

Justice

Drawer

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PERSONALITY

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# Abraham Lincoln's Personality

Justice

Excerpts from newspapers and other  
sources

From the files of the  
Lincoln Financial Foundation Collection

## JUSTICE

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### LINCOLN'S BREVITY AND JUSTICE.

Lincoln's disposal of a case in the Navy Department where some functionary had noisily charged a prominent business man with having defrauded the government out of \$2,200 is a sample of his brevity and justice. It reads:

"Whereas ——— had transactions with the Navy Department to the amount of a million and a quarter dollars; and, whereas, he had the chance to steal a quarter of a million, and was only charged with stealing \$2,200—and the question now is about his stealing a hundred—I don't believe he stole anything at all. Therefore, the record and findings are disapproved—declared null and void, and the defendants are fully discharged."

## Lincoln's Consistency *Journal Gazette*

2-12-34

One of the most amazing things about Abraham Lincoln is the consistency of his attitude toward public affairs of importance.

By consistency, we do not mean any set of narrow or hidebound traits which he adhered to blindly, without purpose, ignoring common sense and the welfare of his fellows.

By consistency, we mean—negatively—the noticeable absence of the characteristic that keeps wobbly men hopping from one side of the fence to the other.

By consistency, we mean—positively—the steady growth of the individual as he moves along well-defined lines of thought and action.

In 1850, many of the leading statesmen of the country were wobbly on the question of slavery.

Daniel Webster supported the Fugitive Slave law.

Henry Clay, whose great weakness had always been straddling issues, straddled again.

Millard Fillmore, in the President's chair, backed up Clay and Webster.

These were great Americans. They worked hard for their country. They were far above the average.

But they lacked that quality which had characterized the 39-year-old Lincoln two years before and which still characterized him and would continue to in the future.

public library of average equipment and count the volumes dealing with the life of Lincoln. Every phase of his remarkable career would seem to be covered. One would assume that the mine of Lincolniana had been exhausted. Yet every year brings new books whose theme is this man of humble birth and unpretentious living. Men cannot cease writing and reading about him. Immigrant children from overseas know the story of Lincoln better than the stories of their own national heroes. There is a universality about him that has appeared in no other figure of history since Jesus.

One fundamental trait of Lincoln's greatness was his ingrained sense of justice. It is erroneous to think of true justice as relentless and inflexible; it is a libel on justice to regard it as incompatible with sentiment and mercy. Indeed the very fault of justice as it needs must be administered on an abstract basis and in strict accord with legal forms in its very inflexibility—its incapacity to adapt itself to the case of the individual. Lincoln's justice was not mawkish nor soggy with cheap sentimentality; but it had that element of human sympathy and understanding which enabled him to see both sides of a question at issue and to put himself in the place of the weak and erring.

A true balance in justice requires certain basic characteristics. It is incompatible with the egotism which places self-interest or pride of opinion in the foreground. It requires self-detachment—the ability to stand back and look at even one's own case from the viewpoint of disinterestedness. It requires mental integrity that scorns sophistry and self-deception. It requires, above all, the poise which comes from the domination of the material nature by the spiritual.

Those persons who profess to find parallels between the life of Lincoln and the life of Jesus may note that the recorded instances of eruptive wrath in both lives are extremely limited. They may note further that neither the Great Teachers nor the Great Emancipator is recorded as having indulged in outbursts merely as a resentment against personal outrage or abuse, but that these outbursts were called forth in both lives by outrages and abuses of helpless humanity or vital principles.

In a time when blatant extremists are seeking to expropriate the name of Lincoln as a shelter for excesses against law and government, it is worth while to remember Lincoln's expression of an ideal of social justice:

"Let not him who is houseless pull down the house of another; but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built."

Compare it to the doctrines of envy and class hatred and malicious destructiveness that professed apostles of progress are preaching today. Compare it to the self-seeking of the groups and blocs and factions who are striving to make the government of all the people a means of enriching their particular element at the expense of the whole. Compare it with the dog-in-the-manger policy of the petty ones who regard success as a crime and honest gain as an affront to society.

But Lincoln's admonition applies to other fields than sociology. It is an ideal of sane justice that ought to fit itself to the ethical and moral phases of life as well. It is no greater crime in morals, after all, to tear down another's house than to tear down another's character. It is no more sinister a form of envy that covets a fellow being's possessions than that which begrudges a fellow being's happiness.

Respect for the rights of others is the keynote in this simple but powerful expression of social justice. The right to possess one's house in peace implies the same right

to possess one's opinion and beliefs in peace. And the admonition to recognize and remember the right of the other man as assurance that one's own rights shall be safe from violence applies with the same force to matters of politics and religion and morality.

Justice, like charity, begins at home—its source is the individual himself.

Let us not tear down the other fellow, but build up ourselves.

Life is short enough to keep us busy on the building process alone—if we undertake and execute any decent sort of job.

**Paramount (Calif.) Journal, 23d Congressional District Editorializes Lincoln's Justice**

**EXTENSION OF REMARKS  
OF**

**HON. CLYDE DOYLE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1960

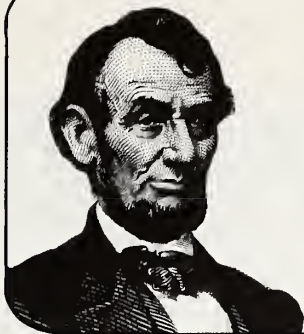
Mr. DOYLE. Mr. Speaker, by reason of unanimous consent heretofore granted me so to do, I am pleased to present the text of an editorial in the Paramount Journal, a newspaper published in the important city of Paramount, Calif. This city and newspaper is located in the great 23d district which I represent, this my 14th year, in this great legislative body.

And while our congressional observation of Lincoln's birthday is a few days passed, this editorial was written and published the day previous to February 12, 1960. I commend its reading to each and every colleague.

I know you and all the Members join in congratulating the editor, Mr. Kee Maxwell:

**LINCOLN'S JUSTICE  
(By W. Kee Maxwell)**

One of the strange things about a great life is the variety of angles from which it appeals to various individuals. Go into any



# Lincoln Lore

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Mary Jane Hubler, Editorial Assistant. Published each month by the  
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Number 1703

## LINCOLN AND SLAVERY: AN OVERVIEW

Abraham Lincoln was a native of a slave state, Kentucky. In 1811 Hardin County, where Lincoln was born two years before, contained 1,007 slaves and 1,627 white males above the age of sixteen. His father's brother Mordecai owned a slave. His father's Uncle Isaac may have owned over forty slaves. The Richard Berry family, with whom Lincoln's mother Nancy Hanks lived before her marriage to Thomas Lincoln, owned slaves. Thomas and Nancy Lincoln, however, were members of a Baptist congregation which had separated from another church because of opposition to slavery. This helps explain Lincoln's statement in 1864 that he was "naturally anti-slavery" and could "not remember when I did not so think, and feel." In 1860 he claimed that his father left Kentucky for Indiana's free soil "partly on account of slavery."

Nothing in Lincoln's political career is inconsistent with his claim to have been "naturally anti-slavery." In 1836, when resolutions came before the Illinois House condemning abolitionism, declaring that the Constitution sanctified the right of property in slaves, and denying the right of Congress to abolish slavery in the District of Columbia, Lincoln was one of six to vote against them (seventy-seven voted in favor). Near the end of the term, March 3, 1837, Lincoln and fellow Whig Dan Stone wrote a protest against the resolutions which stated that "the institution of slavery is founded on both injustice and bad policy." It too denounced abolitionism as more likely to exacerbate than abate the evils of slavery and asserted the right of Congress to abolish slavery in the District of Columbia (though the right should not be exercised without the consent of the District's citizens). Congress, of course, had no right to interfere with slavery in the states. In 1860 Lincoln could honestly point to the consistency of his antislavery convictions over the last twenty-three years. That early protest "briefly defined his position on the slavery question; and so far as it goes, it was then the same that it is now."

In his early political career in the 1830s and 1840s, Lincoln had faith in the benign operation of American political institutions. Though "opposed to slavery" throughout the period,

he "rested in the hope and belief that it was in course of ultimate extinction." For that reason, it was only "a minor question" to him. For the sake of keeping the nation together, Lincoln thought it "a paramount duty" to leave slavery in the states alone. He never spelled out the basis of his faith entirely, but he had confidence that the country was ever seeking to approximate the ideals of the Declaration of Independence. All men would be free when slavery, restricted to the areas where it already existed, exhausted the soil, became unprofitable, and was abolished by the slave-holding states themselves or perhaps by numerous individual emancipations. Reaching this goal, perhaps by the end of the century, required of dutiful politicians only "that we should never knowingly lend ourselves directly or indirectly, to prevent . . . slavery from dying a natural death — to find new places for it to live in, when it can no longer exist in the old."

This statement, made in 1845, expressed Lincoln's lack of

concern over the annexation of Texas, where slavery already existed. As a Congressman during the Mexican War, Lincoln supported the Wilmot Proviso because it would prevent the growth of slavery in parts of the Mexican cession where the institution did not already exist. He still considered slavery a "distracting" question, one that might destroy America's experiment in popular government if politicians were to "enlarge and aggravate" it either by seeking to expand slavery or to attack it in the states.

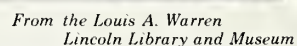
Lincoln became increasingly worried around 1850 when he read John C. Calhoun's denunciations of the Declaration of Independence. When he read a similar denunciation by a Virginia clergyman, he grew more upset. Such things undermined his confidence because they showed that some Americans did not wish to approach the ideals of the Declaration of Independence; for some, they were no longer ideals at all. But these were the statements of a society directly interested in the preservation of the institution, and Lincoln did not become enough alarmed to aggravate the slave question. He began even to lose interest in politics.

The passage of Stephen A. Douglas's Kansas-Nebraska Act



From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 1.** Like many other prints of Lincoln published soon after his death, this one celebrated the Emancipation Proclamation as his greatest act.



**FIGURE 2.** Charles Eberstadt noted fifty-two printed editions of the Emancipation Proclamation issued between 1862 and 1865. He called this one a “highly spirited Western edition embellished with four large slave scenes lithographed at the left and four freedom scenes at the right.”

in 1854 changed all this. Lincoln was startled when territory previously closed to slavery was opened to the possibility of its introduction by local vote. He was especially alarmed at the fact that this change was led by a Northerner with no direct interest in slavery to protect.

In 1841 Lincoln had seen a group of slaves on a steamboat being sold South from Kentucky to a harsher (so he assumed) slavery. Immediately after the trip, he noted the irony of their seeming contentment with their lot. They had appeared to be the happiest people on board. After the Kansas-Nebraska Act, he wrote about the same episode, still vivid to him, as "a continual torment to me." Slavery, he said, "has, and continually exercises, the power of making me miserable."

Lincoln repeatedly stated that slaveholders were no worse than Northerners would be in the same situation. Having inherited an undesirable but socially explosive political institution, Southerners made the best of a bad situation. Like all Americans before the Revolution, they had denounced Great Britain's forcing slavery on the colonies with the slave trade, and, even in the 1850s, they admitted the humanity of the Negro by despising those Southerners who dealt with the Negro as property, pure and simple — slave traders. But he feared that the ability of Northerners to see that slavery was morally wrong was in decline. This, almost as surely as disunion, could mean the end of the American experiment in freedom, for any argument for slavery which ignored the moral wrong of the institution could be used to enslave any man, white or black. If lighter men were to enslave darker men, then "you are to be slave to the first man you meet, with a fairer skin than your own." If superior intellect determined masters, then "you are to be slave to the first man you meet, with an intellect superior to your own." Once the moral distinction between slavery and freedom were forgotten, nothing could stop its spread. It was "founded in the selfishness of man's nature," and that selfishness could overcome any barriers of climate or geography.

By 1856 Lincoln was convinced that the "sentiment in favor of white slavery . . . prevailed in all the slave state papers, except those of Kentucky, Tennessee and Missouri and Maryland." The people of the South had "an immediate palpable and immensely great pecuniary interest" in the question; "while, with the people of the North, it is merely an abstract question of moral right." Unfortunately, the latter formed a looser bond than economic self-interest in two billion dollars worth of slaves. And the Northern ability to resist was steadily undermined by the moral indifference to slavery epitomized by Douglas's willingness to see slavery voted up or down in the territories. The Dred Scott decision in 1857 convinced Lincoln that the Kansas-Nebraska Act had been the beginning of a conspiracy to make slavery perpetual, national, and universal. His House-Divided Speech of 1858 and his famous debates with Douglas stressed the specter of a conspiracy to nationalize slavery.

Lincoln's claims in behalf of the slaves were modest and did not make much of the Negro's abilities outside of slavery. The Negro "is not my equal . . . in color, perhaps not in moral or intellectual endowment," Lincoln said, but "in the right to put into his mouth the bread that his own hands have earned, he is the equal of every other man, white or black." Lincoln objected to slavery primarily because it violated the doctrine of the equality of all men announced in the Declaration of Independence. "As I would not be a *slave*, so I would not be a *master*," Lincoln said. "This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy."

Lincoln had always worked on the assumption that the Union was more important than abolishing slavery. As long as the country was approaching the ideal of freedom for all men, even if it took a hundred years, it made no sense to destroy the freest country in the world. When it became apparent to Lincoln that the country might not be approaching that ideal, it somewhat confused his thinking. In 1854 he admitted that as "Much as I hate slavery, I would consent to the extension of it rather than see the Union dissolved, just as I would consent to any GREAT evil, to avoid a GREATER one." As his fears of a conspiracy to nationalize

slavery increased, he ceased to make such statements. In the secession crisis he edged closer toward making liberty more important than Union. In New York City on February 20, 1861, President-elect Lincoln said:

There is nothing that can ever bring me willingly to consent to the destruction of this Union, under which . . . the whole country has acquired its greatness, unless it were to be that thing for which the Union itself was made. I understand a ship to be made for the carrying and preservation of the cargo, and so long as the ship can be saved, with the cargo, it should never be abandoned. This Union should likewise never be abandoned unless it fails and the probability of its preservation shall cease to exist without throwing the passengers and cargo overboard. So long, then, as it is possible that the prosperity and the liberties of the people can be preserved in the Union, it shall be my purpose at all times to preserve it.

The Civil War saw Lincoln move quickly to save the Union by stretching and, occasionally, violating the Constitution. Since he had always said that constitutional scruple kept him from bothering slavery in the states, it is clear that early in the war he was willing to go much farther to save the Union than he was willing to go to abolish slavery. Yet he interpreted it as his constitutional duty to save the Union, even if to do so he had to violate some small part of that very Constitution. There certainly was no constitutional duty to do anything about slavery. For over a year, he did not.

On August 22, 1862, Lincoln responded to criticism from Horace Greeley by stating his slavery policy:

If there be those who would not save the Union, unless they could at the same time *save* slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time *destroy* slavery, I do not agree with them. My paramount object in this struggle *is* to save the Union, and is *not* either to save or to destroy slavery. If I could save the Union without freeing *any* slave I would do it, and if I could save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do *not* believe it would help to save the Union. I shall do *less* whenever I shall believe what I am doing hurts the cause, and I shall do *more* whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views.

I have here stated my purpose according to my view of *official* duty; and I intend no modification of my oft-expressed *personal* wish that all men every where could be free.

The Emancipation Proclamation, announced just one month later, was avowedly a military act, and Lincoln boasted of his consistency almost two years later by saying, "I have done no official act in mere deference to my abstract judgment and feeling on slavery."

Nevertheless, he had changed his mind in some regards. Precisely one year before he issued the preliminary Emancipation Proclamation, Lincoln had criticized General John C. Frémont's emancipation proclamation for Missouri by saying that "as to . . . the liberation of slaves" it was "*purely political*, and not within the range of *military* law, or necessity."

If a commanding General finds a necessity to seize the farm of a private owner, for a pasture, an encampment, or a fortification, he has the right to do so, and to so hold it, as long as the necessity lasts; and this is within military law, because within military necessity. But to say the farm shall no longer belong to the owner, or his heirs forever; and this as well when the farm is not needed for military purposes as when it is, is purely political, without the savor of military law about it. And the same is true of slaves. If the General needs them, he can seize them, and use them; but when the need is past, it is not for him to fix their permanent future

condition. That must be settled according to laws made by law-makers, and not by military proclamations. The proclamation in the point in question, is simply "dictatorship." It assumes that the general may do *anything* he pleases—confiscate the lands and free the slaves of *loyal* people, as well as of disloyal ones. And going the whole figure I have no doubt would be more popular with some thoughtless people, than that which has been done! But I cannot assume this reckless position; nor allow others to assume it on my responsibility. You speak of it as being the only means of *saving* the government. On the contrary it is itself the surrender of the government. Can it be pretended that it is any longer the government of the U.S. — any government of Constitution and laws, — wherein a General, or a President, may make permanent rules of property by proclamation?

I do not say Congress might not with propriety pass a law, on the point, just such as General Fremont proclaimed. I do not say I might not, as a member of Congress, vote for it. What I object to, is, that I as President, shall expressly or impliedly seize and exercise the permanent legislative functions of the government.

Critics called this inconsistency; Lincoln's admirers have called it "growth." Whatever the case, just as Lincoln's love of Union caused him to handle the Constitution somewhat roughly, so his hatred of slavery led him, more slowly, to treat the Constitution in a manner inconceivable to him in 1861. Emancipation, if somewhat more slowly, was allowed about the same degree of constitutional latitude the Union earned in Lincoln's policies.

The destruction of slavery never became the avowed object of the war, but by insisting on its importance, militarily, to saving the Union, Lincoln made it constitutionally beyond criticism and, in all that really mattered, an aim of the war. In all practical applications, it was a condition of peace — and was so announced in the Proclamation of Amnesty and Reconstruction of December 8, 1863, and repeatedly defended in administration statements thereafter. He reinforced this fusion of aims by insisting that the Confederacy was an attempt to establish "a new Nation, . . . with the primary, and fundamental object to maintain, enlarge, and perpetuate human slavery," thus making the enemy and slavery one and the same.

Only once did Lincoln apparently change his mind. In the desperately gloomy August of 1864, when defeat for the administration seemed certain, Lincoln bowed to pressure from Henry J. Raymond long enough to draft a letter empowering Raymond to propose peace with Jefferson Davis on the condition of re-union alone, all other questions (including slavery, of course) to be settled by a convention

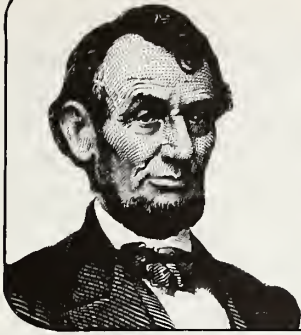
afterwards. Lincoln never finished the letter, and the offer was never made. Moreover, as things looked in August, Lincoln was surrendering only what he could not keep anyway. He was so convinced that the Democratic platform would mean the loss of the Union, that he vowed in secret to work to save the Union before the next President came into office in March. He could hope for some cooperation from Democrats in this, as they professed to be as much in favor of Union as the Republicans. Without the Union, slavery could not be abolished anyhow, and the Democrats were committed to restoring slavery.

Lincoln had made abolition a party goal in 1864 by making support for the Thirteenth Amendment a part of the Republican platform. The work he performed for that measure after his election proved that his antislavery views had not abated. Near the end of his life, he repeated in a public speech one of his favorite arguments against slavery: "Whenever [I] hear any one, arguing for slavery I feel a strong impulse to see it tried on him personally."



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 3. This Indianapolis edition of the Emancipation Proclamation, published in 1886, obviously copied the edition in Figure 2. Note, however, that the harsher scenes of slavery are removed — a sign of the post-Reconstruction political ethos.



# Lincoln Lore

February, 1982

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor.  
Mary Jane Hubler, Editorial Assistant. Published each month by the  
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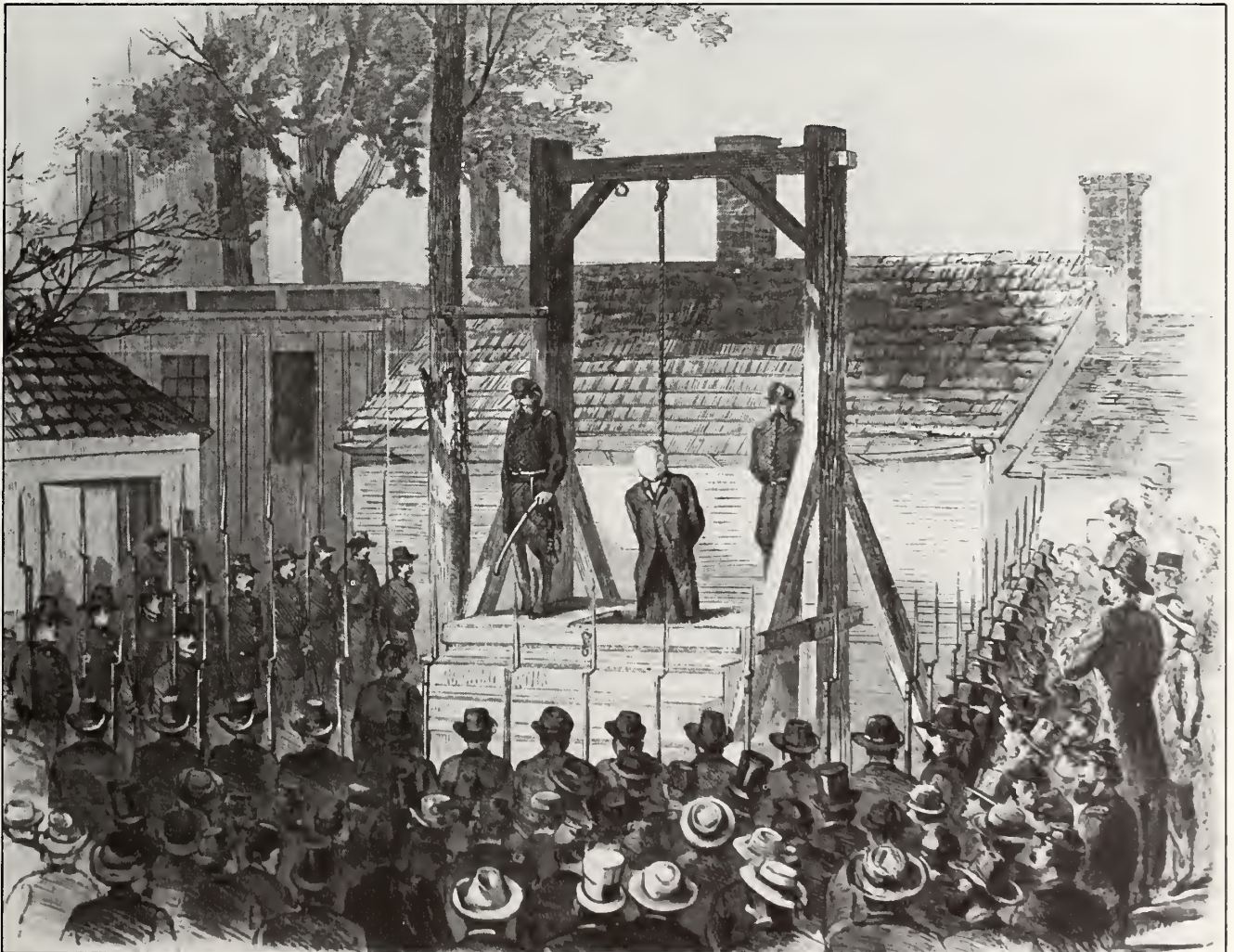
## President Lincoln and the Insanity Defense

The preceding issue of *Lincoln Lore* showed that Abraham Lincoln, as a lawyer in Illinois, was quite familiar with the insanity defense. He lost the Wyant case when Leonard Swett successfully invoked the insanity defense for his client, and he soon thereafter recommended Swett to a friend in need of a lawyer to argue the insanity defense for his son.

When he became President of the United States, Lincoln did not leave such criminal matters behind him and devote his energies entirely to war and emancipation. Criminal justice was still an occasional concern for Lincoln because of the President's pardoning power. In such cases as came to his attention as President, Lincoln carefully saw to it that

defendants of questionable mental health were provided the opportunity to prove that their mental condition absolved them of responsibility for their crimes.

On August 3, 1863, Lincoln wrote Major General John G. Foster at Fort Monroe, Virginia, instructing him to send him the transcript of the trial of Dr. David M. Wright, if the doctor "has been, or shall be convicted." Within the week, Lincoln received a letter from Senator Lemuel J. Bowden, representing the loyal government of Virginia, asking the President to let him know when the transcript was received. Bowden wanted Lincoln then to fix a day when he and other Virginians "may appear before you and present the mass of testimony which has



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 1. Hangings of civilians sentenced to death by military commissions were not uncommon in slave states.

been taken to prove the insanity of Doctor Wright, and also to present such statements in regard to the manner of conducting his trial, and to the facilities afforded him for making anything like a fair defense, as the facts of the case will justify." On the 28th Lincoln was "ready to hear them."

The gentlemen from Virginia apparently came to Washington right away, and what they told Lincoln must have been something like this. David M. Wright was a respected physician who had practiced in Norfolk, Virginia, since 1854. Born in North Carolina, he was a medical graduate from the University of Pennsylvania. He had a son in the Confederate service from whom he had not heard since the Battle of Gettysburg, July 1-3, 1863. On July 11th at 4:00 in the afternoon, Dr. Wright encountered Lieutenant Anson L. Sanborn on Main Street in Norfolk. The lieutenant was marching at the head of a column of the First U.S. Colored Volunteers. Wright ran to his home, got a pistol, and insulted the lieutenant. Sanborn declared the doctor under arrest, and Wright shot him twice at point-blank range. Sanborn died and the provost marshal arrested Wright. He was tried by a military commission which refused to allow an insanity defense, despite evidence that Dr. Wright was noted for giving very peculiar prescriptions for his patients, that he was under the strain of worry about his son, and that his very moderate political views were inadequate to account for his sudden decision to murder the leader of some black troops in Virginia. The commission convicted him of murder and sentenced him to hang.

President Lincoln was not about to condone an execution prescribed by a military commission which followed no prescribed laws and which denied the defendant one of the standard protections of the law. He thought immediately of getting Dr. Charles H. Nichols of the Government Asylum for the Insane, in Washington, to review the case, but Secretary of State William H. Seward informed the President on September 2nd that Nichols's "surroundings are so disloyal as to shake public confidence in himself." Seward recommended Dr. John P. Gray of Utica, New York, instead.

William H. Seward had a commendable record on issues involving insanity. As early as 1843, his interest in the plight of the insane was well enough known that Dorothea Lynde Dix, the famous reformer, came to Auburn, New York, Seward's home town, to seek advice on her campaign to improve the treatment of the mentally ill. In 1846 he defended Henry Wyatt, a Negro accused of murder, on the grounds that he was insane. He lost the case, and Wyatt was sentenced to hang. He also defended a more sensational murderer, William Freeman, also a Negro, who slayed four people in an innocent farmer's home in 1846. Seward also invoked the insanity defense in this case, and he and the opposing counsel, Democratic politician John Van Buren (son of the President), called numerous doctors to testify. The jury found Freeman guilty. The New York Supreme Court later overturned both verdicts.

Dr. John P. Gray was one of the most eminent specialists in mental medicine in the country. Seward knew him as the Superintendent of the Utica State Asylum and consultant to the state asylum for the criminally insane in Auburn, but he was also editor of the *American Journal of Insanity*, the official organ of the nineteenth-century equivalent of the American Psychiatric Association. He frequently testified in trials involving persons who claimed to be insane.

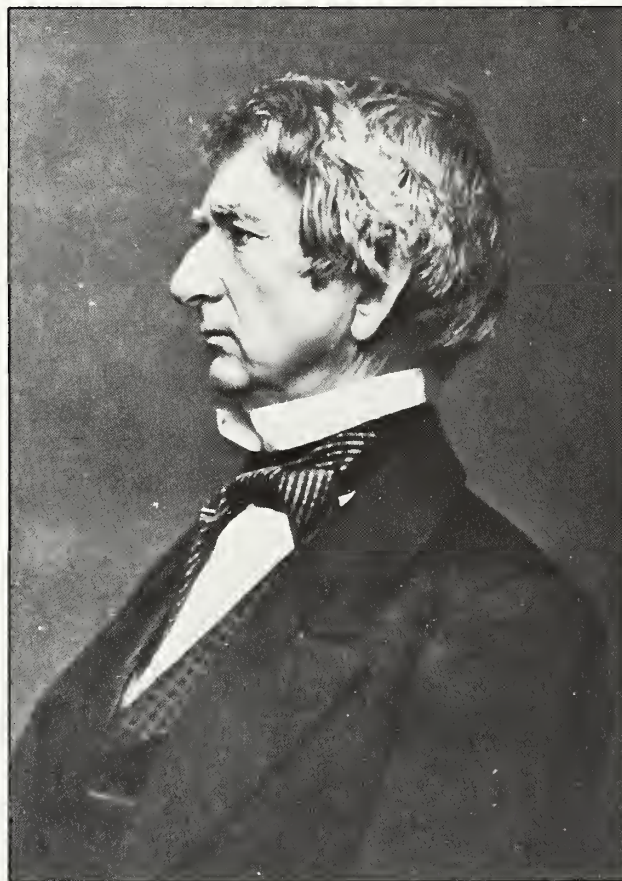
On September 10th President Lincoln assigned Dr. Gray his duties in the Wright case. The doctor was to go to Fort Monroe "and take in writing all evidence which may be offered on behalf of Dr. Wright and against him, and any, in addition, which you may find within your reach, and deem pertinent; all said evidence to be directed to the question of Dr. Wright's sanity or insanity, and not to any other questions; you to preside, with power to exclude evidence which shall appear to you clearly not pertinent to the question." The key phrase may well have been "you to preside"; Lincoln was giving this case strictly a civilian review. He did not want to follow the rules of a military commission. The commanding officer at Fort Monroe was to have an officer present to act "as Judge Advocate or Prosecuting Attorney," but otherwise he was to assist Gray

and be sure to notify Senator Bowden or one of his Virginia associates.

Dr. Gray called thirteen witnesses for Wright and thirteen for the government, and he interviewed Dr. Wright for about two hours. He learned a great deal about this curious murderer. As a boy, Wright had had a horror of blood and could not shoot birds; yet he became a physician. Early in his life, he had rather Northern ideas about slavery, especially for a man born and raised in North Carolina. He owned a few slaves himself but allowed them to select new masters and sold all of them.

Later, Dr. Wright changed his mind, deciding that slavery was in accordance with the scriptures and best suited the true welfare of the black race. He had Negro servants by the time of the Civil War and a farm in North Carolina which was worked by slaves. He was consistently kind to his servants. When, because of the proximity of Federal troops, most servants were leaving their masters, Dr. Wright called his together, told them he could not really blame them for wanting to leave, and said that any who did not fare well on their own could come back to him. He had an agent give his superannuated housekeeper meat twice a week until she could maintain herself financially. His slaves in North Carolina chose to remain on the plantation as slaves.

In politics, Dr. Wright had been a Whig and was thought of in the 1850s as a Union man. Gradually he became more Southern in feeling and eventually voted for Virginia's secession, claiming that the act would save the Union by restoring it to its proper basis. When the Yankees took Norfolk, he counselled "dignified non-intercourse, and abstaining from all violence." He kept at his practice and showed no particular animosity toward black soldiers, though he thought arming the Negroes a great wrong.



From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 2.** William H. Seward was among the most celebrated lawyers of Lincoln's day. His defenses of black clients should be famous not only for the color of the client but also for the use of the insanity defense.



*From the Louis A. Warren  
Lincoln Library and Museum*

**FIGURE 3.** Fort Delaware was one of the infamous “Bastilles of the North.” Along with the occasional newspaper editors and Democratic politicians, they usually contained deserters, spies, blockade runners, and a few lunatics.

Dr. Wright had been on the way home to prepare for his daily patient visitation when he saw Lieutenant Sanborn and his black soldiers. He was seized with an “uncontrollable impulse” to kill Sanborn. After the deed was done, Dr. Wright attempted to help Sanborn medically and apparently expressed a wish that the soldiers would bayonet him for his deed.

Wright was not a church member, but he had long read prayers to his family. After his incarceration, he was baptised and received in the church.

Dr. Gray decided that Wright may have acted under an “uncontrollable” impulse but not under an insane impulse. He noted that a government chemist found nothing bizarre about the doctor’s prescriptions. Gray cited the facts that Wright had no hallucinations and no previous symptoms of insanity as evidence that the murder was a deliberate act. And Dr. Gray stated flatly that latent insanity which suddenly appears does not disappear immediately after the first insane act. Dr. Wright had appeared perfectly sane in his interview with Gray and throughout his confinement after the crime.

On October 23, 1863, David M. Wright was hanged. President Lincoln had done all he could.

It was not the last time Lincoln would consult Dr. Gray. On March 7, 1864, the President received the papers on the court martial of Lorenzo C. Stewart (alias Shear), a private in the Fourteenth New York Artillery. Stewart had been convicted of desertion and murder (poisoning soldiers). Lincoln asked Judge Advocate General Joseph Holt for a report on the case and on April 14th approved the execution, which was to occur on the 22nd. A petition for clemency from citizens of Elmira, New York, was apparently received in Washington on the 14th. It must have alleged insanity as a mitigating factor, and Lincoln apparently postponed the execution. On the 25th he wrote Dr. Gray again.

President Lincoln gave Gray precisely the same instructions

he had given in the previous case. The result for Private Stewart was different, however. On January 25, 1865, Lincoln commuted his sentence to imprisonment in the penitentiary at hard labor for ten years.

On his last birthday, President Lincoln again considered insanity as a mitigating factor in the case of a man sentenced by court martial, or, more likely, military commission. Dr. Edward Worrell, a citizen of Delaware, had been sentenced to imprisonment for one year for aiding a prisoner to escape from Fort Delaware, one of the notorious “Bastilles of the North.” The records are fragmentary, but, apparently, on evidence presented by Judge George P. Fisher that Dr. Worrell was “partially insane,” Lincoln had him discharged from Fort Delaware.

Abraham Lincoln was a good lawyer and a humane man, but he was not a philosopher of jurisprudence. He sought justice in the practical ways defined by existing laws. The insanity defense was a part of the legal system within which he practiced as an attorney and which he administered as President. With considerable vagueness and without, as yet, a great deal of philosophical exegesis, that legal system recognized the injustice, as William H. Seward put it in his rare eloquence in defense of William Freeman, “of trying a maniac as a malefactor.” Lincoln, as his law partner William H. Herndon recalled, “was a very patient man generally, but if you wished to be cut off at the knee, just go at Lincoln with abstractions, glittering generalities, indefiniteness, mistiness of idea or expression.” He “never undertook to fathom the intricacies of psychology,” and applied “his powers in the field of the practical.” Common sense told him that insane acts were innocent acts. As a lawyer he embraced the insanity defense when it seemed proper. He had more power as President, and he supplied an insanity defense when courts failed to. There was no other way to serve the cause of justice properly.

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Thursday, May 20, 2010

## Springfield whipped up a storm

Justice on the square was swift and cheaper than jail

BY TARA MCCLELLAN MCANDREW

Today, Springfield's downtown square is a peaceful place. Its manicured lawn and grand Old State Capitol suggest that it was a location of thoughtful debate and mannered discourse among our early lawmakers.

But before the Old State Capitol was there, the square was the site of violent punishment for lawbreakers.

Like many frontier towns, Springfield had a whipping post. They were especially common before towns were able to build jails, according to the Encyclopedia of Chicago by James Grossman, et al. (University of Chicago Press, 2004).

Ours was located on what is now the downtown square, but was first an unoccupied square on the fringe of the early settlement, which originally centered around Second and Jefferson Streets. According to Paul Angle's *Here I Have Lived: A History of Lincoln's Springfield* (Abraham Lincoln Book Shop, 1971), before 1831 the downtown square was "swampy and grown over with weeds" and "contained only the whipping post, a gruesome monument which stood bare and awesome" across from the current JPMorgan Chase Bank at the southeast corner of Sixth and Washington streets.

Sources disagree about the exact location of the post. Early Springfield resident G. E. Cabaniss thought it was more centrally located in the square. He described it in a letter recalling his memories of young Springfield; the letter was printed in the Jan. 12, 1874, *Illinois State Journal*. "My father, Charles F. Cabaniss, owned half a block on the northwest corner of the public square, on which he built a log cabin, where the family resided some years. While residing there it was my lot to play the part of shepherd boy, and I have often found the cattle grazing on the then commons (where the current Old State Capitol now stands)...And the old Capitol with her basement, hides from human sight the spot where the last whipping post that I ever saw, to which men were tied and punished by the officer of the law with a whip in hand for the crime of stealing."

One of the town's founders, Elijah Iles, applauded the post's effectiveness in his autobiography, *Early Life and Times* (Springfield Printing Company, 1883). "The culprit had to be whipped upon his bare back. Our sheriff, Gen. J.D. Henry, was tender-hearted and merciful, and laid the lash on lightly. Some, after being whipped, left the district; some made good citizens, and those who did not reform altogether were careful not to commit any act that might subject them to again hug the post and have their backs slashed. This mode of punishment seemed to have a better effect in checking crime than imprisonment in jail or in the penitentiary, and at much less cost."

We've all heard of "hanging judges," but in 1824 Sangamon County had a "whipping judge." According to the *History of Sangamon County, Illinois* (Inter-State Publishing Company, 1881), the "ill tempered" John York Sawyer presided over the First Judicial District at that time, which included five counties besides Sangamon. The book says Sawyer made the rotund, 350-pound Judge David Davis look like "a common sized man."

"Sawyer was a terror to all offenders," says the book. Once, somewhere in the district (the book doesn't say where), when a man was being tried for petty larceny (theft) and found guilty, the man's lawyer "begged" Sawyer to let him run to his office where he could find materials proving that his client was wrongfully convicted and therefore deserved a new trial.

"'Oh certainly, certainly,' said Sawyer to him, assuming one of the blandest looks possible. 'The court will wait with greatest pleasure on you...'" the book recounts.

"Scarcely had (the attorney) left the courthouse when Sawyer said to the Sheriff: 'Mr. Sheriff take the prisoner out to yonder white oak tree...strip him to the skin, and give him thirty-nine lashes, well laid on.'"

"Sawyer turned around and looked out the window while (the punishment) was being executed and, in a loud voice, counted the number of strokes on his fingers." Shortly thereafter, the attorney returned, unaware that his client had been severely punished in his absence. He pleaded for a new trial and Sawyer granted his request. But his client whispered to him: "Don't take it, or they will whip me again."

In 1831 the Illinois General Assembly outlawed whipping in the public pillory and mandated jail time for offenders instead, according to the Encyclopedia of Chicago. However, it adds that whipping continued in the prisons.

Two historic accounts suggest flogging might have continued locally after 1831. One account is a 1922 (month and day unknown) *Illinois State Register* article from Lincoln Library's Sangamon Valley Collection. In it an "old settler" recalled seeing a man whipped in Springfield "in 1833."

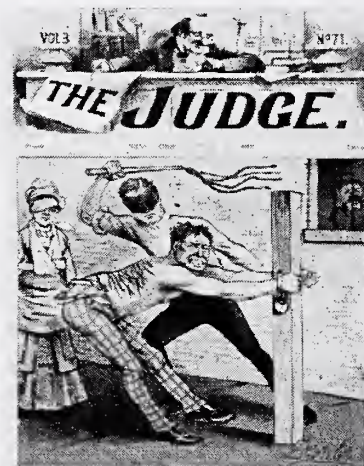
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In Herndon's *Life of Lincoln*, a biography written by William Herndon (Lincoln's last law partner) and Jesse Weik (World Publishing Co., 1943), the authors recount a story told by Lincoln contemporary Charles Matheny.

According to the book, Matheny said that there was an alcoholic shoemaker who lived near the downtown square who frequently "whipped" his wife. "Lincoln, hearing of this, told the man if he ever repeated it he would thrash him soundly himself," says the book. "Meanwhile, he told Evan Butler, Noah Rickard, and myself of it, and we decided if the offense occurred again to join Lincoln in suppressing it. In due course of time we heard of it.

"We dragged the offender up to the courthouse, stripped him of his shirt, and tied him to a post or stump, which stood over the well in the yard back of the building. Then we sent for his wife and arming her with a good limb bade her 'light in.' We sat on our haunches and watched the performance. The wife did her work lustily and well. When we thought the culprit had had enough Lincoln released him; we helped him on with his shirt and he crept sorrowfully homeward. Of course he threatened vengeance, but still we heard no further reports of wife-beating from him."

Contact Tara McAndrew at [tmcand22@aol.com](mailto:tmcand22@aol.com).



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## THE LINCOLN WAY.

### He Was Fair in All Things and Held His Temper.

(Boston Globe.)

In his address on Abraham Lincoln, President Roosevelt seems more tolerant than usual of the idealist, although still lauding the practical man. "Backwoods idealist" said of any one but Lincoln might not be complimentary, especially when coming from the lips of one who has more than once manifested impatience with doctrinaires and dreamers. Spoken of Lincoln it is panegyric.

Yet the most wonderful thing about Lincoln was, according to President Roosevelt, "the extraordinary way in which he could fight valiantly against what he deemed wrong and yet preserve undiminished his love and respect for the brother from whom he differed."

The value of that comment is not lessened because President Roosevelt is the commentator. Rather, it is enhanced thereby, because the president, himself, has not made that beautiful conquest. It is to his mental credit, however, that he recognizes the conspicuous merit in another.

Probably what helped Lincoln to preserve that noble serenity of temper and amiable fraternity was his fairness. As President Roosevelt admirably says: "He saw clearly that the same high qualities, the same courage and willingness for self-sacrifice, and devotion to the right as it was given them to see the right, belonged both to the men of the north and to the men of the south."

That was the Lincoln way of looking at things. It is a way we all should strive to imitate. Never fail to do the other fellow justice. Look at his side of the question for a while at least. By so doing, you can easily accomplish on a small scale what Lincoln accomplished on a large. The very simplicity of the method ought to recommend it.

If you have never tried it, begin now. No matter what your condition of life, the Lincoln way will add cubits to your self-respect and make the whole world better for your presence in it. If you are in the slough and need help, call for it like a man, but do not snarl at the mud. It will not do any good and may drive people away from you. Besides it does not remove the mud.

If you are on the top of the heap, even in that fierce light which beats upon a throne or a presidential chair, do not forget the Lincoln way. If it was a good thing for Lincoln it ought to be a good thing for his successors.

Remember the Lincoln way.

# LINCOLN AND COURTS-MARTIAL

## He Wanted Soldiers to Fight and Not to Serve in Penitentiaries.

Editor National Tribune: The 60th Ohio, commanded by Col. Wm. H. Trimble, was recruited in the Fall of 1861 at Hillsboro, Ohio. Their first service was in West Virginia. One morning in the Summer of 1862, John Gallagher, of Capt. Lynch's company, and one of his comrades were conversing near their tent when the Brigade Officer of the Day, a mounted officer in full regalia, rode around the company tents, giving sharp orders for the soldiers to clean up their camp and remove all litter from the streets. He was very much in earnest, and emphatic in his orders.

John Gallagher was a raw recruit and had not heard such strenuous orders given before, and supposed it was all a joke. He said to the officer: "Get down off of your horse and look at your saddle." The officer was not in a good humor, and this remark made him furious. He dismounted hastily and attacked Gallagher, who defended himself the best he could from the sudden assault, when bystanders interfered and separated the combatants.

The officer rode back to brigade headquarters and reported to the Commanding General that a soldier of the 60th Ohio had insulted him while on duty as Brigade Officer of the Day. Gallagher was put under arrest and ordered to be tried by court-martial. At the trial, which soon followed, he was found guilty and sentenced to three years' hard labor in the Joliet (Illinois) Penitentiary. He was soon in the pen at Joliet serving his time. Capt. Geo. B. Gardner, Commander of Co. C, an Attorney from Hillsboro, Ohio, who was temporarily acting as Adjutant of the regiment, remarked that it was a severe and unduly harsh sentence for a trivial offence. Therefore, he sent a petition to President Lincoln, giving a plain statement of the case, and pleading for the pardon of Private John Gallagher, on the ground that he was a patriotic and obedient soldier. Being a witty Irishman, under the circumstances, he could not help from saying what he did to the officer.

President Lincoln sent the petition to the Warden of the penitentiary at Joliet, with the following indorsement: "Send this soldier, John Gallagher, back to his company. I am not recruiting men to fill the penitentiaries, but enlisting men to fight, and that is what he was doing." In a short time he was back to his company. The first thing he said when he arrived was: "I am a Democrat, and have always voted the Democratic ticket, but hereafter every time Mr. Lincoln runs for President I am going to vote for him.—Mai.

# LINCOLN'S MAIN QUALITY

By JOHN CARLYLE

**W**HAT do you find the most inspiring attribute of Abraham Lincoln, that lank and lovable leader of a doubting Commonwealth, whose birthday we mark today? I say a doubting Commonwealth because Abraham Lincoln never rested in that comfort that might have come from unity in his own national household. He never knew that unanimity of opinion which he so sorely needed to hold up his arms in the drear, staggering days of defeat and disillusionment.

Though everlastingly convinced that he is right in the thing he is attempting to do, a man must come near the breaking point unless he regularly receives the reassurances of his fellows. In some of the cruelest crises of his life and work that is what Lincoln lacked. But when he began to think a thing through he had both the courage and the intelligence to think it through to the end. There was no turning back with Lincoln, though the way was steep and rough. He hoped to come beyond the hillcrest, over on the plains of peace, but he never knew the plains of peace were there. He just kept on.

**I**N the second place, Lincoln had a simple, clear-functioning sense of justice. That does not mean that he merely appreciated justice as an abstract good, that he detected its place in life and recognized it freely in the lives and habits of others. It means that he had the passion for justice within himself.

George Eliot once said: "Who shall put his finger on the work of justice and say, 'It is there'? Justice is like the Kingdom of God: It is not without us as a fact; it is within us as a great yearning."

So with Lincoln and justice.

**I**N the next place, Lincoln had sympathy. He looked upon his fellows, those who were fighting him as well as those who were with him, with sympathetic interest, with understanding and with pity. His amazing generosity to the South at the close of the Civil War was not needed to prove the truth and sweetness of this quality.

Did you ever stop to think that no really great man in the whole history of the world was ever hard-boiled?

**L**AST and yet first, chief of all the outstanding marks of character, Lincoln had patience. Beseated by the grim evidence of failure, by all the insignia of defeat, by the threatened collapse of the whole national structure, Lincoln plods on—not in shining armor, but patiently, patiently, patiently.

The great victories of the personal life are won by patience. The great battles of earth have been won by patience.

We are at the root of his character. Patience, indomitable, shall be set down as the major quality of the Greatest American.

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