

The Stuart and Lincoln Law Partnership

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As Abraham Lincoln was beginning his run for president in 1860, he was asked to write a short autobiography to help promote his candidacy. When Lincoln described the beginning of his law career, he wrote in the third person: “In the autumn of 1836 he obtained a law license, and on April 15, 1837, removed to Springfield, and commenced the practice—his old friend Stuart taking him into partnership.”¹ By the standards of frontier Illinois, Lincoln and John Todd Stuart had indeed been “old friends,” having known each other for five years. They rode through the mud as privates in the same military company, conducted political campaigns as Whigs together, and shared a room for six months while serving in the state legislature. Stuart had lent Lincoln his law books, and Lincoln had studied them in his thorough and thoughtful manner. When Stuart, a lawyer with nine years’ experience, needed a new associate, he invited the untried Lincoln to join him as a junior partner.

Some of Lincoln’s early friends, as well as many present-day scholars, assert that this partnership provided a vital springboard to a successful law career, a crucial element of Lincoln’s eventual elevation to the presidency. Lincoln scholar Harold Holzer summarized the importance of Lincoln’s legal career well: “Lincoln’s life as a lawyer informed nearly every aspect of his future, a future that became inseparable from the nation’s future.”² The Stuart and Lincoln law partnership has been briefly discussed in a large and growing set of

1. Abraham Lincoln, *Autobiography Written for John L. Scripps*, ca. June 1860, in Roy P. Basler et al., eds., *Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, N.J.: Rutgers University Press, 1953), 4:65 (hereafter cited as CW).

2. Harold Holzer, “Reassessing Lincoln’s Legal Career,” in Roger Billings and Frank J. Williams, eds., *Abraham Lincoln, Esq.: The Legal Career of America’s Greatest President* (Lexington: The University Press of Kentucky, 2010), 8.

books and articles written about Lincoln's legal career,³ with many of those accounts providing laudable depth. However, not a great deal of scholarship has been devoted solely to their partnership. The last publications dedicated to their law partnership were published almost one hundred years ago, and those were rather thin in their analysis.⁴

It is the aim of this article to examine closely the origin and the management of their partnership. How did such apparently different men as Stuart and Lincoln decide to work together? What were their motivations, and how did the partnership operate? Since Lincoln's life has been so well documented during this period, an emphasis will be placed on Stuart's background, character, and contributions. A central question examined here is whether the common description is correct that Stuart, distracted by politics, left the partnership's administration largely to Lincoln and contributed little or nothing to Lincoln's professional development. The conclusion of this analysis is that Stuart's role in Lincoln's legal education during the first half of their partnership has been greatly understated. The evidence reveals that, rather than having a complete obsession with politics, Stuart was in Springfield for about half of the partnership's duration and contributed significantly to the law practice. It is likely that he served as Lincoln's tutor on how to be a good circuit court lawyer.

Stuart is far less well-known than Lincoln's third law partner, William H. Herndon, and possibly less than his second law partner, Stephen T. Logan, who was the acknowledged leader of the legal profession in Springfield and even the state. Though Stuart was a leading Whig politician in the central part of Illinois, he made few speeches that were chronicled. Less than three dozen of his letters survive, and he had a reputation for disliking the task of writing correspondence. His wife Mary wrote to their daughter Bettie: "You know he never

3. Growing, thanks to the monumental project of the *Law Practice of Abraham Lincoln*, documenting over five thousand cases in which Lincoln participated. Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition, 2d edition* (Springfield: Illinois Historic Preservation Agency, 2009), <http://www.lawpracticeofabrahamlincoln.org> (hereafter cited as *LPAL*). A complete bibliography of works that covered Lincoln's legal career found only six books written about that subject prior to 1991. Elizabeth W. Matthews, *Lincoln as a Lawyer: An Annotated Bibliography* (Carbondale: Southern Illinois University Press, 1991), x. After *LPAL* was first published, Mark Steiner discovered "at least fourteen books on Lincoln's law practice have been published since 2000." Mark Steiner, "Review Essay: Lawyer Lincoln, Case by Case," *Journal of the Abraham Lincoln Association*, 40 (Winter 2019), 73 (hereafter cited as *JALA*).

4. Paul M. Angle, *One Hundred Years of Law: An Account of the Law Office Which John T. Stuart Founded in Springfield, Illinois, A Century Ago* (Springfield: Brown, Hay and Stephens, 1928); William H. Townsend, "Stuart and Lincoln," *American Bar Association Journal*, 17 (February 1931), 82–85.

corresponds except on business . . . To friends in general you know he never writes."⁵ He kept no diary. And unlike many of Lincoln's friends and associates, Stuart never wrote about his relationship with his famous friend, law partner, and political associate. One historian noted that "after [Lincoln's] death, anyone who had ever patted Lincoln's uncle's dog was entitled to write a piece about it,"⁶ but Stuart seemed to feel that writing anything about Lincoln would be betraying a trust. When William Herndon published his biography of Lincoln, Stuart's family treated it as an "anathema."⁷ Tragically for historians, Stuart and his family destroyed some of the correspondence he had with Lincoln. Stuart's daughter-in-law wrote much later in 1918 that Robert Lincoln, the president's eldest son, requested that Stuart destroy any family and business letters relating to either his father or mother, a request with which he substantially complied.⁸ And after Stuart's death, his widow Mary Stuart considered some of the correspondence that remained between her husband and Lincoln to be "too personal to be published" and had them burned.⁹

The backgrounds of Stuart and Lincoln could hardly have been more different. Both were Kentucky natives, but unlike Lincoln's well-known humble origins, Stuart experienced a privileged upbringing. His father, Reverend Robert Stuart, was a minister at the Walnut Hill Presbyterian Church, six miles outside Lexington. His mother was Hannah Todd, daughter of Levi Todd, one of Lexington's founders, a general in the Kentucky militia, and a leading citizen in the community.¹⁰ For one year, Reverend Stuart served as the professor of

5. Mary V. Stuart to Bettie Stuart, January 11, 1855, Stuart-Hay Papers, Abraham Lincoln Presidential Library and Museum (hereafter cited as ALPLM). Similar statements are expressed in other letters between them (February 19, 1855 and April 23, 1855), and his cousin Elizabeth Todd Grimsley made the same comment. Elizabeth J. Grimsley to John T. Stuart, March 20, 1861, Elizabeth Todd Grimsley Papers, ALPLM.

6. John P. Frank, *Lincoln as a Lawyer* (Urbana: University of Illinois Press, 1961), 26.

7. Elizabeth Brown Ide, "Autobiography of Elizabeth Brown Ide," Edwards Brown, Jr., ed., *Rewarding Years Recalled* (Springfield, Ill.: privately published, 1973), 68.

8. Emily Huntington Stuart, "Some Recollections of the Early Days in Springfield and Reminiscences of Abraham Lincoln and Other Celebrities Who Lived in That Little Town in My Youth," paper presented to the Teachers' Federation in Chicago, 1918, *Genealogical Records, Illinois, 1940-1941* (Chicago: Illinois Society, Daughters of the American Revolution, unpublished manuscript, 1941), 118 (online at Ancestry.com).

9. Ide, "Autobiography," 68.

10. Untitled, *Lexington Transcript*, December 2, 1882; Bettye Lee Mastin, *Lexington, 1779: Pioneer Kentucky, As Described by Early Settlers* (Cincinnati: Lexington-Fayette County Historic Commission, C. J. Krehbiel Co., 1979), 34; Charles R. Staples, *The History of Pioneer Lexington* (Lexington: University Press of Kentucky, 1939), 7-8; Robert Stuart Sanders, *History of Walnut Hill Presbyterian Church* (Frankfort: Kentucky Historical Society, 1956), 38-39.

ancient languages (Greek and Latin) at Transylvania University.¹¹ The Stuart family lived on a 184-acre farm worked by more than a dozen enslaved people.¹²

Reverend Stuart also ran an excellent country school for his own four sons and other local boys, providing them with a classical education.¹³ Milton Hay, who studied law in the office of Stuart and Lincoln in Springfield, wrote of the awe he felt as a six-year-old on his first day of school when the fifteen-year-old John T. Stuart, “a tall and slender youth and as handsome as I almost ever saw, stood up and commenced reciting a Greek lesson. You may imagine with what astonishment a boy like me, who had never heard anything up to that time but plain Kentucky English, listened to that strange tongue; he was conjugating a Greek verb. I don’t think up to that time I had ever experienced . . . something so astounding that there should be any other language spoken than English.”¹⁴ All four of Reverend Stuart’s sons graduated from college, with two becoming lawyers and two becoming Presbyterian ministers. One measure of the quality of the Walnut Hill school is that two of the tiny rural school’s graduates served in the halls of Congress at the same time many years later, while another served as the Chaplain of the United States Senate.¹⁵

Largely as a consequence of his excellent preparation, in just two years John T. Stuart graduated from Centre College in Danville, Kentucky, at age nineteen. He then worked in his uncle’s law firm for two years, gaining his law license from the Commonwealth of Kentucky in December 1827, before emigrating the next year to Springfield, Illinois, where he started his own law practice.¹⁶

It is likely that Stuart and Lincoln first became aware of each other when they separately announced themselves as candidates for the

11. Robert Peter and Johanna Peter, *Transylvania University, Its Origin, Rise, Decline, and Fall* (Louisville, Ken.: John P. Morton and Co., 1896), 77.

12. Robert Stewart [sic], 1820 and 1830 U.S. Census, Lexington, Fayette County, Kentucky.

13. Robert Stuart Sanders, *The Reverend Robert Stuart, D.D. 1772–1856: A Pioneer in Kentucky Presbyterianism and His Descendants* (Louisville, Ken.: The Dunne Press, 1962), 27–28.

14. Milton Hay, *Bar Meeting at Springfield, Ill., Commemorative of the Death of John T. Stuart, January 7, 1885*, Stuart-Hay Papers, ALPLM.

15. Each year’s class had only about ten boys. John T. Stuart served in the U.S. House of Representatives from 1839–1843 and from 1863–1865, representing Illinois. William A. Richardson served in the U.S. House of Representatives from 1847 to 1856 and was in the U.S. Senate from 1863–1865, also representing Illinois. Joseph Bullock was U.S. Senate Chaplain from 1879–1883. Sanders, *The Reverend Robert Stuart*, 27.

16. Christopher C. Brown, “Major John T. Stuart,” *Transactions of the Illinois State Historical Society for the Year 1902* (Springfield: Phillips Bros., 1902), 109.

Illinois House of Representatives in early 1832.¹⁷ Sangamon County was entitled to four at-large positions in the General Assembly, with the top four vote recipients out of the thirteen candidates winning election in the balloting in August. Stuart was twenty-four years old, and Lincoln was twenty-three—the two youngest candidates among the thirteen hopefuls. None of the candidates were officially sponsored by any political party—while nascent political parties existed at the national level, particularly the Democrats, local elections lacked any party organizational influence.¹⁸ Candidates' political leanings could be discerned from their support for either Andrew Jackson or Henry Clay for President, and Stuart and Lincoln discovered their political affinity from their mutual support for Clay and for an agenda of internal improvements.

Before they could begin their political campaigns, however, a military campaign intervened. In April, they were among the volunteers for the militia called up by Governor John Reynolds to respond to perceived threats from about 1,100 members of the Sauk and Fox nations, who had crossed the Mississippi River from Iowa into Illinois, led by a chief called Black Hawk. Stuart had also volunteered for the militia the previous year in 1831 when Black Hawk had first led his group across the Mississippi, but the Native nations prudently withdrew when the militia forces appeared. Stuart enlisted in that campaign as a private but was elected by fellow soldiers in his regiment as a major two weeks before they were discharged.¹⁹ When Black Hawk repeated his return to Illinois in 1832, and the militia was again called up, Stuart once more enlisted as a private.²⁰ Soon he became acquainted with a member of a different company from Sangamon County, Abraham Lincoln. "I fell in with Lincoln first when he was captain," Stuart later

17. *Sangamo Journal*, Untitled, February 23, 1832; "Communication," March 15, 1832. They probably had not met, though, as Stuart lived in Springfield and Lincoln lived in New Salem.

18. Gerald Leonard, *The Invention of Party Politics* (Chapel Hill: University of North Carolina Press, 2002), 51, 55, 100.

19. Brown, "Major John T. Stuart," 110.

20. It is not surprising that Stuart was a major in the militia but came back the next year as a private; most of the elected officers in the Black Hawk War also served some time as privates. Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 79; Isaac Elliot, ed., *Record of the Services of Illinois Soldiers in The Black Hawk War, 1831–32 and in The Mexican War 1846–48, Containing a Complete Roster of Commissioned Officers and Enlisted Men of Both Wars* (Springfield: Journal Co., Printers, 1902), 106–107; Ellen M. Whitney, ed., *The Black Hawk War, 1831–1832*, 2 vols. (Springfield: Illinois State Historical Library, 1970), 1:174.

recalled.²¹ When the first enlistment period of six weeks expired, Stuart and Lincoln re-enlisted for two additional stretches as privates, where they were placed in the same companies for another seven weeks.²² It was during this period that they developed a friendship, discovering their closely aligned political philosophies and discussing their campaigns for the state legislature.

The election on August 6, 1832, was less than three weeks after their discharge from the militia. Eight of the thirteen candidates had volunteered for some service in the Black Hawk War, and Stuart and Lincoln were among the few who had signed on for all three of the enlistment periods.²³ An editorial in the *Sangamo Journal* encouraged its readers to give due consideration to those candidates while they were “discharging the arduous duty of a [military] campaign,”²⁴ but they were clearly at a disadvantage while their competitors were able to be out canvassing. On the other hand, five of those military veterans came back with titles of rank ranging from captain to colonel, which had to impress voters. Stuart was elected in his first attempt at office, finishing second among the thirteen candidates; Lincoln finished eighth.²⁵ Stuart was the only Clay supporter among the four Sangamon County representatives—the other three were Jackson men.

Stuart was the youngest of the fifty-four members of the Illinois House of Representatives when it convened in December 1832.²⁶ He quickly made his mark as one of the House managers in the notable impeachment trial of Illinois Supreme Court Justice Theophilus Smith. Stuart made “an excellent and very appropriate speech,” wrote another Supreme Court justice, “and considering his age must be

21. In some Lincoln biographies, it is mistakenly reported that Lincoln was a captain reporting to Major Stuart. Instead, in 1832 Stuart was a private in a different company when Lincoln was a captain during the first enlistment period. Stuart himself had a poor recollection of their service together—more than forty years later in an interview with John G. Nicolay, he incorrectly stated that “it was in the previous campaign of 1831 that Lincoln was elected Captain and I Major of the Volunteers.” John G. Nicolay, *Conversation with Hon. John T. Stuart*, June 23, 1875, in Michael Burlingame, ed., *An Oral History of Abraham Lincoln: John G. Nicolay's Interviews and Essays* (Carbondale: Southern Illinois University Press, 1996), 7–8. He repeated the mistake in his autobiographical notes, [1875?], note 13, Stuart-Hay Papers, ALPLM.

22. Whitney, *The Black Hawk War*, 1:129, 1:171, 1:225, 1:227–228.

23. Whitney, *The Black Hawk War*, 1:172–173, 1:176–177, 1:204–205, 1:218–219, 1:220–221.

24. Untitled, *Sangamo Journal*, May 3, 1832.

25. “The Election,” *Sangamo Journal*, August 11, 1832.

26. “Scraps of State History,” *Illinois State Register*, December 15, 1878.

considered as evidence that he possesses a mind capable of great things."²⁷

Following that session of the legislature in 1834, Stuart formed a law partnership with Henry Dummer. A recent arrival in Springfield, Dummer was a graduate of Bowdoin College in Maine and had attended one semester at Harvard Law School. He was about the same age and seemed to have characteristics that matched Stuart's—a fine legal mind, courtesy and consideration for all, calm and even-tempered.²⁸ While Stuart had previously teamed up with many other attorneys on individual cases, formal law partnerships were unusual in Springfield up to that time.²⁹ Creating a partnership with another lawyer provided each of them with a more stable, predictable income stream, as the earnings of each partner were shared.

The next election in 1834 for the Illinois House of Representatives again had both Lincoln and Stuart as candidates, and once more, there were thirteen candidates for four positions from Sangamon County. The Sangamon Democrats understood Stuart's strength as a leader of the embryonic Whig Party and probably guessed that he would aspire to higher office, perhaps in Congress, with his continued success. Therefore, they developed a strategy to defeat Stuart by elevating Lincoln in the voting above him, hoping that Stuart would fall out of the top four candidates, and thus cripple his standing in any future election. They approached Lincoln with an offer to give him their support, knowing that Lincoln already had the backing of the Whigs. Stuart said in an interview years later: "Lincoln acted fairly and honorably about it by coming and submitting the proposition to me. . . . I told [Lincoln] to go and tell them he would take their votes—that I would risk it."³⁰ Stuart declared that he would focus his efforts on defeating Richard Quinton, a leading Democrat, and thus result in the election of both Lincoln and himself.³¹ Stuart's strategy succeeded, as Lincoln finished second and Stuart squeaked by in fourth.

27. Samuel D. Lockwood to Mary Lockwood, February 7, 1833, Samuel Drake Lockwood Papers, ALPLM. See also Anonymous, "Letter to the Editor, February 18, 1833," *Sangamo Journal*, February 23, 1833.

28. Paul M. Angle, "The Record of a Friendship—A Series of Letters from Lincoln to Henry Dummer," *Journal of the Illinois State Historical Society*, 31 (June 1938), 135–136.

29. Brian Dirck, *Lincoln the Lawyer* (Urbana: University of Illinois Press, 2007), 24.

30. Nicolay, Conversation with Hon. J. T. Stuart, June 23, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 11.

31. John G. Nicolay and John Hay, *Abraham Lincoln: A History*, 10 vols. (New York: Century Co., 1890), 1:121–122; Paul Simon, *Lincoln's Preparation for Greatness: The Illinois Legislative Years* (Norman: University of Oklahoma Press, 1965), 16.

A fellow Whig, Jesse Fell was an attorney who had business in Vandalia for the 1834–1835 legislature. Fell was able to closely observe Stuart and Lincoln when they represented Sangamon County in the first session of the General Assembly. He wrote: “I found these two congenial spirits not only boarding at the same house but rooming and sleeping together. Socially and politically they seemed inseparable. It took no Solomon to find out they were ‘boon companions.’”³² Stuart and Lincoln also boarded together during the following year’s legislative session, so they shared a room for a total of six months.³³

Illinois was a strong supporter of Andrew Jackson, and the Democrats held a two-to-one advantage in numbers over the Whigs in the House. Like Lincoln, a large majority of the representatives had no prior experience in the legislature. Most legislators served only one term and then chose not to seek reelection.³⁴ Stuart, because of his successful term in the previous legislature, was seen as the leader of the eighteen Whigs. The gatherings of various Whig representatives to discuss the day’s events, sometimes in the small room that Stuart and Lincoln shared, must have provided an excellent education for Lincoln on the legislative process. Jesse DuBois recalled that “Lincoln didn’t take much prominence in the first session of the legislature in 1834. Stuart at that time quite overshadowed him.”³⁵

As would be expected from members of the same party, Stuart and Lincoln usually voted in accord. On roll call votes, they sided together 101 times but voted differently only twenty-six times.³⁶ Some of those differences may well have been the result of vote trading, as Stuart claimed that he “frequently traded Lincoln off,” referring to a practice where Lincoln’s vote was provided in accordance with another representative’s competing interests in exchange for that representative’s vote for a favored bill that supported Stuart’s interests. Stuart

32. “John T. Stuart, An Interesting Letter Lately Written by Jesse Fell to Judge David Davis,” *Illinois State Journal*, January 14, 1886.

33. Vandalia was short of lodgings during the legislative sessions, and almost all visitors to the town during those periods had to share beds.

34. Only thirty-eight percent of House members had served previously, and only two out of the fifty-five Representatives had served even three terms. Rodney O. Davis, “‘The People in Miniature’: The Illinois General Assembly, 1818–1848,” *Illinois Historical Journal*, 81 (Summer 1988), 99. See also Charles Manfred Thompson, *The Illinois Whigs Before 1846* (Ph.D. dissertation, University of Illinois, 1913), 47.

35. Nicolay, *Conversations with Hon. J. K. DuBois*, July 4, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 30.

36. Michael Burlingame, *Abraham Lincoln: A Life*, 2 vols. (Baltimore: The Johns Hopkins University Press, 2008), 1:40.

emphasized, though, that Lincoln “never had a price.”³⁷ Lincoln’s handwriting was on several bills that Stuart introduced in the House, which reflects their close collaboration.³⁸

Earlier that year, Stuart gave Lincoln a momentous boost toward a prospective career as an attorney. Sometime during the election campaign as they crisscrossed the district, Stuart encouraged Lincoln to take up the study of the law and offered to lend him law books.³⁹ Most Lincoln biographies give Stuart credit for having a significant or even a critical influence on Lincoln’s decision to pursue the study of the law. There are differences among them, though, in how the idea came about. In some accounts, Lincoln took the initiative in asking Stuart for his advice on whether he should study the law. As one example, a local Springfield historian who knew them both wrote: “As they were taking a walk one morning after breakfast, Lincoln asked Stuart’s advice with reference to the study of law, and Stuart advised him to begin at once. Lincoln said he was poor and unable to buy books. Mr. Stuart was already in a successful practice at Springfield and offered to loan him all the books he would require.”⁴⁰ In other versions, though, it was Stuart who first pressed upon Lincoln the idea that he should undertake the effort. For example, David Davis, a friend of both from an early date (and later a Justice of the U.S. Supreme Court and U.S. Senator), assigns complete credit to Stuart for introducing the idea to Lincoln. “Stuart saw at once that there must be a change of occupation to give Lincoln a fair start in life,” he wrote, “and that the study and practice of the law were necessary to stimulate his ambition and develop his faculties. When the subject was introduced, it appeared that Lincoln had never entertained the idea of becoming a lawyer, and stated difficulties which he deemed

37. Douglas L. Wilson and Rodney O. Davis, eds., *Herndon’s Informants: Letters, Interviews and Statements about Abraham Lincoln* (Urbana: University of Illinois Press, 1998), 481.

38. Portion of a Bill Introduced in Illinois Legislature Concerning Estrays, December 6, 1834, *CW*, 1:27–28; Bill introduced in Illinois legislature to establish a state road from Peoria to Pekin, Illinois Digital Archives, Illinois State Library and Illinois Secretary of State, <http://www.idaillinois.org/cdm/compoundobject/collection/isa/id/83/rec/27>. See also “Stuart introduces a bill, in Lincoln’s handwriting, for state road from Wabash River to Yellow Banks on Mississippi (which passes Jan. 16),” in Earl Schenck Miers, ed., *Lincoln Day by Day* (Washington, D.C.: Lincoln Sesquicentennial Commission, 1960), 1:45.

39. Lincoln, *Autobiography Written for John L. Scripps*, ca. June 1860, *CW*, 4:65.

40. John Carroll Power, *Abraham Lincoln: His Life, Public Service, Death and Great Funeral Cortege, with a History and Description of the National Lincoln Monument* (Chicago: H. W. Rokker, 1889), 30.

insurmountable. These Stuart overcame, and Lincoln agreed to give the matter a thoughtful consideration."⁴¹

However the idea originated, Davis overstated Stuart's influence on Lincoln's thinking. Lincoln had given prior consideration to a legal career, so Stuart's advice surely fell upon a prepared mind. Lincoln had a long-standing interest in the law as a regular spectator at the court of the local justice of the peace in New Salem, and he was known by that time to have read Indiana and Illinois statutes and Blackstone's famous *Commentaries on the Laws of England*.⁴² He had argued some cases before the local justice of the peace (though he did not earn any fees for his services as he was unlicensed as an attorney), and he used a book of legal forms to draw up deeds, mortgages, and other legal papers for his neighbors.⁴³ Throughout Lincoln's life, he was known for being careful and deliberate in his choices, and he would not have needed any urging from Stuart to pursue his prior interests. Nevertheless, Stuart deserves full credit for seeing in Lincoln his potential as a lawyer and, as Davis states, overcoming Lincoln's legitimate concerns about his lack of formal education and resources.⁴⁴

Stuart had a fine law library by the standards of the day, and after the legislative session, Lincoln undertook the study of those books "in good earnest"⁴⁵ by regularly walking or riding roughly twenty miles each way to Springfield to borrow them. Henry Dummer remembered

41. David Davis, "The Life and Services of John Todd Stuart," *Proceedings of the Illinois State Bar Association*, 1886 (Springfield, Ill.: H. W. Rokker, 1886), 51.

42. David Herbert Donald, *"We Are Lincoln Men": Abraham Lincoln and His Friends* (New York: Simon & Schuster, 2003), 25; William C. Harris, *Lincoln's Rise to the Presidency* (Lawrence: University of Kansas Press, 2007), 16; Richard Lawrence Miller, *Lincoln and His World: The Early Years; Birth to Illinois Legislature* (Mechanicsburg, Penn.: Stackpole Books, 2006), 70, 98, 371.

43. Benjamin P. Thomas, *Lincoln's New Salem* (Springfield: Abraham Lincoln Association, 1934), 76–77; David Herbert Donald, *Lincoln* (New York, Simon & Schuster, 1995), 71; Roger Billings, "A. Lincoln, Debtor-Creditor Lawyer," in Billings and Williams, eds., *Abraham Lincoln, Esq.*, 83.

44. For a sampling of discussions on this point, see Mark E. Steiner, *An Honest Calling: The Law Practice of Abraham Lincoln* (Dekalb: Northern Illinois University Press, 2006), 39–40, 53; Guy Fraker, *Lincoln's Ladder to the Presidency: The Eighth Judicial Circuit* (Carbondale: Southern Illinois University Press, 2012), 21; William W. Freehling, *Becoming Lincoln* (Charlottesville: University of Virginia Press, 2018), 66; Mary Leighton Miles, "The Fatal First of January, 1841," *Journal of the Illinois State Historical Society*, 20 (April 1927), 14. Two dissenting opinions, questioning the importance of Stuart's contribution to Lincoln's legal career, are in John J. Duff, *A. Lincoln, Prairie Lawyer* (New York: Rinehart & Company, 1960), 23; and Sandra K. Lueckenhoff, "A. Lincoln, A Corporate Attorney and the Illinois Central Railroad," *Missouri Law Review*, 61 (Spring 1996), 396.

45. Lincoln, *Autobiography Written for John L. Scripps*, ca. June 1860, CW, 4:65.

that "Lincoln used to come to our office in Springfield and borrow books. . . . He was an uncouth looking lad. Did not say much. What he did say, he said it strongly, sharply. He surprised us more and more at every visit."⁴⁶ His study of those books was a solitary affair, as Lincoln appears to have followed the advice he gave years later to another young man aspiring to be an attorney: "Get books, sit down anywhere, and go to reading for yourself. That will make a lawyer of you quicker than any other way."⁴⁷

In April 1837, Dummer decided to end his law partnership with Stuart and move to Beardstown to start a law practice there. The Stuart and Dummer partnership had operated for four years, and their relationship had always been productive and amicable. Late in life, Stuart wrote: "In few things in life have I been so fortunate as in my partners, all of whom have been men of great ability, of perfect integrity and very pleasant companions."⁴⁸ Stuart found that a law partnership was a useful arrangement, and he immediately considered how he might form a new partnership.

There were many options that Stuart could have pursued. There were eleven practicing attorneys in Springfield at the time if he wished to join with someone with experience. From his connections in the legislature and the extensive contacts through his eight-year legal practice, Stuart was not limited to partnering with local lawyers if someone was willing to relocate to Springfield. If he wanted a junior partner, there were other ambitious young students of the law who would have eagerly jumped at the chance to partner with someone of Stuart's stature. One intriguing possibility was Horatio M. Vandever, who also borrowed law books from Stuart at about that same time.⁴⁹

Several elements combined to convince Stuart that Lincoln was the best choice. Lincoln's legal education up to that time compared favorably to many other attorneys just entering their practice. He had been reading law books for about five years and had been going at it in good earnest for the past three years since Stuart began lending him his law

46. Wilson and Davis, eds., *Herndon's Informants*, 442. The "lad" was twenty-five years old and only nine months younger than Dummer.

47. Lincoln to William H. Grigsby, August 3, 1858, *CW*, 2:535.

48. John T. Stuart, *Autobiographical Notes*, 1875, Note 5, Stuart-Hay Papers, ALPLM.

49. However, Vandever didn't receive his law license until 1839. John Palmer, ed., *The Bench and Bar of Illinois: Historical and Reminiscent*, 2 vols. (Chicago: Lewis Publishing Co., 1899), 1:156, 577-579. Vandever is reported to have remembered "the kindness of Mr. Stuart with the most grateful thanks, and [he] always speaks of this gentleman as his friend and benefactor." *History of Christian County, Illinois* (Philadelphia: Brink, McDonough & Co., 1880), 68, 118.

books. Stuart was impressed with Lincoln's efforts at self-education, calling him a "scholar" during that time.⁵⁰ Lincoln had just obtained his law license from the Illinois Supreme Court on September 9, 1836, so he was readily available.⁵¹ Stuart had promoted Lincoln's interest in a law career and invested in Lincoln's legal education, and it was becoming clear that Lincoln was able to take on the obligations that a new law partnership would entail. The hours they spent discussing legal issues during the past two legislative sessions in Vandalia and in Lincoln's visits to Stuart and Dummer's law office demonstrated Lincoln's ability to handle cases. The previous October, Stuart had Lincoln prepare important legal documents for three related lawsuits, serving as a confirmation of his skills.⁵² Stuart had good reasons for high confidence in Lincoln's ability to serve successfully as his law partner.

Even so, Stuart was taking a degree of financial risk by partnering with Lincoln. He needed Lincoln to succeed. Stuart had run for Congress in 1836 and lost to William L. May, and he knew that he would be making another try the following year, with the attendant demands on his time for an intense political campaign. If he won, he would continue to be absent during congressional sessions in Washington, D.C. Having Lincoln run the law practice while he was gone, with its equal sharing of fees between the two partners, was of decided importance to Stuart. He would soon be getting married and needed the steady income.⁵³

Lincoln's motivation for wanting to join with Stuart was obvious. He would be able to jump into his new profession as a partner of one of Illinois's most prominent attorneys, avoiding the challenging and possibly unsuccessful stage of gaining new clients and building his

50. John T. Stuart to Herndon, December 20, 1866, in Wilson and Davis, eds., *Herndon's Informants*, 519.

51. The first step in obtaining a law license was to be certified as being "of good moral character," which occurred for Lincoln in the Sangamon County Circuit Court before Justice Stephen T. Logan on March 24, 1836. The next step was to obtain a license from the Illinois Supreme Court, which he did on September 9, 1836. The third and final step was to be enrolled before the clerk of the state Supreme Court, which happened on March 1, 1837. Albert A. Woldman, *Lawyer Lincoln* (Boston: Houghton, Mifflin & Co., 1936), 23; Steiner, *An Honest Calling*, 23.

52. The three cases of *Hawthorn v. Wooldridge* (two cases with that title) and *Wooldridge v. Hawthorn* have often been described as Lincoln's first cases. See case Affidavit and Plea, October 5, 1836, Files L03504 and L03505, LPAL. See also Townsend, "Stuart and Lincoln," 83; Steiner, *An Honest Calling*, 75-76; Frederick Trevor Hill, *Lincoln the Lawyer* (New York: The Century Co., 1906), 82-83.

53. Stuart married Mary Virginia Nash on October 25, 1837.

reputation on his own. Not many new attorneys were able to launch their careers near the top of the ladder as Lincoln did.⁵⁴

The success of the new partnership was immediate since it had an advantage—some of their cases originated with Stuart and Dummer in the previous year and were being carried over to the spring term of the Sangamon County Circuit Court.⁵⁵ While the number of cases can be only one indicator of success, in the July 1837 session of the Sangamon court, Stuart and Lincoln had sixty cases, while the partnership of Stephen T. Logan and Edward Baker had the next highest total of forty-five.⁵⁶ During the same time, another twenty or so cases were handled by Stuart and Lincoln in other county courts in what was then the First Judicial Circuit.⁵⁷

As was common in that period, most of their cases were related to debt collection. Since ready cash was in such short supply, people were willing to accept credit for significant transactions. When the borrowers were unable to make their payments, the lenders went after them in court. In the first full year of the Stuart and Lincoln partnership, roughly two-thirds of their cases were related to debt, and that portion increased to about eighty percent over the next three years, likely a result of a severe economic depression called the Panic of 1837. In the vast majority of those cases—over ninety percent—the defendant lost.⁵⁸ Quite frequently, the defendant failed to appear in court and default judgments were made in the plaintiff's favor. Usually in those instances, the sheriff was directed to sell off enough of the borrower's property to satisfy the court's judgment.

Litigation in such cases was not seen as very difficult or demanding. Forty years later, Milton Hay reminisced that "in those early times litigation was very simple. . . . There was no need of that close and searching study into principles and precedents which keeps the

54. Fraker, *Lincoln's Ladder*, 21; Steiner, *An Honest Calling*, 53; Dirck, *Lincoln the Lawyer*, 25.

55. Figure 3, "A Statistical Portrait," in *LPAL*. Eight attachment cases were continued from the previous session. *Lincoln Log*, July 3, 1837, <https://thelincolnlog.org>.

56. Duff, *A. Lincoln, Prairie Lawyer*, 46. See also Donald, *Lincoln*, 73. For a similar accounting of just chancery cases, see Woldman, *Lawyer Lincoln*, 35.

57. *LPAL*, search of total cases where documents were filed by Stuart from April 15, 1837, to August 15, 1837, in all county courts in the First Circuit. It should be noted that while there may be an appearance of precision in the case numbers, the editors of *LPAL* caution that it is sometimes "difficult to isolate partnership cases for several reasons, but the most significant is because of case dates. There are some cases in our collection for which beginning and/or ending dates are not known." "Statistical Portrait>Partnerships," *LPAL*.

58. Steiner, *An Honest Calling*, 100; Dirck, *Lincoln the Lawyer*, 59–60.

modern law student buried in his office.”⁵⁹ This was echoed by Lincoln’s third law partner, William Herndon, who stated, “The litigation was as limited in importance as in extent. . . . Lawyers depended for success, not on their knowledge of the law or their familiarity with its underlying principles, but placed their reliance rather on their frontier oratory and the influence of their personal bearing before the jury.”⁶⁰ Cases did not require a great deal of preparation, and pleadings were rarely more than two pages in length.

One early Lincoln biographer claimed that “most of his cases were utterly uninteresting,”⁶¹ but that surely goes too far. While they may have been relatively uncomplicated and did not challenge the foundations or limits of the law, many of the cases contained some spectacle of conflict, passion, and importance, if only for the litigants. David Davis commented that while the issues were simpler, “the questions were often as difficult of a solution, and as interesting, as they are at the present day.”⁶² And there were significant distinctions that tended to belie the description of legal practices of the day as purely simple. Success in court depended, at least in part, on the mastery of the technicalities and terminology of the law. In just the arena of debt cases, for example, it was important to understand the differences between the claims of “account” (a common law action) as opposed to “accounting” (a Chancery Court action), or whether it was best to pursue debt, assumpsit or another form of trespass on the case. Actions and remedies could include an attachment, distress for rent, covenant, garnishment, lien (or separately, a mechanic’s lien or vendor’s lien), *scire facias* to foreclose a mortgage, or petition and summons.⁶³ Lincoln’s study of law books would have been largely focused on learning these concepts and their applications. Because attorneys had to handle virtually any case that presented itself, they had to be familiar with the full range of the law, whether common law, chancery, or criminal.

59. Nicolay, Conversation with Hon. Milton Hay, July 4, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 25–26.

60. William H. Herndon and Jesse W. Weik, *Herndon’s Lincoln: The True Story of a Great Life*, 3 vols. (1889; Springfield, Ill.: Herndon’s Lincoln Publishing Co., 1921), 1:187. Yet another corroborating statement came from Stephen T. Logan in 1875: “Things have changed very much here since then. Lawyers must know very much more now than they needed to in those times.” Nicolay, Conversation with Hon. S. T. Logan, July 6, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 37.

61. Ida Tarbell, *The Life of Abraham Lincoln*, 4 vols. (New York: Lincoln Historical Society, 1924), 1:155.

62. Davis, “Life and Services of John Todd Stuart,” 49.

63. See “Glossary” in *LPAL*.

The nature of the partnership of Stuart and Lincoln has been the subject of comment by many historians, often with severe judgments about Stuart's limited contributions to Lincoln's legal education. The common variant of this theme seems to have originated first in two celebrated biographies of Lincoln, both published in the 1880s. William Herndon and Jesse Weik wrote that "at the time of Lincoln's entry into the office, Stuart was just recovering from the effects of a congressional race in which he had been the loser. He was still deeply absorbed in politics, and was preparing for the next canvass. . . . In consequence of the political allurements, Stuart did not give to the law his undivided time or the full force of his energy and intellect. Thus more or less responsibility in the management of business and the conduct of cases soon devolved on Lincoln."⁶⁴ The other account was by John G. Nicolay and John Hay, who wrote: "[Lincoln's] preliminary studies had been cursory and slight, and Stuart was then too much engrossed in politics to pay the unremitting attention to the law which that jealous mistress requires. . . . [Stuart's] paramount interest in these canvasses [for Congress in 1836 and 1838] necessarily prevented him from setting to his junior partner the example which Lincoln so greatly needed."⁶⁵ These statements, written fifty years after the Stuart and Lincoln partnership, have gone largely unexamined ever since. Variants of this claim have been almost casually repeated in a great many books and articles up to the present day.⁶⁶ Some Lincoln biographies, however, present a more complete or balanced view of Stuart's contribution to the law partnership, noting that Lincoln was only on his own during the time of Stuart's congressional campaign in 1838 and after he left for Congress in November 1839.⁶⁷

64. Herndon and Weik, *Herndon's Lincoln*, 1:183–184.

65. Nicolay and Hay, *Abraham Lincoln: A History*, 1:157.

66. For a sampling, see Hill, *Lincoln the Lawyer*, 70; Townsend, "Stuart and Lincoln," 82; Angle, *One Hundred Years of Law*, 25; Donald, *Lincoln*, 70; Harris, *Lincoln's Rise to the Presidency*, 21; Fraker, *Lincoln's Ladder*, 24; Burlingame, *Abraham Lincoln: A Life*, 1:132; Billings, "A. Lincoln, Debtor-Creditor Lawyer," in Billings and Williams, eds., *Abraham Lincoln, Esq.*, 87; Ronald C. White, *Lincoln in Private: What His Most Personal Reflections Tell Us About Our Greatest President* (New York: Random House, 2021), 34; Michael J. Gerhardt, *Lincoln's Mentors: The Education of a Leader* (New York: Custom House, 2021), 63–64.

67. Simon, *Lincoln's Preparation for Greatness*, 171; Ronald C. White, Jr., *A. Lincoln: A Biography* (New York: Random House, 2009), 83–84; Christopher A. Schnell, "Lincoln and the Kentuckians: Placing Lincoln in Context with Lawyers and Clients from His Native State," in Billings and Williams, eds., *Abraham Lincoln, Esq.*, 188–189; John A. Lupton, "The Evolution of a Lawyer," in Allen D. Spiegel, ed., *A. Lincoln, Esquire: A Shrewd Sophisticated Lawyer In His Time* (Macon, Ga.: Mercer University Press, 2002), 24.

The claims about Stuart's neglect deserve a close examination with the available evidence. There are three approaches to considering this question. The first is to review Lincoln's and Stuart's schedules carefully during the forty-six months of their partnership to see when they were both in Springfield together. Court records, newspaper articles, and letters reveal that Stuart was in Springfield for twenty-seven of those months: the first eight months (April 1837 to January 1838), the fifteen months following the election in August 1838 until he left for Congress in November 1839, and finally a little more than three months while Congress was in recess from August to mid-November 1840.⁶⁸ During those twenty-seven months when Stuart was in Springfield, Lincoln was out of town himself for about four months.⁶⁹ Thus, Stuart and Lincoln were together in Springfield for twenty-three months, half of their law partnership. Stuart was indeed "engrossed in politics" for the six months he was engaged in his race for Congress against Stephen A. Douglas, and he was not able to make many contributions to the law practice during that time or when he was in Congress. But in contrast to the many claims that Stuart was largely absent or distracted with his political interests during their partnership, Lincoln and Stuart actually spent almost two years together when they had the opportunity to devote time to their law practice almost every day. Particularly important was the fact that they were together during most of the first nine months after Lincoln joined with Stuart, providing an opportunity for mentoring when Lincoln had the greatest need for help starting out in his new profession.

A second approach to determining Stuart's support of Lincoln's legal education is to examine the court cases in which they were involved. While there are at least some records that have been retained from most of those cases, it is very difficult to determine how each partner may have contributed to each case. The editors of the definitive documentation of Lincoln's court cases, *The Law Practice of Abraham Lincoln*, conclude that "because of the nature of law partnerships and court

68. Stuart was out of town attending circuit courts for two weeks in September 1837. Following his announcement in January 1838 that he was a candidate for Congress, he was engaged in his political campaign until the election in early August. He was traveling or in Washington, D.C., for the first session of the Twenty-Sixth Congress from early November 1839 to August 1840. Congress reconvened for its second session on December 7, 1840.

69. Lincoln was in Vandalia for a special session of the legislature for two weeks in July 1837. He was also in the regular session of the legislature for three months from December 1838 through February 1839 and campaigning for about a week in June and July 1838.

records at that time, it is not possible to separate Lincoln's practice from those of his three law partners. Through letters or newspaper accounts we know that Lincoln had a lead role in some cases; with the majority of cases, however, we only know that it was a partnership case. . . . Due to incomplete documentation, it is very possible that both partners were involved, but the record is not clear."⁷⁰

A careful investigation into their cases reveals some clues about their roles. They were engaged in roughly 125 cases during the first year of their partnership, and there were substantive court filings on record in almost half of them.⁷¹ Based on the handwriting in those court filings, Lincoln was the author of two-thirds of those filings and Stuart in one-third.⁷² Some have concluded that Lincoln's authorship in the majority of their cases is evidence that Lincoln was primarily on his own during that time.⁷³ However, a review of cases in the first year after Lincoln joined with Stephen T. Logan, his next law partner, revealed that Lincoln was also the author of more than two-thirds of that partnership's legal documents in the Sangamon County Circuit Court and author of almost all of the partnership's filings in other county circuit courts.⁷⁴ It has never been suggested that Logan failed to tutor Lincoln, yet approximately the same ratio exists of documents where Lincoln was the author during his first year in both his Stuart and Logan partnerships.

One further piece of evidence: In 1838 and 1839, the Stuart and Lincoln law partnership was involved as attorneys in an average of 109 cases each year. After Stuart left for Washington, there was more than a one-third drop to sixty-nine cases in 1840.⁷⁵ This indicates that Stuart's presence in Springfield made a positive contribution to the firm's caseload and its management.

70. "The Law Practice of Abraham Lincoln: A Statistical Portrait," in *LPAL*.

71. Search results for "John T. Stuart, attorney, April 1837 through March 1838," in *LPAL*.

72. By 1839, Lincoln was the author of eighty percent of the filings the partnership was involved in during the first ten months of that year. Stuart's handwriting, however, was on thirty-eight entries in the office fee book during the year, indicating that he had at least some engagement in the law practice. Search results for "Abraham Lincoln, attorney, January through October 1839," *LPAL*.

73. See, for example, Charles W. Moores, *Abraham Lincoln, Lawyer* (Greenfield, Ind.: Wm. Mitchell Printing Co., 1922), 497.

74. Review of authors in court filings for the cases resulting from the search for "Abraham Lincoln" and "attorney" for the period April 1841 through March 1842 in *LPAL*.

75. Search for "John T. Stuart," or "Abraham Lincoln," and "Attorney," in *LPAL* for those years.

Finally, the statements of other lawyers operating in the same courts during the Stuart and Lincoln partnership reveal very little about the degree of collaboration or mentoring that may have occurred between the partners. The two books written by attorneys who were practicing contemporaneously with the Stuart and Lincoln partnership mentioned nothing about Lincoln managing the practice.⁷⁶ Of all the interviews conducted by William Herndon, John G. Nicolay, and others, none commented directly about this question, including Stuart himself. Indeed, it seems remarkable that in his ten recorded interviews with Herndon and two with Nicolay, Stuart never discussed how his law partnership with Lincoln worked in practice, nor was he ever asked about it.⁷⁷ Only one person made remarks that may have implied that Stuart was a poor tutor to Lincoln. Stephen T. Logan, Lincoln's next law partner, was reported by Nicolay as saying, "Lincoln's knowledge of the law was very small when I took him in. . . . I don't think he studied very much. I think he learned his law more in the study of cases."⁷⁸ It is quite possible that this is the statement that led Nicolay and Hay to infer that Stuart was distracted by politics and failed to tutor Lincoln, with generations of other Lincoln scholars repeating the claim. It is noteworthy, though, that Logan did not state that Stuart devoted no time to mentoring Lincoln, or that Lincoln was left to manage the law practice alone. He was merely critical of Lincoln's knowledge of the law—but he was also critical of Stuart's knowledge as well. Logan's assessment was that "Stuart never went much upon the law. . . . Stuart was never a reader of law; he always depended more on the management of the case."⁷⁹ Logan was known as one of the best attorneys in the state, brilliant in his knowledge and application of the law, but he was also stern and uncompromising in

76. Ward Hill Lamon, *The Life of Abraham Lincoln, From His Birth to His Inauguration as President* (Boston: James R. Osgood & Co., 1872), 315; Isaac Arnold, *The Life of Abraham Lincoln* (Chicago: Jansen, McClurg & Co., 1885), 66. Other attorneys wrote books about Lincoln (William Herndon, Henry C. Whitney, and Alexander McClure), but they were not practicing during the Stuart and Lincoln partnership years.

77. Wilson and Davis, eds., *Herndon's Informants*, interviews no. 46, 60, 372–377, 409, and 462; Burlingame, ed., *Oral History of Abraham Lincoln*, June 23 and June 24, 1875, 7–15.

78. Nicolay, Conversation with Hon. S. T. Logan, July 6, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 37.

79. Nicolay, Conversation with Hon. S. T. Logan, July 6, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 37.

his judgments about others, one who “must have been something of a terror to younger members of the bar.”⁸⁰

Lincoln undoubtedly learned a great deal from Logan about the study and application of the law to his cases. Logan was not involved in politics at the time, and he could offer more instruction in technically complex cases or in cases that were appealed to the Illinois Supreme Court. Lincoln appeared in only five cases before the Supreme Court during his tenure with Stuart, but with Logan he was listed as an attorney in thirty-eight Supreme Court cases, reflecting the greater range and depth of the legal practice with Logan.⁸¹ But to state that Lincoln learned more from Logan does not mean that Lincoln learned nothing from Stuart.

In sum, there is almost no evidence supporting the assertion that “in his partnership with John T. Stuart, Lincoln was largely untutored, learning the law himself as he handled cases in the Illinois court system,”⁸² one of many modern repetitions of Herndon’s and Nicolay’s original statements. In the almost two years when they were together in Springfield sharing an office, there was an abundance of time for Stuart to engage with Lincoln in his legal education. It can never be known with assurance how their law partnership was managed, but since they both shared a need for Lincoln to succeed, it seems very likely that Stuart devoted some portion of his time while in Springfield tutoring Lincoln. It was in both Lincoln’s and Stuart’s interests to thoroughly discuss the legal arguments that Lincoln would be making during this critical period when Lincoln was establishing his reputation as a lawyer. Many court filings with Stuart’s handwriting provide positive evidence of his engagement with his law practice, and the lack of statements about Stuart’s neglect of Lincoln’s education from close observers at the time undermines arguments that Stuart provided no tutelage.

Lincoln’s and Stuart’s styles in handling cases appeared to be similar. A large number of observers commented about Lincoln’s manner

80. Dirck, *Lincoln the Lawyer*, 25. In a tribute to Logan in 1881, in speaking of the formidable array of lawyers who practiced in Springfield, Stuart said that Logan was “the superior of any of them.” *Memorials of the Life and Character of Stephen T. Logan* (Springfield, Ill.: H.W. Rokker, Printer, 1882), 16. U.S. Supreme Court Justice John McLean said that “Logan is the best natural lawyer that I ever knew.” Joseph Wallace, in *Memorials. . . of Stephen T. Logan*, 41. (McLean was a U.S. Circuit Court judge in Illinois in 1839.) For an example of the conclusions of historians about Logan, see Hill, *Lincoln the Lawyer*, 93.

81. It should be noted that the Illinois Supreme Court met in Vandalia in 1837 and 1838 and moved to Springfield in 1839.

82. John A. Lupton, “The Power of Lincoln’s Legal Words,” in Billings and Williams, eds., *Abraham Lincoln, Esq.*, 120.

and method in jury trials. For example, Isaac Arnold spoke for many when he wrote that Lincoln was “the strongest jury-lawyer we ever had in Illinois.” He “understood, almost intuitively, the jury, witnesses, parties, and judges, and how best to address, convince, and influence them . . . His manner was so candid, so direct, the spectator was impressed that he was seeking only truth and justice.”⁸³ Stuart himself concurred, believing that Lincoln’s “sincerity was his *forte* before a jury.”⁸⁴ Logan claimed that “Lincoln was never what might be called a very industrious reader. But he would get a case and try to know all there was connected with it; and in that way . . . he got to be quite a formidable lawyer.”⁸⁵

Similar words were sometimes used to describe Stuart’s character and manner of handling cases. David Davis said that Stuart’s “crowning virtue as an advocate was his honesty. He was honest with the Court and the jury. Both trusted him, and he deceived neither. The sense of sincerity with which he talked was a tower of strength to him in jury trials.” He described Stuart as “among the best [jury] lawyers in the State. Although he had not the fiery zeal of Logan, he made up for it by a persuasive address and captivating manner, which went to the heart of the average jurymen, and he argued his points to the Court forcibly and clearly.”⁸⁶ Stuart’s son-in-law and law partner Christopher C. Brown said of him: “After considering a case, he did not depend so much on the books as on his own keen sense of justice. In other words, he knew what the law ought to be, and when he argued a case, he cited few authorities.”⁸⁷

The partnership has often been accused of having a haphazard system of managing its office. Lincoln is famous for occasionally keeping his papers in his hat.⁸⁸ Milton Hay read law with Lincoln while Stuart was gone to Washington in 1839, and he reported that Lincoln “detested the mechanical work of the office.”⁸⁹ Later, one of Lincoln’s secretaries, John Hay, complained that “he was extremely

83. Isaac N. Arnold, *Reminiscences of the Illinois Bar Forty Years Ago: Lincoln and Douglas as Orators and Lawyers* (Chicago: Fergus Printing Co., 1881), 20, 22.

84. John T. Stuart interview with James Quay Howard, May 1860, in David C. Mearns, *The Lincoln Papers: The Story of the Collection*, 2 vols. (Garden City, N.Y.: Doubleday and Co., 1948), 1:159.

85. Nicolay, Conversation with Hon. S. T. Logan, July 6, 1875, in Burlingame, ed., *Oral History of Abraham Lincoln*, 38.

86. Davis, “Life and Services of John Todd Stuart,” 49.

87. Brown, “Major John T. Stuart,” 112.

88. Lincoln writes of that practice in a letter to C. R. Welles, February 20, 1849, *CW*, 2:29.

89. Milton Hay to Mary Hay, April 6, 1862, Stuart-Hay Papers, ALPLM.

unmethodical; it was a four-year struggle to get him to adopt some systematic rules.⁹⁰ If Stuart had a filing system, Lincoln didn't quickly master it. In December 1839 he wrote Stuart in Washington: "A d——d hawk-billed Yankee is here besetting me at every turn I take, saying that Robert Kinzie never received the eighty dollars to which he was entitled. Can you tell me anything about the matter? Again, old Mr. Wright, who lives up South Fork somewhere, is teasing me continually about some deeds which he says he left with you, but which I can find nothing of. Can you tell me where they are?"⁹¹ (Kinzie had received his payment earlier in the year, as noted in the office fee book. The fate of Mr. Wright's deeds is unknown.)

An unexplained puzzle is the fact that the two partners handled approximately 700 cases during their four years together, but they made only about 450 entries in their office fee book, and many of those entries failed to list any fee.⁹² The fees charged by Stuart and Lincoln were split evenly between them, even when Stuart was away in Congress, and were small, usually five or ten dollars.⁹³ Sometimes, though, their fees would range from twenty dollars up to fifty dollars, particularly while they were attending circuit court in more remote counties.⁹⁴ Because their fees are known for little more than one-tenth of their cases, it is not possible to know what their annual income was during those years, but a few historians have hazarded guesses of

90. John Hay to William Herndon, September 5, 1866, in Wilson and Davis, eds., *Herndon's Informants*, 331.

91. Lincoln to John T. Stuart, December 23, 1839, *CW*, 1:158–159.

92. Search for "office fee book," "04/15/1837 to 01/15/1841," and "Abraham Lincoln" plus "John T. Stuart," "Attorneys + Nonlitigation participant + Other + Party to legal action," 04/1837 to 01/1841, in *LPAL*.

93. Milton Hay wrote about Lincoln giving Stuart little packets of money upon his return during a congressional recess in July 1840 representing his half. Hay, *Bar Meeting at Springfield, Ill., Commemorative of the Death of John T. Stuart*, Stuart-Hay Papers, ALPLM, 7–8.

94. Search of "attorney's fees" for the period April 1837 through March 1841 for John T. Stuart, attorney, *LPAL*. Out of a total of eighty-seven cases where their fees were known, thirty-two were for five dollars or less, thirty-three were for ten dollars, thirteen were for fifteen to twenty dollars, and eight were for twenty-five dollars or more. Only three of those eight higher fees were in Sangamon County Circuit Court, while five were in other circuit courts.

\$750 to \$1,500 each per year.⁹⁵ In a couple of cases, Lincoln wrote in the office fee book that they were paid in “Michigan money,” which was a banknote from a Michigan bank and probably offered at a discount in Illinois. They occasionally accepted barter goods instead of money, including food and clothes. In one instance, for example, they received a fee of fifty dollars, minus a fifteen-dollar credit for a coat given to Stuart.⁹⁶ A number of their accounts wound up as bad debts. The office fee book for the case of *Porter v. Torry*, for example, says “Bad chance for fee \$20.00.”⁹⁷

“When a suit was terminated and the time reached for fixing fees,” Christopher C. Brown wrote of Stuart, “if there was any possible chance to escape, he would leave the office.”⁹⁸ However, Stuart’s legal earnings, supplemented by some real estate investments and business ventures, allowed him to be ranked among the wealthiest residents of Springfield by 1860.⁹⁹

Stuart and Lincoln continued to experience success in the second and third years of their partnership. When the Illinois Supreme Court relocated to Springfield in 1839 after that city became the state capital, sixty attorneys attended the courts there, twenty of whom resided there.¹⁰⁰ In the face of such extensive competition for business, Stuart and Lincoln had the most cases in the Sangamon County Circuit Court in 1838 and 1839, with roughly three to four times the number of their nearest competitor, Logan and Baker.¹⁰¹ More than three-fourths of their cases were in the Sangamon County Circuit Court. Lincoln took

95. Harry Pratt wrote that determining their “total income in any one year is practically impossible.” Harry E. Pratt, *The Personal Finances of Abraham Lincoln* (Springfield, Ill.: The Lakeside Press, Abraham Lincoln Association, 1943), 26. For an estimate of the annual income of Lincoln during this time as between \$750 and \$1,000 per year, see Lupton, “The Evolution of a Lawyer,” 34; and Woldman, *Lawyer Lincoln*, 35. For an estimate of around \$1,500/year, see Simon, *Lincoln’s Preparation for Greatness*, 67.

96. “Receipt,” October 10, 1838, *Ely v. Edmund R. Wiley & Co.*, File L03184, *LPAL*. See also Woldman, *Lawyer Lincoln*, 35.

97. “Office fee book,” *Porter v. Torry*, File L04390, *LPAL*.

98. Brown, “Major John T. Stuart,” 112.

99. The 1860 U.S. Census included questions about the value of households’ real estate and personal estate, and it reveals that Stuart was among the top dozen wealthiest of the 1,737 households in Springfield. In that year, Stuart owned real estate valued at \$10,000 and personal property valued at \$50,000. Lincoln lagged substantially behind with \$5,000 in real estate and \$12,000 in personal property. U.S. Census, 1860, Sangamon County, Springfield, Illinois. By 1860, Stuart had some limited investments in farmland; he helped found and was president of the Springfield Gas Light Company; and he was on the board of several railroad companies in the 1850s.

100. Untitled, *Sangamo Journal*, July 26, 1839.

101. Woldman, *Lawyer Lincoln*, 35.

over the task of traveling the circuit, though he had cases only in seven neighboring counties with a relatively meager forty-nine cases during those two years.¹⁰²

By the end of 1840, Stuart and Lincoln were considering dissolving their partnership. There is no direct evidence of what the cause might have been, leaving us only to speculate. Perhaps the prime reason was that the partnership's revenues dropped by about one-third in 1840, when Stuart was away in Congress. His absences were undoubtedly a hindrance, creating what was essentially a partnership in name only throughout that year. Stuart had an interest in seeking reelection, so it may have been obvious to the partners that there was little value, especially to Lincoln, in maintaining their affiliation. There is no evidence that there were any personal clashes, and the breakup was amicable.

There was no formal announcement of the termination of their partnership. The standard advertisement that appeared in the *Sangamo Journal* every week for the services of "Stuart & Lincoln, Attorneys and Counsellors at Law" finally ceased after May 7, 1841. William Herndon states that the partnership ended on April 14, 1841, a date that was accepted by many biographers, though it is not clear how it was selected.¹⁰³ As a practical matter, the partnership evidently ended about two months before, when Lincoln joined with Stephen T. Logan. The March session of the Sangamon County Circuit Court had twenty cases where the partnership of "Logan and Lincoln" represented clients.¹⁰⁴ Lincoln was the author of almost every significant court filing in those cases.

The significance of the timing is caught in a letter that Lincoln wrote to Stuart on January 23, 1841. He began by noting that he had received Stuart's letter of January 3rd (which has not been found), and then, apparently in response to an inquiry by Stuart, gave news of Stuart's

102. Stuart appeared in a few cases in the Tazewell County Circuit Court in 1838, probably serving as an opportunity to visit his brother, Robert Stuart, an attorney newly settled there. There were a total of 274 cases of the Stuart and Lincoln law firm from January 1838 to November 1839 (noted by Lincoln in the office fee book as the "Commencement of Lincoln's Administration, 1839 Nov 2"). Search of "Stuart>Attorney," and "Lincoln>Attorney," 01/1838 to 10/1839, LPAL.

103. Herndon and Weik, *Herndon's Lincoln*, 2:264. It is possible that the date was arbitrarily selected because it would mark the completion of four full years of partnership, rather than because of any announcement made in the newspaper.

104. Search results of "Lincoln," "Attorney", 03/1840, LPAL. The first advertisement for the firm of Logan and Lincoln didn't appear in the *Sangamo Journal* until May 21, 1841.

nomination for reelection by his Whig friends. Lincoln closed with the following:

For not giving you a general summary of news, you must pardon me; it is not in my power to do so— I am now the most miserable man living— If what I feel were equally distributed to the whole human family, there would not be one cheerful face on the earth— Whether I shall ever be better I can not tell; I awfully forebode I shall not— To remain as I am is impossible; I must die or be better, it appears to me— The matter you speak of on my account, you may attend to as you say, unless you shall hear of my condition forbidding it— I say this, because I fear I shall be unable to attend to any business here, and a change of scene might help me— If I could be myself, I would rather remain at home with Judge Logan— I can write no more.¹⁰⁵

The first part of this quotation is justly well known, as it contributes to understanding Lincoln's severe depression following the breakup of his engagement with Mary Todd. The second part is useful in understanding the dissolution of his law partnership with Stuart. The most obvious clue is Lincoln's desire to "remain at home with Judge Logan." Since we know that he began his association with Stephen T. Logan's law practice within several weeks of this letter, it seems clear that Stuart and Lincoln had been discussing the termination of their law partnership in late December, if not earlier—possibly when Stuart was in Springfield during the congressional recess, which lasted from August until December 7, 1840. It appears that they were exploring alternative arrangements for Lincoln by late December. Joining with Logan was one option they apparently discussed.

A second option they considered is revealed by Lincoln's reference to "the matter you speak of on my account" and "a change of scene might help me." This refers to a suggestion that was likely made by Stuart in his missing letter of January 3 that Lincoln seek the appointment as *Chargé d'Affaires* in Bogota, Colombia. The occupant of that position in the Van Buren administration was from Illinois, and it was believed that another person from Illinois would be a logical successor under the new administration of President William Henry Harrison. Following Lincoln's reply in which he gave Stuart permission to "attend to as you say," on March 5 (the day after President Harrison's inauguration), Stuart wrote to Daniel Webster, the new Secretary of State, recommending Lincoln for that post "as one well qualified to

105. Lincoln to Stuart, January 23, 1841, *CW*, 1:229–230.

fill such vacancy. Mr. Lincoln possesses talents of a very high order, his personal character is without reproach, he is a favorite with the people, and his appointment would be regarded as a compliment paid to the State."¹⁰⁶ Luckily for the fate of both Lincoln and the country, Webster failed to offer the appointment to Lincoln.

The Stuart and Lincoln law partnership proved to be successful for them both. Stuart found in the partnership a compatible associate and colleague who could reliably support the law practice, even during his absence. His reputation was tied to Lincoln's success, and Lincoln delivered on his promise as an aspiring lawyer. Since both Stuart and Lincoln were strong Whigs and leaders of their party in the state, it was also valuable to have an almost daily opportunity to discuss the current political issues of the day.

Lincoln benefited by immediately stepping into a flourishing law practice, providing the foundation for a long, accomplished legal career. His legal knowledge continued to grow with experience and from the tutoring he likely gained from Stuart. Even the time that Stuart was away provided valuable lessons in the management of the law practice. Stuart said that Lincoln's growth was "steady, gradual, and constant."¹⁰⁷ As historian John J. Duff wrote, "In those four years—years that were jammed with significance to the future of his law career—[Lincoln] had acquired a solid background of insight, which formed the basis for his later advancement to the forefront of the Illinois bar."¹⁰⁸

Late in his life, Stuart told a family member, "I believe I am going to live to posterity only as the man who advised Mr. Lincoln to study law and lent him his law books. It is a little humiliating that a man who has served his country in Congress and in his State, should have no further claim to remembrance than that, but I believe it will be so."¹⁰⁹ Far from a humiliation, being remembered for the boost he gave to Lincoln's legal career will continue to be applauded by history.

106. John A. Lupton, "An Equatorial Change of Climate for Lincoln?" *Lincoln Editor*, 5 (January–March 2005), 2–3; F. Lauriston Bullard, "When John T. Stuart Sought to Send Lincoln to South America," *Lincoln Herald*, 47 (October–December 1945), 21, 29.

107. John T. Stuart to James Quay Howard, May 1860, in Mearns, *The Lincoln Papers*, 1:159.

108. Duff, A. *Lincoln, Prairie Lawyer*, 73.

109. Caroline Owsley Brown, "Springfield Society Before the Civil War," *Journal of the Illinois State Historical Society*, 15, (April–July 1922), 490.