it, and thereby prepared the mind to accept the more readily his mode of avoiding it.

I venture the assertion, that no one ever accused him of taking an underhanded or unfair advantage in the whole course of his professional career. He was equally potent before the jury as with the court.

His personal characteristics were of the most pleasing kind. His heart was full of

benevolence, and he was ever prone to put the most favorable construction upon the frailties of his fellow men. His hand was open to relieve the unfortunate, and his efforts were at the service of those in distress. By his genial nature he enlivened every circle of which he was a member, where he was ever welcome. 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? He will ever be remembered as one of our brightest ornaments, whose practice reflected honor upon the profession. If these elements of character inspired love for him as a professional brother, how much must they have endeared him to his own domestic circle—around his own fire-side? If we feel his loss as irreparable, where but in God can be found the consolation for his loss as a husband and a father? Those bereaved ones may well look to us who next to themselves knew him best of all, for that deep and abiding sympathy which tends to soften the most poignant grief; and they will not look in vain. Nor to his professional brethren alone may they look for sympathy. With them and us a nation mourns his untimely end.

I may say, without the least exaggeration, that humanity and civilization throughout the world will feel the shock which has draped our nation in the habiliments of woe.

I move the Court that the resolutions of the Bar be spread upon its records, that those who come after us may read our appreciation of our departed brother, and that a copy of the record under the seal of the Court be furnished to the family of the deceased, that they may know of the deep sympathy we feel for them in their great bereavement, and that a like copy be furnished to the Secretary of State of the United States, that all may read the testimony borne by the professional brethren of Abraham Lincoln.

Judge Caton then presented the resolutions to the Court; whereupon Mr. Justice Breese, on behalf of the Court, responded as follows:

RESPONSE BY MR. JUSTICE BREESE.

In responding to the resolutions just presented by the late distinguished Chief Justice of this court, I am instructed to say they meet our most cordial concurrence. They will be entered on the records of the Court, there to remain as a tribute, slight it may be, yet sincere, in honor and to the memory of

one who not only adorned this bar, but rose from it, without any intermediate step, directly to the highest office in the gift of a great and free people.

He whose loss we all so sincerely deplore, for whom throughout this broad land solemn pageants are in mournful progress, for whom court rooms, halls and public edifices are draped in funeral emblems, testifying to a nation's grief, was, but four short years ago, an unassuming yet distinguished citizen of this State, in full practice at the bar of this Court, struggling earnestly with his competitors in an arena whose honors and whose triumphs he so often won.

In common with you, gentlemen, we deeply deplore the loss of Mr. Lincoln. We have always regarded the illustrious deceased as a man of the highest order of intellect—in sheer natural endowments with few superiors—as one with blemishes as few and as slight as attach to the most perfect humanity, and as a statesman of no common order. But it becomes us, on this mournful occasion, to speak of him only as a man and as a lawyer—as a member of an honorable profession, from whose ranks have been taken, in times of the greatest emergency, men whose high

destiny it has been not only to guide the car of victory, but to sustain the weight of empire.

As a man, then, and as a lawyer, Mr. Lincoln challenged admiration not more for his exalted talents than for his noble, unselfish, sympathizing nature, giving to all his other estimable qualities their greatest charm.

Mr. Lincoln possessed not only great common sense—a thorough knowledge of men, for which he was indebted perhaps to his early training, and to the vicissitudes of his career; but a generous sympathy in the sorrows, troubles, and difficulties that enter into the great battle of life. In this battle he mingled fearlessly, partaking of its violent struggles, its cruel disappointments, its humbling reverses.

Not deeply read in his profession, Mr. Lincoln was never found deficient in all the knowledge requisite to present the strong points of his case to the best advantage, and by his searching analysis make clear the most intricate controversy.

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 which 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. 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.

For my single self, I have, for a quarter of a century, regarded Mr. Lincoln as the fairest lawyer I ever knew, and of a professional bearing so high-toned and honorable, as justly, and without derogating from the claims of others, entitling him to be presented to the profession as a model well worthy of the closest imitation.

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 his 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.

Nor did he, in these exhibitions of the native goodness of his disposition, lessen the dignity of his high office; they but served to shed a soft beauty around it, showing that his heart was in kindest sympathy with the world without, and gave to his allegories and his anecdotes in which he delighted to indulge, a point and pungency quite as effective in illustrating a proposition as the most powerful argument.

In his public life, Mr. Lincoln seemed to have been inspired by high principle, manifesting at all times an abiding sense of solemn responsibility, and exerting all his influence for good as it appeared to him from his standpoint, to be best attained.

Though many of us differed with him in his views of public policy, all admitted the honesty of his intentions, and cherished an abiding faith in his patriotism, and in his sincere desire to lift the country out of the troubles into which wicked men had involved it.

From the day of his first inauguration, Mr. Lincoln never despaired of the final success of the great cause in which we had embarked, and his determination that he would, as the head of the Government, "hold, possess and occupy," the fortifications and other property, of which the Union had been despoiled, was on the point of accomplishment when he was so suddenly stricken down. In his inaugural he prophesied, all our people would be again united, and harmony once more prevail; for thus he spoke :

"The mystic chords of memory, stretching from every battle-field and patriot grave, to every living heart and hearth-stone all over this broad land, will yet swell the chorus of the Union when touched again, as they surely will be, by the better angels of our nature."

What a beautiful thought, and how beautifully expressed ?

Why could he not have lived to witness this, his bright anticipation ?

Why was he thus stricken down, that he should not enjoy the realization of this, his cherished hope ?

Why was he not reserved to join in that chorus, so soon, we trust, to swell from the mystic chords the better angels of our nature

have already touched, attuning them to union, harmony and love? And the more especially as the great drama in which he had born a part so conspicuous, was about to close; and when, at its closing, those peculiar faculties he possessed—his universal kindness, his broad sympathies, his gentleness, his love of his fellow man, his conciliatory and forgiving nature, would have been brought into play, to produce, under the providence of God, results the most benign, stamping him in all future time, if not the Father, as the Great Restorer of the Union of the country, and the preserver of its most cherished institutions. It has been truly said that names become beacons in the stream of time—signal lights, bright or lurid, as may be, which the flow of ages cannot extinguish. Whose name, had he survived the assassin's pistol, stood a fairer chance than his to become that beacon—to be that signal light, beaming in bright effulgence over the world forever? As it is, gone down as he has, into silence, without accomplishing all he desired for his country, his honored name will be echoed this side of the grave “to the last syllable of recorded time.”

The critical conjunctures in which Mr. Lincoln has been placed have no parallel in our

history, and throughout all of them "he has borne his faculties so meekly," that "his virtues plead like angels trumpet-tongued against the deep damnation of his taking off."

In the death of Mr. Lincoln the world has lost a man of the most unbounded philanthropy—the Union a most devoted friend, unwearied in his efforts to restore it to its pristine glory—this noble State its foremost citizen, whom all delighted to honor—society one of its most exemplary members. From our professional circle we grieve to know one of its brightest gems has dropped away. We are powerless to restore it to its setting, but we will ever remember its brilliancy, and never cease to admire the unsullied purity of its nature.

After the response of Mr. Justice Breese, the Chief Justice remarked that, in view of the final ceremonies to take place on to-morrow, upon the interment of the remains of our late Chief Magistrate, and as further mark of respect to his memory, the Court would adjourn until Friday at 9 o'clock. The Court accordingly adjourned.

