



3-1-1932

Lincoln's Early Impressions of the Law in Indiana

James M. Ogden

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

James M. Ogden, *Lincoln's Early Impressions of the Law in Indiana*, 7 Notre Dame L. Rev. 325 (1932).

Available at: <http://scholarship.law.nd.edu/ndlr/vol7/iss3/5>

This Article is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

LINCOLN'S EARLY IMPRESSIONS OF THE LAW IN INDIANA

The first recorded interest of Abraham Lincoln in the study of law began in our own State of Indiana. It was begun through a Justice of the Peace and a Constable; Samuel Pate, of Kentucky, was the Justice and David Turnham, of Indiana, was the Constable. His first contact with the Justice was when he was brought before him charged with running a ferry without a license. This occurred under the following circumstances. When about seventeen years of age and while living in Indiana, Lincoln built for himself a scow in which he would take travelers from the Indiana side to passing steamers on the Ohio River and place them on the steamer in mid-stream. Another ferryman and a competitor, John T. Dill, a Kentuckian, angered by this, filed the charge against young Lincoln for running a ferry without a license. Lincoln told Squire Pate that he did not know that it was against the law to take passengers to steamboats in mid-stream, especially when the ferryboat was on the other side and the steamers would not land or wait. Dill pointed out, however, that the jurisdiction of Kentucky ran to low water mark on the Indiana shore. But Squire Pate decided that taking persons to passenger craft in mid-stream, was not "setting them over" the river as set out in the penal statute and, therefore, that Lincoln had not violated the statute. He doubtless told Lincoln that criminal statutes must be strictly construed and that was the reason he decided in Lincoln's favor.

After Dill had departed, Lincoln visited on the Squire's porch for some time talking to the Squire. The Squire spoke of difficulties arising through ignorance of law, and

told Lincoln that every man would be a better and more useful citizen if he had a general knowledge of the laws under which he lived and especially those relating to his own business. Lincoln listened and asked many questions pertaining to the law and court procedure. Later Lincoln at the invitation of Pate on several occasions paddled his scow across the Ohio to Squire Pate's on the days he was holding court. This entire matter interested him greatly.

The contact with David Turnham, the Indiana Constable, introduces to us the first law book ever read by Lincoln. It was a volume entitled, "The Revised Laws of Indiana," which was owned by Turnham and was read by Lincoln at the Turnham home. The book was published in 1824 and it is likely that Lincoln never saw it until 1826 or 1827 when he was about eighteen years old. Turnham said "he would come to my house and sit and read it. It was the first law book he ever saw." Turnham as a Constable and officer of the law was required to keep his statutes at hand for ready reference and could not lend them to Lincoln so he went to the Turnham home day after day to study. Turnham stated that he thoroughly absorbed the book.

What interested Lincoln the most were the historic documents in the book. For to these statutes were prefixed as stated in the title-page "The Declaration of Independence, the Constitution of the United States, the Constitution of the State of Indiana, and sundry other documents connected with the Political History of the Territory and State of Indiana. Arranged and published by authority of the General Assembly."

In addition to the statement from Constable Turnham, his stepmother, Sally Bush Lincoln, and his cousin, Dennis Hanks, stated that Lincoln studied the book thoroughly. He not only pondered it, but he saturated himself with

it. Think what this book opened up to him. Here he read for the first time the declaration that "all men are created equal," and also the Constitution of the United States, the Act of Virginia of 1783, by which the territory "northwestward of the river Ohio" was conveyed to the United States, and the Ordinance of 1787, governing this territory which contains the famous sixth article: "There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crime, whereof the party shall have been duly convicted: provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service aforesaid."

A score and a half years later speaking in Independence Hall, Philadelphia, he said: "All the political sentiments I entertain have been drawn, so far as I have been able to draw them, from the sentiments which originated and were given to the world from this Hall. I never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence."

A certain Russell Godby related that he had often employed Lincoln to do farm work for him and was surprised to find him one day sitting barefoot on the summit of a wood-pile and attentively reading a book. Godby said: "This being an unusual thing for farmhands in that early day to do, I asked him what he was reading. 'I'm not reading,' he answered. 'I'm studying.' Godby asked him what he was studying. 'Law sir,' was the emphatic response." Godby says, "It was really too much for me as I looked at him sitting there proud as Cicero. I exclaimed, 'Great God Almighty,' and passed on."

The second legal treatise to come into the life of Abraham Lincoln was a two-volume copy of Blackstone's Commentaries. Lincoln related this as follows:

"One day a western emigrant stopped at my store and asked me to buy a barrel of odds and ends of little value, for which he had no room in his wagon, with his family and household plunder. I bought it and put it away, and never thought of it again until one day, rearranging things, the stuff turned up, I found a two-volume copy of Blackstone's Commentaries. I devoured them, I assure you, and I never read anything which so profoundly interested and thrilled me. Soon after that I began the study of the law, and that is how I came to be a lawyer."

The store referred to was the store of Berry and Lincoln at New Salem, Illinois. New Salem was a village of about twenty houses, a short distance out from Springfield.

It is known that he attended the sessions of the court at Boonville, Rockport and Princeton, Indiana. He cheerfully trudged many miles from his home to these places. In those days in such communities the court room answered for the theatre, concert hall, and opera, of the older settlements.

There are no records of the Boonville court in existence today, but there is evidence that he was present at one hotly contested murder trial within its walls and we know that this made a deep impression on his mind. The Attorney for the defendant in that case was one Breckenridge, and he made such a powerful summing up for his client that young Lincoln, sought him out after the verdict to congratulate him on the speech and its result.

"I felt," he remarked to Breckenridge in the White House many years afterwards, "that if I could ever make as good a speech as that, my soul would be satisfied, for it was the best I had ever heard."

Indiana is very fortunate in playing such an important part in the life and work of Abraham Lincoln. His early and favorable impressions of the law while a young man living in Indiana had a marked effect upon all his after life. These impressions doubtless helped him to determine the question which later troubled him as to whether he should become a blacksmith or a lawyer.

His study of the Declaration of Independence and the Ordinance of 1787 in "The Revised Laws of Indiana" helped him to correctly and wisely determine the most important questions that later confronted him in the affairs of state.

Indiana may take just pride in the part she played in the training of this great lawyer and the most beloved American.

James M. Ogden.

Indianapolis, Indiana.