PROCEEDINGS

OF THE

Supreme Court of the State of Indiana

ON THE ANNOUNCEMENT OF THE

DEATH OF ABRAHAM LINCOLN,

President of the United States.

At the opening of the court, on the morning of the 20th day of *June*, 1865, the following preamble and resolutions, prepared and adopted at a meeting of the bar of the Supreme Court, were presented by a committee, with the request that they might be spread upon the records of the court:

"The death of ABRAHAM LINCOLN, the President of the *United States*, on the 15th day of last *April*, is an event so startling and sorrowful, that the bar cannot suffer it to pass without offering to the court an expression of their appreciation of his lofty and pure character, in all the relations which he sustained in life; and of their profound sorrow for his sudden death, under circumstances so horrible as to have shocked the whole civilized world, and overwhelmed the people of his country with a grief at once more universal and heartfelt than they have ever before known. The bar feel it to be due to themselves and to the court, to give utterance to their sympathy with the universal grief of the nation. They, therefore, respectfully present the following resolutions to the court, and request that they may be spread upon the records:

1. *Resolved*, That the death of ABRAHAM LINCOLN, President of the *United States*, is a great national calamity, which

Why Lincoln Was a Lawyer: Abraham Lincoln, the Law & Civic Education (Middle School)

nearly and profoundly touches the whole people; that his patient labor and ability, his gentleness and mercy, his unsectional patriotism, and his catholic humanity, are qualities which the country could at any time ill afford to lose; and which, in times like the present, it will be difficult to replace.

2. *Resolved*, That his example, in all the stages of his life, is worthy of imitation by his countrymen, and affords, at the same time, for their encouragement, an assurance that the faithful continuance in well doing will, even in this life, lead to honorable distinction and rewards.

3. *Resolved*, That we tender to the family of the illustrious dead our heartfelt condolence in this night of their affliction and sorrow."

FRAZER, J., in response to the resolutions, said:

I have been requested by my brethren of the bench to say something on this occasion, because I happened to have a slight personal acquaintance with Mr. LINCOLN, before his first nomination for the presidency, and because it is known to them, that my unbounded admiration for his great qualities as a statesman dates prior to the first public suggestion of his name in that connection. For full two years before that event, and before he had entered upon the series of great debates in *Illinois* with the lamented *Douglas*, he seemed to me to be, in all essential respects, the fittest man in the nation for that high office, during that crisis of our national affairs which, it was apparent, could not be much longer delayed, and the most likely to accomplish its correct, and, possibly, peaceful solution. No superior discernment is either shown or claimed in this; it merely happened that I studied him earlier than many others, and the allusion to the fact will be pardoned, I hope, when it is remembered that it cannot but afford me a melancholy pleasure, as I seek to contribute one sprig of myrtle to that unfading chaplet with which the nation and the world will crown his memory.

Why Lincoln Was a Lawyer: Abraham Lincoln, the Law & Civic Education (Middle School)

Mr. LINCOLN possessed certain traits of character in a remarkable degree, which could not fail to be perceived, and which won for him the personal esteem of almost every one. His great kindness of heart, his transparent and child-like honesty, the simplicity of his tastes and habits, his deep sympathy with the common people, his unfaltering faith that the GOD of the nations would not allow the Union of these States to be now destroyed, and that he was himself an instrument in Divine hands for the accomplishment of this purpose, his unselfishness, and his unfailing fund of good humor—these are as well understood now as they can ever be in the future, and they contributed largely to his great popularity, and enabled him to discharge unpleasant duties without giving pain or offense, and to unite the country in executing measures now seen to have been wise and necessary, but which, at the time, did not fully meet the general approbation.

But for the confidence which these qualities inspired in his motives and the rectitude of his purposes, the people of the north, jealous of the incroachments of power, might not have submitted to the exercise of that large amount of authority on his part, without which it is probable that we would have failed to suppress the rebellion and have ceased to be numbered amongst the nations.

But he had other qualities contributing, even in a much larger measure, to constitute him, as he was, in my judgment, the first statesman of this age, and the peer of any whom the world has yet produced.

He was always self-possessed. He never lost control of his great faculties, by the influence of excitement or passion. What ruler wielded power in such stormy times? Who ever held the helm of government, when such tremendous forces were hurled against the state; when such a tempest of passion prevailed around him; when such fearful breakers rose up on every side, and when he scarcely knew that the fidelity of any of his crew could be depended upon, and when mutiny was almost every where? And

yet calmly, though firmly, he held the ship on her course, watchful of every peril, ready for any danger, with a suitable plan for every emergency, and a dauntless, cheerful, hopeful, persistent confidence, which gave courage to every true man about it. And, during all this, no word of hate or malice towards any escaped his lips, and not a single act of harshness, or of mere vengeance, was he provoked to do during the whole of his administration! Amongst the rulers of the world, there is found no parallel to this, except the single case of WASHINGTON, and even he was sometimes betrayed into a terrible outburst of anger.

Mr. LINCOLN was self-reliant and firm, without stubbornness. We have had no president since *Jackson* who was not controlled by his cabinet, and possibly none who had not selected greater men than himself for his counsellors. Mr. LINCOLN called about him the greatest men of his party—*Seward*, *Chase*, *Cameron* and *Bates*, all the competitors he had had in the convention which had nominated him. He availed himself of their advice and counsel; they often differed, it is said, upon the most important measures. He deliberately weighed every suggestion, and decided finally for himself, often even against the wishes of his own party; and having once decided, he adhered to his convictions against whatever influences were invoked to change them.

But I think that the quality for which, more than any other, history will distinguish him, was the greatness of his intellect. Distant nations, less familiar than we are with his goodness which won our love, and his integrity which commanded our confidence, and which have not been stirred by the passions which this fearful civil war engendered here, are now better situated to appreciate this quality than we are—and this is their verdict: That he has shown himself to be amongst the wisest rulers of modern times. He was without early advantages, and labored under the difficulties of a defective education. His boyhood and early manhood were not devoted to the training of his faculties, and the development of their powers.

And yet I know of no speaker or writer, of the present or the past, who could so thoroughly strip a subject of everything which did not belong to it, and then discuss the subject itself with so much clearness, and exhaust it with so much brevity. And this, to my mind, is the highest proof of intellectual greatness. A clear discrimination, and an accurate perception of things, which constitute the very bone and sinew of intellect, were thus pre-eminently manifested in his character.

Of the wisdom of his measures, so far as any of them have accomplished their full results, there is probably, even now, no two opinions. Of others, which have not yet yielded their fruits, it is impossible now to speak with absolute certainty; but I think that so far, they are each passing day commanding more and more the approval of all intelligent and good men, who at first either doubted or opposed them.

That such a man should have been slain by an assassin, in the interests of the rebellion, after it was clearly seen that the national authority would be speedily restored, awakened a deeper and more universal sorrow, and a sincere and more general public manifestation of grief than has often occurred amongst men. I know not why the GOD who seemed to guide him in the discharge of his difficult duties, and who could have stricken down the assassin before he did the damnable deed, yet permitted it to be done. But I do know one of the lessons to be learned from it, by all who will receive plain instruction. It may be useful in the future. It would have saved us the lost ones of the last four years, if we had learned it long ago. It is this: that the spirit of the rebellion was execrable beyond measure; that the terrors of the past four years closely bordered on the infernal, and that in dealing with its instigators, originators and leaders as criminals, mere sympathy for *them*, if it shall interfere with the purpose to make the state secure against them and their teachings in the future, will not be mercy, but will be almost itself a crime.

Why Lincoln Was a Lawyer: Abraham Lincoln, the Law & Civic Education (Middle School)

ELLIOTT, C. J.—*Gentlemen of the Bar:* In responding to your resolutions, I shall not attempt to pronounce a eulogy upon either the life, character or public services of our lamented President. If time and opportunity were afforded, and I were competent to the task, still it would seem superfluous, as I could scarcely expect, after all that has been said and published, to express a new thought, or add a single leaf to the chaplet that crowns his memory. Indeed, he is so enshrined in the hearts of the people, that every patriot's bosom swells with honest praise, more eloquent than language can express.

Under any circumstances, the death of the Chief Magistrate of the nation would be regarded by all as a public bereavement, and would produce general sadness and sorrow. But the death of ABRAHAM LINCOLN by the hand of an assassin, and in view of the motive for the act, and the circumstances which surrounded both the victim and the deed, filled every mind with amazement and consternation, and every heart with inexpressible sorrow and grief. A nation most deeply mourns the loss of its Chief Executive, whom the people had learned to appreciate, honor and love, and their grief is swelled to indignation and horror at the foul manner of his death.

Mr. LINCOLN was the immediate victim of the assassin's blow, but the wound is national, for it is felt by all.

The people are shocked and angered, because they loathe and detest the most wicked crime that terminated the President's life. They are stricken with the deepest sorrow, because a great and good ruler, whom they loved, and in whom they confided, has fallen in his successful labors for the preservation of his country.

To the nation, the life of ABRAHAM LINCOLN was most precious. As an instrument of Divine Providence, he had substantially accomplished a great mission, that will render his name immortal, and cause his memory to be hallowed by all future generations. To finite minds it would seem peculiarly fitting, if not essential, that he should have lived

to have finished his good work, so nearly accomplished, and to enjoy the full realization of its blessings. But it is otherwise, and we bow in humble submission to Him who controls the destinies of all things. Yet, as "out of the fullness of the heart the mouth speaketh," it is meet that we give full utterance to our feelings of sorrow.

When we remember the broad humanity and great kindness of heart of Mr. LINCOLN, so universally acknowledged and appreciated, it is impossible to conceive that the assassin was impelled to the act by any feeling of personal hatred or revenge toward him; or to believe that its immediate perpetrator is alone responsible for the wicked and fatal deed. The blow was undoubtedly aimed at the life of the government, of which the President was the chosen representative, and, therefore, the selected victim. And whilst we mourn his loss as a great national bereavement, we yet have cause to rejoice in the fact that the government still lives. That it has survived the terrible assaults of a wicked and powerful rebellion, and successfully maintained a desperate struggle for existence, lasting for a period of more than four years, and still retains vitality sufficient to withstand this last unnatural and unexpected shock, affords gratifying evidence, to every loyal and reflecting mind, of the wisdom and justice of its nicely balanced machinery, and of its ability for self protection and preservation.

A lesson is also taught in the fact that, to the author of the crime, just retribution swiftly followed his foul deed. Though he escaped immediate arrest, yet, ere the mortal remains of his honored victim were deposited in their place of final rest, he had ceased to be, and his own remains were hid forever from mortal sight. And, for myself, I may be permitted to say that I trust the world may never know what particular spot of earth is stained by the secret.

ORDERED, that the resolutions be spread upon the records of the court, and that, out of respect to the memory of the deceased Chief Magistrate of the nation, this court do now adjourn.