

## Chapter 1 – History

*"I don't know much of history and all I know of it  
I have learned from law books."*



Abraham Lincoln:  
Young Lawyer at the Bar 1832 – 1859

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“In forming any judgment of Lincoln’s career it must be realized  
that while he was growing up as a statesman”

Lord Charmwood, p. 74

# Introduction to Abraham Lincoln – The Lawyer

## Introduction

Abraham Lincoln’s desire to read the law was encouraged by John T. Stuart, who later became his law partner. Lincoln and Stuart developed their friendship during the Black Hawk War and biographer Benjamin Thomas reports that Mr. Lincoln “met men whose friendship was valuable to him...John Calhoun; John T. Stuart...and several rising young Illinois politicians.” Benjamin Thomas. Lincoln Knopf (June 15, 1952)

The election of Lincoln to the position of captain of his militia company from New Salem demonstrates the practical importance of friends.

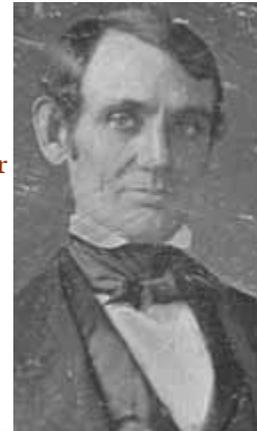
“From his earliest days in New Salem he had met with the friendliest attitude on the part of the villagers, both men and women. Through all his stay in the village he had retained that friendship he had gained upon his arrival. He had come to Springfield with the prestige acquired by having been perhaps the most potent figure of the group...and so had the good graces of the townsfolk from the beginning. This friendship he had retained and augmented...Lincoln was a highly social man, and needed and enjoyed the friendships probably more than most strong men”, according to William E. Lilly. *Set My People Free* Farrar & Rinehart, Incorporated (1932)



Photo Source: Peggy Dunn, 2005 Springfield, IL.  
Downtown Square Abraham Lincoln and Family Sculpture

## ~ *Early Political Career* ~

In the spring of 1832, Lincoln decided to run for a seat in the Illinois House of Representatives. This was a logical step for Lincoln to take, for on the frontier a young man with ability and ambition could rise rapidly in politics. A month after Lincoln announced his candidacy, Offutt's general store went bankrupt and Lincoln found himself without a job. But almost immediately, Governor John Reynolds of Illinois called for volunteers to put down a rebellion of the Native American Sauk (or Sac) and Fox peoples led by Chief Black Hawk. Lincoln enlisted at once and, because of his popularity, was elected captain of his company. When his term expired, he reenlisted as a private. In all, he served three months, but saw no actual fighting. However, Lincoln took great pride in this brief military career.



Library of congress DAG no. 1224  
LC-USZ6-299 DLC

The war ending in time for a brief run for office and a supporter of his at the time preserved a record of one of his speeches. His last important speech ... “Fellow Citizens, I presume you know who I am. I am humble Abraham Lincoln.

I have been solicited by many friends to become a candidate for the Legislature. My politics are short and sweet like the old woman’s dance. I am in favour of a national bank. I am in favour of the internal improvements system and a high protective tariff. These are my sentiments and political principles. If elected, I shall be thankful; if not, it will be all the same.” Charmwood, p. 65-66. He very nearly took all the votes of his immediate neighborhood and included his views advocating a law against usury, and laws for the improvement of education.

In 1834 Lincoln again ran for representative to the Illinois legislature. As Lincoln entered politics, Andrew Jackson was the president. This presidency focused on the common man and the separation of the government from economic enterprise. Lincoln’s view was that Illinois and the West desperately needed aid to economic development. By then he was known throughout the county, and many Democrats gave him their votes. “Can’t the party raise any better material than that? Asked a bystander before a speech of his; after it, he exclaimed that the speaker knew more than all the other candidates put together. This time in 1834 he was elected, being then twenty-five and reelected in 1836, 1838, and 1840. As a member of the Whig minority he became the protégé of the Whig floor leader, Representative John T. Stuart of Springfield. When Stuart ran for a seat in the Congress of the United States in 1836, Lincoln replaced him as floor leader. Stuart also encouraged Lincoln to study law, which Lincoln did between legislative sessions. Lord Charmwood shares that “... Lincoln had long been reading law in his curious, concentrated way and he had practiced a little as a ‘pettifogger,’ that is an unlicensed practitioner in the inferior courts. He had now obtained his license and was to shortly be taken into a partnership by his old friend in Springfield.” P. 69

“Here his youth may be said to end.”

Lincoln's main achievement as a state legislator was the transfer of the state capital from Vandalia to Springfield. In this effort he acted as the leader of Sangamon County's delegation of seven representatives and two state senators, a group called the Long Nine because they were all tall men. Lincoln devised a strategy whereby the Sangamon delegation supported the projects of other legislators in return for their support of Springfield as the capital city. In American politics this kind of aid is called logrolling, a term derived from frontier families' tradition of helping each other to build log cabins.

The Panic of 1837 brought an end to the plans for constructing with state funds a network of railroads, highways, and canals but the business depression brought about the abandonment of most of these ideas. Lincoln demonstrated he was opposed to slavery but no abolitionist with resolutions introduced in response to the mob murder of Elijah Parrish Lovejoy, the antislavery newspaperman in Alton, Illinois. Lincoln refused to vote for the resolutions based on the resolutions condemnation of abolitionist societies rather than lynching, which was the original intention of the resolution.

Lincoln's other votes in the state legislature reflected his Whig background. He supported the business interests in the state and defended the pro-business national platform of Henry Clay. Lincoln's experience in the Illinois legislature sharpened his political skills. He was adept at logrolling, skilled in debate, and expert in the art of political maneuver.

In 1837 Lincoln took his first public stand on slavery when the Illinois legislature voted to condemn the activities of the abolition societies that wanted an immediate end to slavery by any means.

“Increasingly inflamed language marred many of the era's speeches and debates, but Lincoln's rhetoric was nearly always measured, calm, and reasonable. He did not favor jolting changes and disturbing times. Rather, he favored quiet, orderly, steady progress. Although he was popular with voters and appealed to their interests, he also took the risk of trying to lead the public in matters affecting public expenditures and slavery.

Throughout his political career, Lincoln was caught up in the great issues and problems of the era. The great issues of the day—westward expansion, slavery and the roles of African-Americans in society, massive immigration during the 1850s, urbanization, industrialization and modernization, and great political and constitutional questions—were complex, somewhat inter-related, and capable of disrupting the country.” **James Davis**. “Abraham Lincoln before the Presidency” **Illinois History/ February 1995 p. 27**

Matthew Pinsker.... P. 51- Lincoln became a political professional and developed a thick skin to endure negative attacks, cultivating a folksy charm to win over skeptical

audiences, building a reputation as a powerful public debater, and even coming to terms with the importance of raising campaign funds. Lincoln invested great faith in the moral potential of the democratic process. Basler, 1953. During the 1850s Lincoln helped organize the new Republican Party in Illinois and focused public attention on the spreading evils of slavery, the “peculiar institution.”

p.59 From 1854 until his death in 1865, Lincoln devoted more time and attention to politics and government service than any other facet of his life, including his lucrative legal career or his beloved family.”

*Lincoln’s Career Electoral Record compiled by Matthew Pinsker in Abraham Lincoln, 2002 p. 80. See Key Events from Pinsker p. 315*



Lincoln’s Tomb. Photo Source. Peggy Dunn. 2005

## ~The Lawyers~

"During my life I have been acquainted with very many able lawyers, and I have no hesitation in saying that Lincoln was the greatest trial lawyer I ever saw," wrote Shelby M. Cullom, an Illinois lawyer and politician. "He was a man of wonderful power before a court or jury. When he was sure he was right, his strength and resourcefulness were well-nigh irresistible. In the courtroom he was at home. He was frank with the court, the juries, and the lawyers, to such an extent that he would state the case of the opposite side as fairly as the opposing counsel could do it; he would then disclose his client's case so strongly, with such honesty and candor, that the judge and jury would be almost convinced at once in advance of the testimony," said Cullom, who was nearly two decades younger than Mr. Lincoln but sometimes served with him as a co-counsel.<sup>1</sup>

When Mr. Lincoln was admitted to the Illinois Bar in Sangamon County on March 24, 1836, he joined a new fraternity that was to be the center of his professional universe for the next two and a half decades. When he joined the Eighth Circuit, he joined a university with fourteen counties - each a school in political and human nature. The court circuit, with its easy camaraderie, was conducive to legal education and political friendships. "In my opinion Lincoln was happy - as happy as he could be, when on this Circuit - and happy no other place. This was his place of Enjoyment," observed David Davis, the judge who presided on the circuit.<sup>2</sup> But Mr. Lincoln never quite let down his guard. He maintained his distance even from his fellow lawyers with melancholy and meditation.

Mr. Lincoln's legal fraternity was an elite group. "The bar of the Eighth Circuit, if the Springfield lawyers are included, was probably superior to any other group of legal talent in the state," wrote Benjamin Thomas.<sup>3</sup> Mr. Lincoln's last law partner, William H. Herndon, can be forgiven for a lack of objectivity when he wrote: "The very best minds in the State, if not in the great West, met here, the capital of the State, and energetically struggled for wealth or fame.... These men were, taken them as a whole, great men, full of energy and of great natural capacities, and were very ambitious and struggled to rise in the world; they were giants and fought like giants."<sup>4</sup>

It was an elite that found its spiritual and fraternal core in Mr. Lincoln. "Mr. Lincoln was loved by his brethren of the bar. His presence on the circuit was watched for with interest, and never failed to produce joy or hilarity. When [Mr. Lincoln was] casually absent the spirits of both bar and people were depressed," Judge Davis maintained.<sup>5</sup>

Frederick Trevor Hill wrote in *Lincoln The Lawyer*: "Among the members of the backwoods legislature to which Lincoln was first elected were a future President of the United States, a future candidate for the Presidency, six future United States senators, eight future members of Congress, a future cabinet secretary, and no less than three future judges of the State, to say nothing of other men who distinguished themselves professionally in later years. Almost without exception, these men were lawyers, and Lincoln met and practiced against them during the three and twenty

years of his professional life." <sup>6</sup>

"'Count me in,' was Lincoln's characteristic way of accepting a fellow barrister's invitation to join him in a case," wrote Albert A. Woldman in *Lawyer Lincoln*. "These connections were to prove far more important in the molding of Lincoln's future than the mere additional revenue they brought to his nearly always empty pockets. For these circuit associates became in time bulwarks of strength during his political struggles. They became his loyal, devoted district leaders, upon whom he could rely at all times to promote his local interests among the voters of their respective regions."<sup>7</sup>

"Law was then, as it is now, the principal avenue to public life. Every lawyer was necessarily a politician, and solicited office to augment his slender income," wrote Albert A. Woldman in *Lawyer Lincoln*. "It behooved him to make himself felt on important public questions of the day. The lawyer, who was an effective stump-speaker, often was retained as a likely victor in a lawsuit to be argued. Lincoln, Herndon, James Matheny, Noah Rickard, Evan Butler, Milton Hay, Newton Francis, and other young men who congregated in [Joshua] Speed's store organized a society to encourage public speaking, debating, and literary efforts."<sup>8</sup>

The center of this society - inside Springfield and on the circuit was Mr. Lincoln. Hill observed that Mr. Lincoln "knew how to try a case without making a personal issue between counsel. He could utter effective replies without insulting his opponent, and during all his practice he never made an enemy in the ranks of the profession. No one but a lawyer can appreciate what this means; but it requires generosity, patience, tact, courtesy, firmness, courage, self-control, and a big-mindedness which few men possess." " Biographer Benjamin Thomas wrote: "Lincoln loved the life of the circuit - the excitement of court week in the small country towns, the camaraderie of judge and lawyers, the speechmaking and sociability in the evenings, and the esteem in which the simple country people held the members of the bar."<sup>5</sup> And the circuit loved Mr. Lincoln. "The meanest man in the bar would always pay great deference & respect to Lincoln," recalled Judge David Davis.<sup>6</sup> Usher Linder, a prominent Democratic lawyer and politician, later wrote: "I don't know whether he was strongest before the judge or the jury. I certainly never liked to have him against me."<sup>9</sup>

Fellow attorney, Elihu B. Washburne noted: "Mr. Lincoln was universally popular with his associates. Of an even temper, he had a simplicity and charm of manner, which took hold, at once, on all persons with whom he came in contact. He was of the most amiable disposition, and not given to speak unkindly of any person, but quick to discover any weak points that person might have. He was always the center of attraction in the court-room at the evening gatherings, and all felt there was a great void when, for any reason, he was kept away."<sup>8</sup> Washburne noted: "Mr. Lincoln was always a great favorite with young men, particularly with the younger members of the bar. It was a popularity not run after, but which followed. He never used the arts of the demagogue to ingratiate himself with any person. Beneath his ungainly exterior he wore a gold heart. He was ever ready to do an act of kindness whenever in his power, particularly to the poor and lowly."<sup>10</sup>

Washburne noted: "The lawyers of that day were brought much closer together than they ever have been since, and the "esprit du corps" was much more marked. Coming from long distances and suffering great privations in their journeys, they usually remained a considerable time in attendance upon the court."<sup>11</sup>

Clients, clerks, and lawyers all liked to work with him. Mr. Lincoln also enjoyed encouraging and practicing with young lawyers like Lawrence Weldon, who practiced law in De Witt County. "He was particularly kind to young lawyers, and I remember with what confidence I always went to him, because I was certain he knew all about the matter, and would most cheerfully tell me. I can see him now through the decaying memories of thirty years, standing in the corner of the old courtroom, and as I approached him with a paper I did not understand, he said: 'Wait until I fix this plug for my 'gallis,' and I will pitch into that like a dog at a root."<sup>12</sup>

"I became warmly attached to him because of his genial disposition and the kindness shown me as clerk," recalled William H. Somers, who was clerk of the Champaign County Court in the late 1850s. In fact, he was always kind to young men who were striving to qualify themselves for the law; hence he was approachable, and I had no hesitancy in asking his assistance in making up the record in cases in which he was interested."<sup>13</sup>

Mr. Lincoln remained loyal to these legal colleagues as President. For, example when Usher Linder's son was captured while serving in the Confederate Army and imprisoned, President Lincoln ordered his release: "Please administer the oath of allegiance to him, discharge him, and send him to his father."<sup>14</sup>

When he wasn't on the circuit, Mr. Lincoln was frequently engaged in appeals before the Supreme Court. The center for the professional and social life of the bar was the Supreme Court Library in the State House. According to historian Benjamin Thomas, this "was the rendezvous of the bar. After completion of the day's work, lawyers, Lincoln among them, and frequently judges, would sit there sometimes until midnight, swapping yarns, discussing cases or planning political campaigns."<sup>14</sup> Benjamin wrote "Most business coming up to the Supreme Court from the Eighth Circuit was entrusted to Springfield lawyers - usually to Lincoln and Herndon, Stuart and Edwards, or Logan. After Milton Hay became [Stephen T.] Logan's partner in 1857, he had a number of cases from the circuit."<sup>15</sup>

Mr. Lincoln was a star of the circuit - and its resident humorist as well. Judge Davis held him in special esteem. In the early 20<sup>th</sup> century Frederick Trevor Hill interviewed many of Mr. Lincoln's surviving colleagues for *Lincoln the Lawyer*: "More than one of the judge's coterie has testified that his Honor would brook no interruption of the conversation when Lincoln had the floor; and if his favorite happened to be absent, he took but little interest or enjoyment in the rest of the company which gathered at his rooms. 'Where's Lincoln?' he would inquire irritably. 'Here, somebody, go and tell Lincoln to come here.'"<sup>16</sup>

But there was also some occasional spirit of envy. "As Lincoln grew into public favor and achieved such marked success in the profession, half the bar of Springfield began to be envious of his growing popularity," wrote law partner Herndon. "I believe there is less jealousy and bitter feeling among lawyers than professional men of any other class; but it should be borne in mind that in that early day a portion of the bar in every county seat, if not a majority of the lawyers everywhere, were politicians. Stuart frequently differed from Lincoln on political questions, and was full of envy. Likewise those who coincided with Lincoln in his political views were disturbed in the same way. Even Logan was not wholly free from the degrading passion. But in this respect Lincoln suffered no more than other great characters who preceded him in the world's history."<sup>17</sup>

Mr. Lincoln himself had a reverential attitude toward the law. He wrote in notes for an 1850 law lecture: "Let no young man choosing the law for a calling yield to that popular belief. If, in your judgment, you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave."<sup>18</sup>

Mr. Lincoln's respect for the law and lawyers was profound. In his speech of January 27, 1837, he gave a speech in which he called for reverence for laws: "Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap - let it be taught in schools, in seminaries, and in colleges; --let it be written in Primmers, spelling books, and in Almanacs; - let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice."<sup>19</sup>

The lawyers on the circuit were not just the center of Mr. Lincoln's professional life. They were very much at the center of his political life as well. Mr. Lincoln's legal friends were crucial to his presidential candidacy and his nomination at the Republican National Convention in May 1860. In the early months of 1861, many of Mr. Lincoln's legal friends, however, felt abandoned by the President. Several - David Davis, Ward Hill Lamon, Norman B. Judd - accompanied Mr. Lincoln to Washington with the expectation of government appointments. Swett, Davis, Dubois all waited for appointments that didn't come. President Lincoln wanted to appoint Davis as Commissary-General of the Army, but General Winfield Scott vetoed the appointment - saying it had to be an Army officer. It was politically and personally embarrassing for these friends - because "an Administration that you breathed into power is now passing away without your valuable aid and comfort," wrote one congressman to Davis that summer.<sup>20</sup>

There was particularly strong pressure on President Lincoln to appoint Davis to the Supreme Court after Justice John McLean died in April 1861. "In 1862, when Swett went to Washington to consult with Lincoln about appointments, he reminded Lincoln that he owed his nomination to the presidency largely to the efforts of the lawyers of the Eighth Circuit headed by David; and Lincoln admitted that it was so," wrote historian Benjamin Thomas.<sup>30</sup> "Tell Lincoln that Judge Davis will be an

applicant," Leonard Swett wrote Ward Hill Lamon." Davis thought he would be better suited for a district court judgeship if President Lincoln chose Judge Thomas Drummond for the Supreme Court. But as so often happened, Lincoln's Illinois friends were not in agreement. Orville Browning sought the nomination as well, but "Lincoln's old circuit-riding friends," wrote Davis biographer Willard King, "flooded him with letters for Davis, reminding him of the Judge's great ability and his 'instinctive hatred of rascality.'"<sup>31</sup> Among the supporters of Davis was Judge Stephen Logan, Mr. Lincoln's former law partner and widely considered the smartest lawyer in Illinois. It would, however, take more than another 16 months for President Lincoln to reward Davis with a seat on the Supreme Court.<sup>21</sup>

### *Footnotes*

1. Shelby M. Cullom, *Fifty Years of Public Service*, p. 84-85.
2. Douglas L. Wilson and Rodney O. Davis, editor, *Herndon's Informants*, p. 349 (William H. Herndon interview with David Davis, September 20, 1866).
3. Michael Burlingame, editor, *Lincoln's Humor "and Other Essays*, p. 75.
4. Emanuel Hertz, *The Hidden Lincoln*, p. 431.
5. William O. Stoddard, *Abraham Lincoln: The Man and the War President*, p. 132.
6. Frederick Trevor Hill, *Lincoln the Lawyer*, p. 90-91.
7. Albert A. Welsman, *Lawyer Lincoln*, p. 100-101.
8. Willard L. King, *Lincoln's Manager, David Davis*, p. 89.
9. Frederick Trevor Hill, *Lincoln the Lawyer*, p. 175-176.
10. Rufus Beckwell Wilson, editor, *Intimate Memories of Lincoln*, p. 105 (Jonathan Birch, *Outlook of New York* February 11, 1911).
11. Albert A. Welsman, *Lawyer Lincoln*, p. 31.
12. Michael Burlingame, editor, *Lincoln's Humor "and Other Essays of Benjamin Thomas*, p. 139.
13. Douglas L. Wilson and Rodney O. Davis, editor, *Herndon's Informants*, p. 344-345 (William H. Herndon interview with David Davis, September 20, 1866).
14. Charles H. Coleman, *Abraham Lincoln and Coles County, Illinois*, p. 123.
15. Allen Thorndike Rice, editor, *Reminiscences of Abraham Lincoln*, p. 14 (Elihu B. Washburne).
16. Allen Thorndike Rice, editor, *Reminiscences of Abraham Lincoln*, p. 16-17 (Elihu B. Washburne).
17. Allen Thorndike Rice, editor, *Reminiscences of Abraham Lincoln*, p. 14-15.
18. Albert A. Welsman, *Lawyer Lincoln*, p. 106.
19. Rufus Beckwell Wilson, editor, *Intimate Memories of Lincoln*, p. 100 (Letter from William H. Somers to James R. B. Van Cleave, December 7, 1908).
20. Roy P. Basler, editor, *The Collected Works of Abraham Lincoln, Volume V*, p. 95 (Letter to Edward M. Stanton, December 26, 1863).
21. Michael Burlingame, editor, *Lincoln's Humor "and Other Essays of Benjamin Thomas*, p. 174.

[http://www.mrlincinandfriends.org/content\\_inside.asp?pageID=3&subjectID](http://www.mrlincinandfriends.org/content_inside.asp?pageID=3&subjectID)

### *~ Early Law Practice ~*

Meanwhile, Lincoln continued his study of law, and in 1836 he became a licensed attorney. The following year he became a junior partner in John T. Stuart's law firm and moved from New Salem to Springfield. Lincoln was extremely poor and arrived in Springfield on a borrowed horse with all his belongings in two saddlebags. A Springfield storekeeper, Joshua Fry Speed, whom Lincoln later called "my most intimate friend," gave Lincoln free lodging.

Within a few years into his law career, Lincoln was earning from \$1200 to \$1500 each year, at a time when the governor of the state of Illinois received a salary of \$1200 and circuit judges were paid only \$750. He had to work very hard. In order to keep his law practice busy, he found it necessary to both practice in the capital and to follow the court as it made its journey through the circuit. Each spring and fall he would set out by horseback or buggy to travel hundreds of miles over the thinly settled prairie state, traveling from one small county seat to another. The cases found on the circuit were usually petty and provided small fees.

After 1850, the expansion of the railroads improved travel making the circuit easier to navigate and the income better. Lincoln served as a lobbyist for the Illinois Central Railroad to help them get a charter from the state and was kept as the railroad's attorney.

He handled cases for some of the insurance companies of the time and mercantile and manufacturing firms. Lincoln is credited with saving the Rock Island Bridge – the first span across the Mississippi River, several patent suits, and criminal trials.

#### **William Thayer – Lincoln A Successful Lawyer**

<http://www.bibliomania.com/2/9/79/127/21528/1/frameset.html>

**Lincoln Website** <http://members.aol.com/RVSNorton/Lincoln2.html>

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## ~ Stand-in Judge ~

In the early days of the circuit, judges could do little if they found it necessary to be absent from the bench during a session of the court. To handle this problem, the common practice was the judge would select an attorney, who was an experienced and knowledgeable man, from all those attending the court session and appoint him the stand-in judge during the absence.

Henry Pratt reported that Lincoln stood in for Judge David Davis in four counties on the Eighth Circuit where he heard 264 cases from 1854 to 1859 when Lincoln would have qualified as an experienced and knowledgeable attorney.

The practice of attorneys filling in for absent judges continued until 1877 when the Illinois Supreme Court overturned a murder conviction because attorneys had filled in for the judge in the case. The Supreme Court had, in earlier decisions, not allowed attorneys to make 'judicial decisions' while sitting on the bench and the 1877 case stopped the practice of stand-ins and required that a judge be present throughout the trial. *Lincoln Legal Briefs*. September - December 1992. Number 24. "Judge Lincoln" Also see Susan Krause's *Judging Lincoln: The Bench in Lincoln's Illinois*. Springfield, Illinois. Illinois Historic Preservation Agency. 2002. For specific information about judges sitting in the Illinois circuits during the time of Abraham Lincoln.

"Judge" Abraham Lincoln for more information  
<http://members.aol.com/RVSNortonI/Lincoln53.html>

~ *Illinois Legislator* ~

“ Very little is recorded of Lincoln’s legislative doings...his delight in the game of negotiation and combination by which he and the other members for his county, together known as the ‘long nine’ advanced the particular projects which pleased their constituents or struck their own fancy...” Lord Charmwood, p. 72

In 1834 Lincoln again ran for representative to the Illinois legislature. By then he was known throughout the county, and many Democrats gave him their votes. He was elected in 1834 and reelected in 1836, 1838, and 1840. As a member of the Whig minority he became the protégé of the Whig floor leader, Representative John T. Stuart of Springfield. When Stuart ran for a seat in the Congress of the United States in 1836, Lincoln replaced him as floor leader. Stuart also encouraged Lincoln to study law, which Lincoln did between legislative sessions.

Lincoln's other votes in the state legislature reflected his Whig background. He supported the business interests in the state and defended the pro-business national platform of Henry Clay. Lincoln's experience in the Illinois legislature sharpened his political skills. He was adept at logrolling, skilled in debate, and expert in the art of political maneuver.

In 1837 Lincoln took his first public stand on slavery when the Illinois legislature voted to condemn the activities of the abolition societies that wanted an immediate end to slavery by any means. Lincoln and a colleague declared that slavery was "founded on both injustice and bad politics, but the promulgation of abolitionist doctrine tends rather to increase than abate its evil." Lincoln was against slavery, but he favored lawful means of achieving its destruction. Throughout his political career, Lincoln avoided extreme abolitionist groups.

“He was a member of the Whig Party, a nationalistic party headed by such men as Henry Clay and Daniel Webster who favored the expansion of industry, the growth of banks and commerce, the creation of railroads, canals, roads, and other forms of improved transportation, and the use of high tariffs to protect American industry from competition from Great Britain. During his service in the Illinois House of Representatives, he was chosen by his fellow Whigs for leadership positions. While serving in the House, he trained himself to be a lawyer, receiving his license in the summer of 1836. He served one term in the United States House of Representatives from 1847 to 1849, rose in the Whig Party during the 1840s, ran for the United States Senate, and finally was elected president on November 6, 1860, taking office the following March. Throughout his life he often lacked formal training for much of what he did, but he was motivated to learn, learned quickly, was flexible and ambitious, and mastered the skills necessary to become a truly great president and lead the country through harrowing and dangerous times.” **James Davis.** “Abraham Lincoln before the Presidency” *Illinois History/ February 1995 p. 27*

## ~ Frontier Lawyer ~



At the time of his marriage, Lincoln was earning \$1200 to \$1500 a year from his law practice, a good income for the time and place. When the law firm of Stuart and Lincoln dissolved in 1841, Stephen T. Logan, an able and experienced lawyer, took Lincoln in as junior partner. In 1844 the firm of Logan and Lincoln also dissolved, and Lincoln formed a lifelong partnership with a young lawyer named William H. Herndon.

One of his greatest traits was that he was flexible in everyday matters and in trying to solve very complex problems. He was eager and able to learn from experience and grow as a person. He sized up new situations well, made needed adjustments, and took decisive action. **James Davis.** "Abraham Lincoln before the Presidency" *Illinois History*/ February 1995 p. 27

Lawsuits on the Illinois frontier usually dealt with such trivial matters as crop damage caused by wandering livestock, ownership of hogs and horses, small debts, libel, and assault and battery. The Springfield courts were in session only a small part of the year. For three months each spring and fall, lawyers and judges rode the circuit, holding court at rural county seats. Lincoln rode the eighth judicial circuit, the largest in the state, covering 15 counties and about 12,900 sq km (about 8000 sq mi).

The local sessions of the circuit court were major events on the frontier. The particulars of each case were well known to the townspeople and were subject to heated debate. Courtroom conduct was informal, and more often than not a case was won on a lawyer's speaking ability rather than the legal merits of his case. The judge and the lawyers were treated as celebrities, and Lincoln, because of his storytelling abilities and skill as a lawyer, was popular on the circuit. Ever the politician, he used this opportunity to meet new people and advance his political career.

His capacity for growth is evident in his work as a lawyer in Illinois. When he became a lawyer in 1836, life in Illinois was fairly simple. He could have continued as an ordinary lawyer, but he chose to grow with the times, becoming a corporation lawyer and taking cases for railroads and banks. He rose to the top of the bar in Illinois, frequently appearing in cases before the Illinois Supreme Court. By the 1850s he had earned the respect of his fellow lawyers and was known as an expert to whom other lawyers turned for advice. His flexibility extended to his opposition to slavery, showing both idealism and pragmatism. He maintained that slavery was morally wrong and should not be allowed to expand, but he also spoke carefully about not trying to disrupt slavery where it already existed. **James Davis.** "Abraham Lincoln before the Presidency" *Illinois History*/ February 1995 p. 27

Lincoln still had political ambitions, but he now looked beyond the statehouse to the U.S. Congress. In 1843 he wrote a fellow politician, "Now if you should hear any one say that Lincoln don't want to go to Congress, I wish you as a personal friend of mine, would tell him you have reason to believe he is mistaken. The truth is, I would like to go very much."

The Whigs were a minority party in Illinois, and there was competition among the Whig politicians over the nomination for U.S. representative for the Seventh Congressional District, where Whigs were in the majority. Lincoln sought the nomination in 1842 and 1844 and received it in 1846. He went on to defeat the Democratic candidate, the Methodist preacher Peter Cartwright, in the election of November 1846.

To read more about Abraham Lincoln and his law practice:  
**The Law Practice of Abraham Lincoln: A Narrative Overview** by John Lupton  
[http://www.papersofabrahamlincoln.org/narrative\\_overview.htm](http://www.papersofabrahamlincoln.org/narrative_overview.htm)



"The present Law Office of Abraham Lincoln, the President Elect, on Fifth Street, West Side of the Public Square, Springfield, Illinois," engraving, Harper's Weekly, Dec. 22, 1860.

~ *Husband and Father* ~

*Lincoln On Parenting: "It is my pleasure that my children are free, happy and unrestrained by parental tyranny. Love is the chain whereby to bind a child to its parents."*

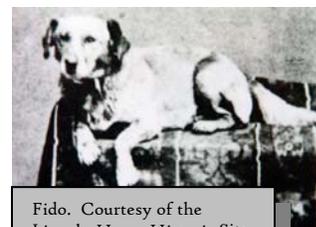
"his children evidently brought him happiness, does what we know of his domesticities and dearest affections weaken this general impression...at last on November 4, 1842, when Lincoln was nearly thirty-three, he was safely married.'

The wedding, held according to custom was in a private house and was an important function, for it was the first Episcopalian wedding that good society in Springfield had witnessed...Mrs. Lincoln...had a high temper. Moreover, she had proper ambitions and was accustomed to proper conventional refinements; so her husband's exterior roughness tried her sorely, not the less we may be sure because of her real pride in him...once, though, they kept a servant then, Lincoln thought it friendly to open the door himself in his shirt sleeves when two most elegant ladies came to call...Mrs. Lincoln's high temper was let loose...common love for their children helped to make the two happier and there are non indications at all of any approach to a serious quarrel.

Letters from Abraham Lincoln to Mary during 1848 all begin "My dear wife" and are signed "Affectionately" or "Most affectionately". Their letters are available in the Donald book showing that they 'exchanged news and gossip including political news, discussed financial matters, each other's and the children's health and showed a warm concern for the well-being of their children. The earliest letters date from Abraham Lincoln's term in the House of Representatives in 1848. For most of their married life, they lived under the same roof and it is possible that not all the letters they may have written to each other were not preserved. Of some of those that were preserved are held by the



p.78 Marriage Acc. #1994.065; with family; repro. of charcoal sketch



Fido. Courtesy of the Lincoln Home Historic Site

Illinois State Historical Library housed in the new Abraham Lincoln Presidential Library in Springfield, Illinois and are transcribed in David Herbert Donald's book. *Lincoln at Home: Two Glimpses of Abraham Lincoln's Family Life....* David Herbert Donald. New York: Simon & Shuster.1999.



William

On Lincoln's marriage, "it should come as no surprise that the woman Lincoln finally chose as his wife, Mary Todd, attracted him with her intellectual companionship as much as her physical beauty...shared his passion for theater...was a keen observer of the political scene. p. 17 - 19 "...Lincoln's marriage ushered in a new age of maturity and responsibility in his life...with the birth of their first son, Robert in 1843, the Lincoln's moved from their rooms upstairs in the Globe Tavern to a rented house on Fourth Street to the home they purchased

on Jackson. The births of their next two sons, William "Willie" in 1850 and Thomas "Tad" in 1853, found Mary reportedly becoming more demanding and was challenged by the progressive illness and death of their son Edward in 1850 and the extended absences of Abraham who



Thomas "Tad"

traveled frequently for his legal and political work in the late 1840s and 1850s.



Robert

This appears to have an impact on the whole family. It is suggested that Lincoln was not a disciplinarian with his sons and "let them run wild" in the law offices turning over inkwells and papers as they capered across the worktables. The only son who would survive to adulthood was Robert as Willie died in the White House in 1862. Mark Pinsker.

Abraham Lincoln: A Biography. 2002. p.16

Lincoln boys courtesy of the Lincoln Home National Historic Site. Photos by Peggy Dunn

From The American Presidential Election site - “The Lincoln’s had a mutual affectionate interest in the welfare of their boys, were fond of one another, and missed each other when parted. Like most married couples, though, they had their quarrels and squabbles. Mary Lincoln is said to suffer from recurring headaches, fits of temper, and a sense of insecurity and loneliness that grew as her husband was away from home on the lawyer’s circuit. Mary Lincoln encouraged Abraham and served as a prod to his own ambition. In their later years together, she may have strengthened and tested his qualities of tolerance and patience. Both grieved deeply over the loss of their two sons, Willie and Tad.

The only picture of Edward Baker Lincoln -  
March 10, 1846 - February 1, 1850 is located on the  
following website  
<http://home.att.net/~rjnorton/Lincoln67.html>



**Photo Source:** Library of Congress. DN-0087564, Chicago Daily News negatives collection, Chicago Historical Society.

## ~ Friend ~

**Merriam Webster Dictionary Friend** 1 a: one attached to another by affection or esteem  
b: **ACQUAINTANCE** 2a: one that is not hostile b: one that is of the same nation, party, or group  
3: one that favors or promotes something (as a charity) 4: a favored companion

Mr. Lincoln had a special talent for friendship, which colleagues often recalled after his death. One Illinois businessman, G.S. Hubbard, later related: "We were thrown much together - our intimacy increasing. I never had a friend to whom I was more warmly attached. His character was almost faultless. Possessing a warm and generous heart, genial, affable, honest, courteous to his opponents, persevering, industrious in research; never losing sight of the principal point under discussion."  
Francis Fisher Browne, *The Every-day Life of Abraham Lincoln*, p. 126.

**Friendship Activity:** To learn more about Mr. Lincoln and his Friends, <http://www.mrlincolnandfriends.org/> The Lincoln Institute has developed a website with the assistance of the Lehrmann Institute to introduce you to the friends of Abraham Lincoln. The site, "**Mr. Lincoln and Friends**", reviews the many men and a few women whose friendships helped determine Mr. Lincoln's political progress and success in the state capital in Springfield, Illinois and the nation's capital in Washington, D.C."

Your challenge is to choose one of these friends from one aspect of Abraham Lincoln's life and research the person you choose. Create a poster project that will introduce this person to your classmates and explain how this individual's friendship with Abraham Lincoln was significant and important in both of their lives using pictures, stories, and essays:

[The Boys](#) | [The Lawyers](#) | [The Politicians](#) | [The Journalists](#) | [The Women](#)  
[The Cabinet](#) | [The Officers](#) | [The Members of Congress](#) | [The Preachers](#) |  
[The Sons](#)

A Genius for Friendship: Lincoln as a Lawyer by Scott W. Johnson and John H. Hinderaker June 30, 2000 The Claremont Institute  
[http://www.claremont.org/writings/00063ohinderaker\\_johnson.html](http://www.claremont.org/writings/00063ohinderaker_johnson.html)  
"His genius for friendship came to light in memorable ways."



## Lincoln, The Law & the Courts

*"Discourage litigation. Persuade your neighbors to compromise whenever you can.*

*Point out to them how the nominal winner is often a real loser – in fees, expenses, and*

*waste of time. As a peacemaker the lawyer has a superior opportunity of being a good*

*man. There will still be business enough." A. Lincoln.*

He wrote out simple legal forms for local justice of the peace Bowling Green, and borrowed law books from Springfield attorney and fellow legislator John T. Stuart. Lincoln was licensed to practice law in September of 1836; six months later, in Vandalia (then the state capital), the Clerk of the Illinois Supreme Court entered his name on the roll of attorneys.



<http://home.att.net/~rinorton/L>

Penniless and unemployed in 1832, Abraham Lincoln 'thought of trying to study law' but 'rather thought he could not succeed at that without a better education.' Two years later, in the midst of a campaign for the Illinois legislature, fellow Whig candidate John Todd Stuart encouraged Lincoln to undertake the study. Lincoln borrowed books from Stuart – probably those he recommended later to similar young students: 'Blackstone's Commentaries, Chitty's Pleading's ... Greenleaf's Evidence, Story's Equity, and Story's Equity Pleading's' but 'studied with nobody.' Working alone in New Salem between legislative sessions, Lincoln learned enough, in an era in which there were no state bar exams and only one law school

west of the Appalachians, to be licensed to practice on. September 9, 1836, after Sangamon Circuit Court gave him a certificate of good character on March 24, 1836. It is doubtful that he underwent even the informal examination by practicing attorneys later required in Illinois. On March 1, 1837, the Supreme Court Clerk entered his name on the roll of attorneys.

Lincoln entered practice with Stuart in Springfield in the spring of 1837. In 1841 he left Stuart to practice with Stephen Trigg Logan. In 1844 Lincoln began practicing with William Henry Herndon, his partner the rest of his life. Those offices did not employ secretaries or clerks, and only occasionally did young men temporarily studying law in the offices take any of the burdens of the book fetching and precedent searching.

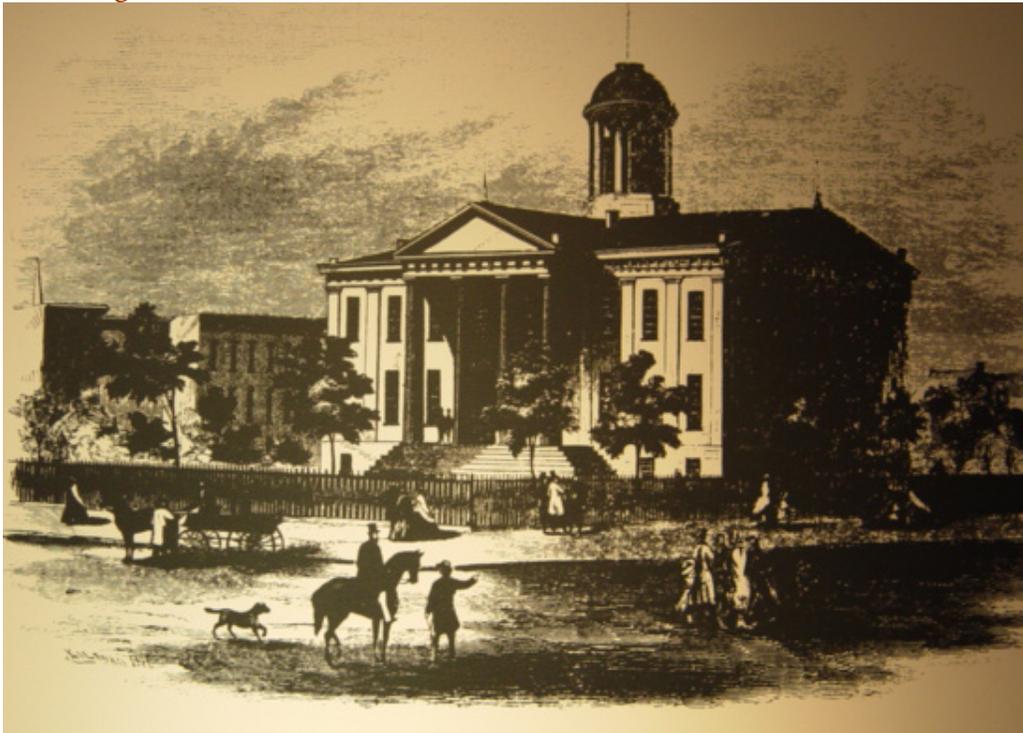


Photo Source: Peggy Dunn, 2005. Lincoln's Home Historic Site

For the most part Lincoln learned law by practicing it. Even his second partner claimed Lincoln knew very little law when he first joined the firm. Throughout his career Lincoln had a varied practice involving disputes over property and debts, murders, rapes, divorces, and slander. He was involved primarily in litigation and appellate work. He had little office practice (contracts, papers of incorporation, and arrangements for sale of land). Because of his limited legal training and generally non-bookish approach to law, Lincoln showed his greatest ability in persuading juries. Most of his courtroom eloquence, however, is lost to history because lower courts did not employ stenographers.

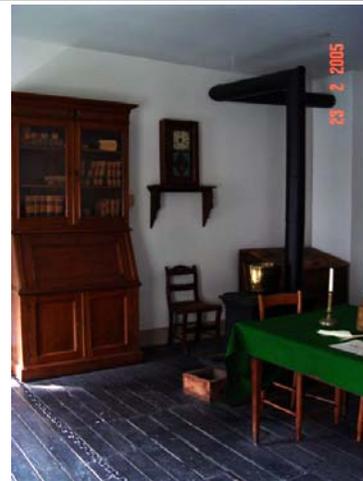
He was not at all squeamish about criminal law, though it formed only a small part of his practice, and some of his more famous cases were murder cases. Nor did he have

to be convinced of his client's innocence or the righteousness of his cause. Henry B. Truett, whom Lincoln defended on a murder charge, undoubtedly killed the victim and was a man of somewhat questionable reputation. And Lincoln took the master's side in the famous Matson fugitive slave case.



Photo Source: Peggy Dunn. Lincoln Historic Home National Park

Lincoln was a successful lawyer with a large practice. The firm of Lincoln and Logan, for example, in one 11-day period in March 1844, took court action in an average of seven cases a day. In 1853 Lincoln and Herndon were involved in 34 percent of the cases before the Sangamon County Circuit Court in Springfield. Lincoln was not a 'corporation lawyer' in any modern sense of the term, though he performed work for large corporations and collected his largest fee, slightly over \$5000.00 (split two ways, as always), from the Illinois Central Railroad.



<http://home.att.net/~rjnorton/Lincoln67.html>

By the middle of the 1850s Lincoln was certainly one of the greatest lawyers in Illinois, but his reputation did not reach much beyond the state, the *McCormick v. Manny & Company* case was his only famous out-of-state case. Much of his practice was in the small-town county courthouses of the Eighth Judicial Circuit surrounding Springfield. He was involved in well over 200 Illinois Supreme Court cases.

Lincoln freely admitted he was "not an accomplished lawyer". He generally took more interest in politics than law, except perhaps between 1849 and 1854, when he "went to the practice of the law with greater earnestness than ever before." In that brief period, "his profession...almost superseded the thought of politics in his mind."

Long experience in the law bred in Lincoln strong opinions about the proper conduct of lawyers. He well knew that there was “a vague popular belief that lawyers are necessarily dishonest”, and Lincoln advised any “young man choosing the law for a calling” to “resolve to be hone...; and if ...you cannot be an honest lawyer, resolve to be honest without being a lawyer.” He urged lawyers never to “stir up litigation”, he knew there would “still be business enough”. He admitted that the “matter of fees is important”, but he rarely, if ever claimed an “exorbitant fee” and built his own practice on modest fees charged to an abundance of clients. Though not at all orderly himself, he knew that the “leading rule for the lawyer, as for the man of every other calling, is diligence.” Speaking “should be practiced and cultivated,” but “speech-making” could not be relied on as a substitute for “the drudgery of the law.” In sum, he thought, a “moral tone ought to be infused into the profession” to drive a litigious “knave” out of it.



Source: Peggy Dunn, 2005 Lincoln Home National Park

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

John J. Duff – *A. Lincoln: Prairie Lawyer* (New York: Rinehart, 1960)

*Lincoln and the Law: Lincoln's Law Office* (Springfield, Illinois: Sangamon State University, 1978)

Albert A. Woldman – *Lawyer Lincoln* (New York: Carroll & Graf Publishers, 1936)

Douglas L. Wilson – *Lincoln Before Washington: New Perspectives on The Illinois Years* (Urbana and Chicago: University of Illinois Press. 1997)

### Three Partners

Early in 1837, Lincoln accepted Stuart's invitation to join him as a junior partner. Over the next four years, they practiced law and Whig politics together. Undoubtedly Lincoln learned much about the law on his own and from the more experienced Stuart. Their partnership dissolved in 1841, whereupon Lincoln joined Stephen T.



Photo Source: Peggy Dunn, 2005. Lincoln Historic Home site.

Logan, one of the county's most capable and respected lawyers. Logan was a stickler for careful preparation and details, insisting that Lincoln pay closer attention to the finer points of trial and appellate law. Finally, in 1845, upon the amicable termination of his relationship with Logan, Lincoln took his own junior partner, William H. Herndon. The two practiced together until he left Springfield for the White House early in 1861, and their partnership endured at least in name until Lincoln's death in 1865.

As an attorney on the Illinois frontier, Lincoln learned much about the close relationship between law and politics. Simultaneously practicing both occupations was both natural and compatible to the ambitious Lincoln. While politics was his principal interest, he actually spent much more time between 1837 and 1861 practicing law in the courtroom than politics on the stump. That is because he needed the income from a full-time professional career to support a growing family and also his political activities. One element of the combined practice of law and politics was the broad exposure to contemporary public issues offered by a general practice such as he had. Probing legal questions of federal-state relations, taxation, corporate behavior, and slavery gave Lincoln a continuing education in public affairs. Moreover, his heavy courtroom caseload unquestionably sharpened his skills of debate that proved useful in the political arena. Third, many of Lincoln's closest legal associates were also his intimate political allies.

Court appearances and circuit travel therefore were occasions for also engaging in some political caucusing and speech making. There are numerous instances in which Lincoln's visit to some Eighth Judicial Circuit county seat included both a political address and some court work. Thus Lincoln's public life for the quarter century he lived in Springfield embraced two careers. He managed to juggle them with considerable success because of their compatible and complementary nature.

### **The Contours of his Practice**

The substantial majority of Lincoln's 5,000 cases were tried in the circuit courts of nearly two-dozen Illinois counties, most of them within the large Eighth Judicial Circuit that stretched from Springfield's Sangamon County eastward to Indiana. Twice a year for over 20 years, he spent two to three months riding the circuit in company with the presiding judge and fellow attorneys. Most of these cases were simple, often relating to disputes over a debt or promissory note, but they comprised the bread and butter of Lincoln's practice.

Ten percent of his state practice brought Lincoln before the state's highest court, the Illinois Supreme Court. Much of this work came by referral from distant counties, demonstrating the wide and favorable reputation Lincoln had earned. These 400 cases placed him among the state's top appellate practitioners, and exposed him to more complex and fateful (and profitable) issues than occurred in the lower courts. Also of note were more than 300 cases that he and his partners tried before the federal courts. Most of these were before the district and circuit courts sitting in Springfield and Chicago, but Lincoln also was attorney of record for at least six cases heard by the U.S. Supreme Court.

### **Lawyer Lincoln in Context**

Abraham Lincoln was the prototypical general practice lawyer of the antebellum American West. In an age before specialization, he represented clients in a bewildering variety of legal divisions (common law, chancery, criminal, probate, bankruptcy, admiralty) and an even greater variety of legal issues: debt, fraud, medical malpractice, murder, breach of contract, slander, divorce, partition, assault, custody, recovery of personal property, mortgage foreclosure, and dozens of others.

During the 1850s, there were approximately 2,700 lawyers in Illinois, or three for every 1,000 residents. The state's disproportionately high attorney population was a reflection of its dynamic economic and transportation growth. Rapid settlement meant land and debt disputes, and railroad construction brought contract and tort cases.

Within this large group, there was a degree of social and professional stratification. At the pinnacle of the American bar was a small elite--perhaps ten percent--who were the nationally recognized giants of litigation. Concentrated in eastern seaboard cities, and commonly associated with a family dynasty of law or wealth, they thrived on

corporate retainers and carriage-trade clients. By mid-century, Illinois had its own small legal elite, essentially confined to Chicago.

At the bottom, and comprising 70 percent, were the marginal figures, or "scramblers" of the profession. They commonly accepted any client, willingly rode the judicial circuit, and often dabbled in real estate speculation or other sidelines to earn their living. Finally, there were the "achievers," a middle group comprising twenty percent of the bar. They were successful and capable practitioners in their communities, attracting the more desirable and lucrative clients.

There is no question that Lincoln began practice in 1837 at the bottom of this legal pyramid. True, he benefited from the existing caseload of his senior partner, Stuart. But with scant education and no established ties, he had to scramble for clients. It is equally clear that, within the first decade of his career, Lincoln quickly ascended to the ranks of Illinois' legal achievers. By the mid-1840s, he and Herndon had a commanding local practice and a substantial federal and appellate caseload. Creditor clients replaced debtors, and his services became eagerly sought. During the 1850s, that ascent continued and culminated, as Lincoln attracted important corporate clients and even a lucrative retainer with the Illinois Central Railroad. By the time he left law to assume the presidency, he had not yet reached the apex of America's legal elite, but he did have an elite standing within the Illinois bar. Had he opted to stay in law rather than set his sights on the U.S. Presidency, there is evidence to suggest that he would have become one of the foremost attorneys in America.

When Lincoln finally suspended practice at age 51, in the midst of his 1860 presidential candidacy, he had achieved material success, personal self-confidence, political advantage, and professional stature. Widely known and highly regarded throughout the West, he even had attracted notice among the nation's legal elite along the east coast, due principally to his impressive record suing and defending railroads. At his prime, Lincoln left the profession that had sustained and shaped him, but he carried many "lawyerly" habits, skills, and values through the presidential years.  
Source: FanoffFeiger





*Lincoln and His Law Career*  
– Resources to use in the classroom related to his papers and documents.



*Abraham Lincoln*

and his career in the law has been documented by the Papers of Abraham Lincoln in a set of DVD's. Abraham Lincoln handled over 5100 legal cases during his tenure as a lawyer and we will focus on several different categories of cases for you to use in the classroom. These resources hold more information than just the papers and documents of Lincoln's law career and will be summarized for your use.

### *Research Resources for Abraham Lincoln*

**Abraham Lincoln Research** – A well organized and developed site by a retired history teacher deeply involved in all aspects of Lincoln's life. An admirer of Lincoln, Mr. Roger Norton is sharing his expertise and enjoyment of one of his favorite presidents.  
<http://members.aol.com/RVSNorton/Lincoln2.html>

**The Lincoln Museum: The Life and Legacy of Abraham Lincoln** – The research library in Indiana has preserved the history of Lincoln and many of his documents are housed in this library. Online exhibits can be viewed by students; an education section and research are embedded in the site.  
<http://www.thelincolnmuseum.org/new/research/index.html>

**The Collected Works of Abraham Lincoln** holds the speeches, correspondence and other writings of Lincoln and has a searchable database using a single word or phrase to locate documents maintained by the Abraham Lincoln Association.  
<http://www.hti.umich.edu/l/lincoln/>

**Illinois Lincoln Documents Archive in the Illinois State Library.** A missing paycheck can be viewed and lists of the documents held in the state library are available.  
<http://www.sos.state.il.us/departments/archives/lincoln.html>

**Abraham Lincoln Presidential Library** – search from this link to the Illinois State Historic Library now housed in the new presidential library, a division of the Illinois Historic Preservation Agency. <http://www.state.il.us/hpa/lib/default.htm#Lincoln>  
The Presidential Library and Museum site <http://www.alplm.org/home.html>

**Abraham Lincoln Papers at the Library of Congress** This joint project of the Library's Manuscript Division and the Lincoln Studies Center at Knox College contain a collection of the 1850s - 1865 documents of speeches, correspondence, notes, and drafts of his important documents in a searchable site.

<http://memory.loc.gov/ammem/alhtml/malhome.html>

**Mr. Lincoln's Virtual Library** provides access to a variety of documents and resources about Mr. Lincoln's life, including a sheet music collection in a searchable site at the Library of Congress. <http://lcweb2.loc.gov/ammem/alhtml/alhome.html>

**Lincoln Studies Center at Knox College dedicated** to the study of the life and work of Abraham Lincoln through a variety of activities, including cooperative research involving the Lincoln Studies Center, Knox College faculty, students, and staff, as well as Lincoln scholars from other institutions; publications; public events; lectures and conferences; and classroom instruction.

<http://deptorg.knox.edu/lincolnstudies/home.html>

**The William E. Barton Collection of Lincolniana** at the University of Chicago.

<http://www.lib.uchicago.edu/e/spcl/barton.html>

**Abraham Lincoln Historical Digitization** at Northern Illinois University.

Lincoln/Net presents historical materials from Abraham Lincoln's Illinois years (1830-1861), including Lincoln's writings and speeches, as well as other materials illuminating antebellum Illinois. Teacher materials and interactive educational opportunities abound on this site. <http://lincoln.lib.niu.edu/>

**The Lincoln Collection** at the University of Delaware - books, pamphlets, art, artifacts and historical documents donated by Frank G. Tallman are held here. Some images and the location of the materials are available.

<http://www.lib.udel.edu/ud/spec/exhibits/lincoln/index.htm>

**Lincoln Memorial University** in Arrogate, Tennessee. An annotated summary description of the manuscript and photographic collections of the Abraham Lincoln Library and Museum. <http://www.lmunet.edu/museum/collection/>

**The Presidential Papers of Abraham Lincoln Online at the Library of Congress.**

<http://www.presidentialpapersofabrahamlincolnonline.org/background/index.html>

## *The Legal Work Resources of Abraham Lincoln*

**The Papers of Abraham Lincoln** <http://www.lincolnlegalpapers.org/> This is a long-term project dedicated to both photographing and publishing the documents of Abraham Lincoln's life. Information and directions are provided for the use of the

*The Law Practice of Abraham Lincoln, Complete Documentary Edition* on DVD  
<http://adh.sc.edu/ll/llmini.html> Two of the curriculum pieces that can be used in the classroom are:

**From Courtroom to Classroom: The Lincoln Legal Papers Curriculum**  
[http://lincolnlegalpapers.org/from\\_courtroom\\_to\\_classroom.htm](http://lincolnlegalpapers.org/from_courtroom_to_classroom.htm). Links to the primary source document images are available as well as the entire publication to download for classroom use. Review the materials for the reading and comprehension level of upper elementary and middle school students.

**The Lincoln Legal Papers Curriculum: Understanding Illinois Social History Through Documents from the Law Practice of Abraham Lincoln, 1836-1861**  
[http://www.lincolnlegalpapers.org/LLP\\_Curriculum\\_Online.htm](http://www.lincolnlegalpapers.org/LLP_Curriculum_Online.htm) A glossary of terms, along with specific lesson plans using primary and secondary documents of the period in Lincoln's law practice are the hallmark of this curriculum piece. Each section can be downloaded separately and again review the materials for reading level and comprehension of the students as the curriculum materials are in depth. Maps, documents of the social history of the time period, material culture, social roles and the transportation focus in the canals and railroads are available for use in the classroom.

### **Abraham Lincoln's Railroad Cases – Sample of two**

**Hurd v. Rock Island Railroad Company** – A Turning Point in Abraham Lincoln's Legal Career by Jay Schultz of Washington School in Peoria details the case of the steamboat on the Mississippi River that ran into the Rock Island Railroad Bridge causing the boat owner to sue the Rock Island Railroad Company. <http://www.lib.niu.edu/ipo/ihy980236.html>

**Lincoln and the Illinois Central Railroad** by Amy Yaeger of Mt. Vernon Township High School share the background and information on two important cases that Lincoln argued: *The Illinois Central Railroad Company v. the county of McLean and George Parke, Sheriff and Collector* and *State v. Illinois Central R. R.* In both cases, Lincoln's legal and political career benefited from his involvement with the cases. His initial involvement was as a lobbyist for the Illinois Central and then as their representative in an exemption from the 'charter tax' case. He received his largest fee of his career - \$5000 – for this case against McLean Co. <http://www.lib.niu.edu/ipo/ihy950247.html>

**“Lincoln's Pittsfield”** by Warren D. Winston in the *Illinois Heritage Fall*, 2001. p. 18 – 26 online <http://www.lib.niu.edu/ipo/ihfa0018.html>. Mr. Winston shares the influence the people of Pike County had on Abraham Lincoln's early legal and political career while John Hay and John Nicolay befriended Lincoln on a visit to Pittsfield. Lincoln and Pittsfield attorney, William Grinshaw shared legal counsel when Lincoln represented him in a federal court case. Pittsfield founder Colonel William Ross and his wife hosted Lincoln during the 1858 U. S. Senate

campaign. Thirteen court cases in Pike County that involved Abraham Lincoln have been documented by the Lincoln Legal Papers Project.

### **The Lawyers – Mr. Lincoln and His Friends**

[http://www.mrlincolnandfriends.org/content\\_inside.asp?pageID=3&subjectID=3](http://www.mrlincolnandfriends.org/content_inside.asp?pageID=3&subjectID=3)  
The history of Lincoln's admission to the bar and the legal fraternity that he joined in this accomplishment are documented at this site. The partnerships of Lincoln and his engagement with the other lawyers in the Eighth Judicial Circuit are expanded upon to give us some additional insight into the legal friendships developed by Abraham Lincoln in his service to the law. An extensive bibliography is included with this article online.

**Reconstructing Lincoln's Law Practice** An Online article by Paulette W. Campbell. *Humanities*, January/February 2001, Volume 22/Number 1 .

<http://www.neh.fed.us/news/humanities/2001-01/lincolnslaw.html> The author details several of Lincoln's legal cases covering a wide berth of the everyday law practice that was found in the area in the 1850s. From selling liquor without a license to slavery cases in Illinois and property disputes, debt cases, creditor cases for a dry goods wholesaler and the railroads. An overview of the kind of law practice Abraham Lincoln worked within is presented in a summary format.

### **The Search for Lincoln's Legal Papers: A Mutual Accomplishment of Archivists and Historians. NARA Online Publications.**

[http://www.archives.gov/publications/the\\_record/may\\_1998/lincoln\\_legal\\_papers.html](http://www.archives.gov/publications/the_record/may_1998/lincoln_legal_papers.html) Stacy Pratt McDermott shares the search for the 90,000 plus documents and provides a primary document of a bill or reviver filed in the U. S. Circuit Court in 1860. The article explains the process for the collection of documents and some of the problems faced by both archivists and historians in their search for Lincoln documents.

### **Museum of Law: America's Lawyer- Presidents.**

<http://www.abavideo.org/ABA296/resouce3.htm> The ABA reports in a five-part series on the presidents who were also lawyers – 25 of the 43 with the first being John Adams and the most recent William Jefferson Clinton.

### **National First Ladies' Library – Mary Ann Todd Lincoln**

<http://www.abavideo.org/ABA296/resouce3.htm> A bibliography of resources from the Library of Congress, Manuscript Division.

### **Lincoln the Writer – The Learning Page from the Library of Congress**

<http://memory.loc.gov/ammem/ndlpedu/collections/papers/langarts2.html>  
“Lincoln's speeches are celebrated as some of the most poetic and influential works of American literature. And yet, according to Lincoln's first autobiography, there was little in Lincoln's humble education to prepare him for such achievement:” A letter

from Mary Todd Lincoln from Abraham is used as a language arts lesson related to both letter writing and content. A second and third activity in this site focus on the letter to Horace Greeley in 1862 and one to James H. Hackett in 1863.

### **The Diary of Horatio Nelson Taft and Abraham Lincoln's Assassination**

Taft's description of Lincoln's assassination, based on the accounts of his friends and his son, who was one of the attending physicians at Ford's Theatre the night Lincoln was shot, on April 14, 1865. <http://memory.loc.gov/ammem/tafthtml/tafthome.html>



Photo Source: Peggy Dunn Lincoln -Herndon Law Office

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## *African Americans As Litigants: Antebellum Illinois and Abraham Lincoln's Legal Career*

Investigator/Authors: Jennifer Wilson, Medora, IL, Matt Earle, Oak Park, IL and Emily Woods, Chicago, IL 2001. Students in the Abraham Lincoln and Leadership Summer Institute at the conclusion of their junior year in high school in 2001 studied the law cases of Abraham Lincoln. One group study was focused on the cases relating to African Americans in Abraham Lincoln's Law Career as part of a course entitled Lincoln and The Law. The culmination of their research and writings are used with their permission.

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**Purpose of the Group Project:** The purpose of this study was to determine if Abraham Lincoln was prejudiced toward African Americans during his law career.

**Group Hypothesis:** Abraham Lincoln was not prejudiced against African Americans, and represented them often during his law career.

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Black Codes and Period Legislation

Summaries of Legal Cases and Documents

Research Information

Conclusion

Bibliography

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### **Illinois Black Codes and Period Legislation**

Related to Lincoln's Views on African Americans as Litigants

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### **Constitution of the State of Illinois**

Approved April 18<sup>th</sup> 1818

(Note: This group has paraphrased and excerpted all pertinent information from the 1839 edition of the Statute Laws of the State Of Illinois.)

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Article V. Sec. 1. of the Constitution of the State of Illinois said that all free male able bodied persons except Negroes, Mulattoes and Indians, between the ages of eighteen and forty-five were allowed to fight in the militia.

Article VI. Sec. 1. of the Constitution of the State of Illinois states that Slavery and involuntary servitude may not be introduced into Illinois, unless it is punishment for a crime. No male person who is 21 or a female that is 18 can be an indentured servant unless they entered servitude as a free person. You may not hold an indentured servant in Illinois for more than one year unless you give them an apprenticeship.

Sec. 2. No one who is bound to labor in another state will be allowed to work in Illinois, unless it is in the salt mines near Shawneetown. However, they may not work there for more than a year at a time and it will not be allowed after 1825. If this section of the Article VI is violated then the person whom is bound to labor will be freed.

Sec. 3. Any “indentured” servants that existed before Illinois became a state will be held to their contracts. The indentured servant’s children will be freed, males at the age of twenty-one and females at the age of eighteen years. Every child had by indentured servants shall be entered with the county clerk within six months after the child’s birth.

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### Criminal Codes

Criminal Codes Sec. 56. Anyone who forcibly steal, take, or arrest any man, woman or child, whether white, black or colored, in this state, and then takes them to another state or country without establishing claim to them according with the laws of the United States will be charged for kidnapping. If convicted the convicted will spend at least one, up to seven years in the penitentiary.

Criminal Codes Sec. Anyone who makes false promises to any negro, mulatto, or colored person, not being a slave, to go out of this state to be sold as a slave without the free person’s consent, will also be charged with kidnapping and will be punished according to the law.

No. 114. An Act respecting free negroes, mulattoes, servants, and slaves, approved, January 17<sup>th</sup> 1829.

Sec. 1. No Black or Mulatto person may live in Illinois unless they have some document signed by a judge or clerk with the seal of that court that states their freedom. That person must provide that paper to the circuit court of the county that person wishes to live in. Once the clerk endorses the document and takes down a description of the person it will then be lawful for them to live in Illinois.

Sec. 2. All free Negroes and mulattoes who want to live in this state after the first of next June must give to the clerk of the circuit court a description with the names and ages of their family.

Sec. 3. It is against the law to bring anyone into this state that is a slave for the purpose of setting them free. Anyone who does this will have to pay a bond of one thousand dollars to the county in which they set their slave free. If they don’t pay the bond they will be fined two hundred dollars for each slave freed.

Sec. 5. Anyone who hires a black or mulatto who does not have their freedom papers will be fined \$1.50 each day that they employ any black or mulatto person. One third of the money will be given to the person who gave the information, and two thirds of the money will be given to the person who owns the black or mulatto.

Sec. 10. The master of a servant must provide them with wholesome food, clothing, and lodging. At the end of their service, if they have not made a contract for any reward, the master will give him one new and complete suit of clothing consisting of: a coat, waistcoat, pair of breeches, shoes two pair of stockings, two shirts, a hat, and blanket.



(Map From [Illinois Trails History and Genealogy](#). This map shows the counties that were proslavery in 1824. In 1825, all slaves were freed under the constitution, except "indentured servants." (Article VI Sec. 2))

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### Summaries of Cases Relating to African Americans In Abraham Lincoln's Law Career

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Bailey v. McNaghton & Cromwell- In 1836, Bailey gave Nathan Cromwell a promissory note for \$376.48 for a black female indentured servant. The parties agreed that Cromwell would provide proof that the woman was a slave and bound to servitude. Cromwell later died, and William Cromwell and McNaghton, the administrators of Nathan Cromwell's estate, sued for payment of the note. Bailey retained Stuart and Lincoln and argued that he did not pay because Nathan Cromwell voided the contract by failing to provide the consideration--proof of the woman's status as servant. The court ruled for Cromwell and McNaghton and awarded \$431.97. Bailey appealed to the Illinois Supreme Court, which reversed the judgment, ruling that the note and the agreement made at the same time were one contract. Since Cromwell did not furnish the evidence of indenture as promised, the contract was void because it lacked consideration.

Benson v. Mayo-Benson claimed that Mayo had promised to marry her but instead he married someone else. Benson retained Lincoln and sued Mayo in an action of assumpsits for breaching his promise to marry her. Benson requested \$2,000 in damages. Mayo argued that Benson had said that she would not marry him "because he was a half-brother of a negro" and because her fickleness would make him unhappy. The jury found for Benson and awarded \$400. Benson assigned \$70 of the award to Lincoln for his legal services, and Lincoln wrote the assignment.

Bevans v. Brown et al. - John Bevans died leaving an estate with two hundred acres of land and some personal property. In his will, John Bevans stipulated that his wife Margaret Bevans should receive only a bed and bedding and some food supplies. Margaret Bevans renounced her bequest and asked Brown, the executor of John Bevans's estate, to assign her dower. Brown refused, and Margaret Bevans sued Brown and the heirs of John Bevans for her dower. John D. Bevans, one of the heirs, retained Stuart and Lincoln and argued that Margaret Bevans's renunciation was insufficient and that his father gave his mother two slaves, whom she accepted in lieu of dower. The parties reached an agreement, and the court dismissed the case.

Crowder v. Collier & Collier-Lewis Collier of Concordia Parish, Louisiana, purchased 180 acres of land from Crowder for \$1,100. Collier gave Crowder four promissory notes as payment and secured the notes with a mortgage on the property. Collier conveyed the land to Nancy Collier, "a free woman of color." After Lewis Collier failed to pay one of the notes for \$266.67, Crowder sued Lewis Collier and Nancy Collier to foreclose the mortgage. Collier and Collier retained Lincoln and Herndon. The parties reached a settlement, and Crowder dismissed the case.

Dickinson v. Canton-In Sangamon County, Illinois, the marshal arrested Canton, a fugitive slave who escaped from Dickinson in Missouri in 1857. Dickinson sued to claim Canton under the Fugitive Slave Law. Herndon represented Canton and argued that the claimant had not proved that Missouri was a slave state. The U. S. Commissioner ruled for Dickinson. Dickinson sold Canton in St. Louis, Missouri, for \$1,150. Canton later escaped again and passed through Springfield, Illinois, on his way to Canada.

Dungey v. Spencer- Dungey retained Lincoln and sued Spencer in an action of slander. Dungey requested \$1,000 in damages and claimed that Spencer, his brother-in-law, had publicly identified him as "Black Bill" and as a "negro." Spencer pleaded justification and presented depositions from residents in Giles County, Tennessee, who had considered the Dungey family as of mixed blood. Lincoln

challenged the veracity of the deponents, and the jury found Spencer guilty. The jury awarded Dungey \$600, but the parties agreed to remit \$400 in return for a release of errors from the record. The legal identification of Dungey as a black man would have jeopardized his legal status, his marriage, and his property rights under the state's 1853 "Black Laws."

Ellis v Blankenship v. Negroes-Several African Americans recovered a judgment, and the court planned to sell some property to satisfy the judgment. Ellis and Blankenship claimed that they owned the property and sued the African Americans for a trial of the right of property in the Sangamon JP court. The resolution of the case is unknown. Stuart and Lincoln probably represented Ellis and Blankenship, because Stuart did not record the names of the African American defendants, writing only "Negroes" in the office fee book. Stuart and Lincoln received \$5 for their legal services.

Ex parte Warman- Lewis B. Wynn arrested Warman, an African American traveling through the state of Illinois, and took him to jail because he suspected that Warman was a runaway slave. Warman petitioned for a writ of habeas corpus to obtain his freedom. Lincoln wrote the sheriff's return on the writ of habeas corpus. The court ruled for Warman and discharged him.

Florville v. Allin et al. - Allin, Gridley, and Prickett laid off an addition to Bloomington. Prickett agreed to give Florville, an African-American barber, four lots in exchange for shaving him during his lifetime. "Billy the barber" failed to record his deed and lost it. Florville retained Lincoln and sued Allin, Gridley, and Prickett's estate for conveyance. Allin and others failed to appear, and the court ordered the defendants to convey the deed. Lincoln paid the costs in the suit, except the Sangamon County sheriff's fees, for Florville.

Florville v. Stockdale et al. - Stockdale gave Florville a promissory note for \$100 and secured the note with a mortgage on one lot in Springfield, Illinois. Stockdale later gave Ayres a promissory note for \$700 and secured the note with a mortgage on the same lot. After Stockdale failed to pay, Florville retained Lincoln and Herndon and sued Stockdale, Stockdale's wife, and Ayres to foreclose the mortgage. Stockdale and others failed to appear, and the court ruled for Florville and awarded \$114.75 in damages. Florville assigned the judgment to Reeves and Ayres, but the court apparently did not sell the lot. Florville was an African-American barber, who was commonly known as "Billy the Barber."

In re Bryant et al.- In 1845, Matson brought five of his slaves, Jane Bryant and her children, into Illinois. In 1847, he planned to take these slaves back to Kentucky. The slaves believed that they were free because Matson brought them to a free state, and they sought refuge with Rutherford and Ashmore. Matson declared that the slaves were runaways, and the sheriff took them into custody and placed them in jail, from which the court would sell them to the highest bidder. Jane Bryant and her children petitioned for a writ of habeas corpus to obtain their freedom, and Ashmore filed the petition with the court. Matson retained Lincoln and resisted the petition. Lincoln used the doctrine of comity to argue that slave-owners could use their slaves for labor in Illinois as long the slaves were in transit. The court ruled that bringing slaves into Illinois was in "contravention of the Constitution of Illinois" and that Matson had thereby forfeited all title to the services of Bryant and her children. The court declared Bryant and her children free.

Kane v. May v Eastham- May and Eastham gave Kane a promissory note but failed to pay. Kane sued May and Eastham in an action of assumpsit's to recover the debt. May and Eastham retained Logan and Lincoln and pleaded not guilty. May and Eastham later withdrew their pleas, and the court ruled for Kane and awarded \$112.50 in damages. The parties agreed that in lieu of paying in cash May would deliver the African-American girl Bernice and her child to Kane to satisfy the judgment.

Lincoln paid taxes as agent for Florville- Florville, an African American barber, owned property in Bloomington, Illinois. As Florville's agent, Lincoln paid taxes. When on one occasion Lincoln forgot to pay, he asked Packard to pay Florville's taxes, which Packard did.

Matson for use of Coles County, Illinois v. Rutherford- Matson, for the use of Coles County, sued Rutherford for harboring five slaves, the fine for which was \$500 per person. Matson apparently retained Lincoln, who attested a cost bond for Matson. The court dismissed the case.

McElroy v. Clements- In Logan County, Illinois, the U.S. marshal arrested Clements, a fugitive slave who escaped from McElroy in Kentucky. McElroy retained Elliott Herndon, William Herndon's brother, and sued to claim Clements under the Fugitive Slave Law. William Herndon represented Clements and argued against the validity of the power of attorney used to arrest Clements. The U. S. Commissioner ruled for McElroy.

Napier v. Wooldridge- Napier won a \$681.44 judgment against Wooldridge in the St. Louis, Missouri, Circuit Court. Wooldridge failed to satisfy the judgment, and Napier retained Logan and Lincoln and sued Wooldridge and requested \$681.44 for the debt and an additional \$500 in damages. Wooldridge argued that Napier owed him \$800 for goods and merchandise. In addition, Wooldridge sold Napier two slaves for \$1,500. Napier paid \$160 but failed to pay the balance. Wooldridge had to sell the slaves at a loss and requested the court to set off \$500 in damages. Wooldridge later withdrew his set-offs, and the court ruled for Napier and awarded \$681.44 for the debt and \$140.97 in damages.

Parker v. Richardson et. al. - When Robert Parker, the grandfather of Mary Todd Lincoln, died, his property descended to his widow, Elizabeth Parker. When Elizabeth Parker died, John Parker, the executor of her estate, sued Robert Parker's other heirs to partition the land of Robert Parker's estate. Eliza Todd, the daughter of Robert Parker and mother of Mary Todd Lincoln, had died, and Abraham Lincoln and Mary Todd Lincoln were defendants in the case as legal heirs. The court ruled for John Parker and appointed commissioners to partition the land among the heirs. The commissioners divided the land but also had \$1,891.26 for distribution. The court divided the additional money among Robert Parker's heirs.

Patterson et ux. v. Edwards et. ux. - Ambrose Edwards and his wife, Tabitha Ann Edwards, sued William Patterson and his wife, Maria Patterson, in an action of slander and requested \$2,000 in damages. Maria Patterson allegedly stated within the community that "Mrs. Edwards has raised a family of children by a negro, and I can prove it." The Edwards' charged that the words spoken implied fornication and adultery, which were deemed slanderous by statute. The jury found for the Edwards' and awarded \$220. The court denied the Pattersons a new trial, and the Pattersons appealed to the Illinois Supreme Court, where they argued that the pleadings and evidence were insufficient to sustain the action. Lincoln, representing the Edwards' in the appeal, conceded that if the words in the declaration were not specifically slanderous, the innuendo would not make them so. However, Lincoln urged the court to regard the words spoken in the sense that the community understood them, which reflected the local fear of and hostility to miscegenation. The supreme court rejected Lincoln's argument and reversed and remanded the judgment. Justice Koerner stated that the Illinois law of slander was less strict than the English law, but the trial level pleadings for the Edwards' had been poorly prepared. Koerner concluded that the declaration was defective in that the charge of raising a family of children by a negro did not necessarily prove fornication or adultery but that using "introductory averments sufficient of the condition and domestic relations of the party complaining" could have made the words spoken slanderous. There is no surviving record of the case after it returned to the circuit court.

People v. Hill- The state's attorney summoned Isabella Hill, an African American, on a recognizance for keeping the peace. Hill retained Lincoln and Herndon. The court dismissed the case, and Robert Hill, Isabella Hill's husband, paid the costs.

People v. Jones & Lucas- The state's attorney indicted Jones and Lucas, two African Americans, for poisoning. Lucas pleaded guilty, and the court sentenced her to one year in the county jail. Jones retained Herndon and pleaded not guilty in a separate poisoning case against him and Eliza Lucas (People v. Jones & Lucas).

People v. Jones & Lucas- The state's attorney indicted Jones and Lucas, two African Americans, for poisoning. Lucas pleaded guilty in a separate case (People v. Jones & Lucas). Jones, a minor, retained Herndon and pleaded not guilty. The jury found him guilty, and the court sentenced him to one year in the penitentiary.

People v. Kern- The state's attorney indicted Kern in Woodford County Circuit Court for harboring a slave. Kern retained Lincoln and pleaded not guilty. The court granted a change of venue to Tazewell County Circuit Court. A jury found Kern not guilty. The reference work Lincoln Day by Day is the only source associating Lincoln with this case.

People v. Pond- The state's attorney indicted Pond for harboring the fugitive slave, John Hauley, and Pond retained Lincoln and Herndon. William Hauley of Kentucky claimed ownership of John Hauley. The court quashed the first count of the indictment, and Pond pleaded not guilty to the second count. The jury found Pond not guilty. Lincoln and Herndon received \$5 for their legal services.

People v. Scott- Scott allegedly harbored a slave that came from Missouri. The state's attorney indicted Scott, and Scott retained Lincoln. The court granted a change of venue from Woodford County to Tazewell County Circuit Court. Scott pleaded in abatement, and the court agreed. The state's attorney decided not to prosecute the case further, and the court dismissed it. The reference work Lincoln Day by Day is the only source associating Lincoln with this case.

Sanders et ux. v. Dunham- John Sanders and his wife, Catherine Sanders, sued Dunham in an action of slander and requested \$5,000 in damages. The Sanders' charged that Dunham had spread the rumor that "Old Black Kate" (Catherine Sanders) had committed adultery with a black man and had given birth to his child, which Catherine's father sold for two horses. Dunham retained Lincoln. The parties reached a settlement, and the Sanders' dismissed the case. The reference work Lincoln Day by Day is the only source associating Lincoln with this case.

Shelby v. Freeman & Freeman- Mack Shelby and Frank Shelby, who were African Americans, bought one lot in Springfield, Illinois. Mack Shelby and his wife Mary Shelby lived on one half of the lot. Mack Shelby sold his half of the lot, but Mary Shelby never released her dower rights to the land. Mack Shelby died, and Mary Shelby retained Lincoln and Herndon and sued Abraham Freeman and Clarkson Freeman, who owned the lot, to recover her dower. The parties reached an agreement, and the court dismissed the case.

Shelby v. Shelby- Mary Shelby, an African American, retained Lincoln and sued Mack Shelby for divorce on the grounds of drunkenness. Mary Shelby later dismissed the case.

Todd v. Oldham et. al. - Elizabeth Todd, the administrator of Robert Todd's estate, sued Robert Todd's remaining partners, Oldham and Hemingway, and Robert Todd's heirs, including Abraham Lincoln and Mary Todd Lincoln, to sell land, agricultural machinery, and slaves that belonged to the firm of Oldham, Todd and Company. The court ruled for Elizabeth Todd and appointed a commissioner to sell the property. The court sold the property for \$48,000.

Todd v. Todd- Robert Todd, Mary Todd Lincoln's father, died in 1849. At the time of his death, he owned one lot in Lexington, Kentucky, forty acres of land, and personal property including five slaves. George Todd, one of Robert Todd's heirs, claimed that Elizabeth Todd, the widow and administrator of Robert Todd's estate, failed to account for some of the personal items. George Todd sued Elizabeth Todd and Robert Todd's heirs, including Abraham Lincoln and Mary Todd Lincoln, to sell the real property and the slaves and to divide the proceeds among the heirs after allotting money to Elizabeth Todd in lieu of dower. Elizabeth Todd claimed that some of the personal property was part of her dower and some of it was her own personal property. She claimed that the slaves also belonged to her as an inheritance from her mother. The court ruled for George Todd and ordered the sale of the land and the slaves. The court sold part of the land for \$2,950. George Todd bought two of the slaves.

Elizabeth Todd motioned to set aside the sale, and the court granted the motion. George Todd appealed the judgment to the Kentucky Court of Appeals. The court of appeals affirmed the judgment. Later, the circuit court sold the remaining land for \$697.50. After Elizabeth Todd's dower had been allotted, \$885.72 remained for distribution to the heirs. Abraham Lincoln and Mary Todd Lincoln had already received \$475 as an advance, and the court ordered them to pay three other heirs a total of \$304.60

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Taken From: Benner, Martha L., and Cullom Davis et al., eds. *The Law Practice of Abraham Lincoln: Complete Documentary Edition, DVD-ROM*. Urbana: University of Illinois Press, 2000.

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## Research

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“A house divided against itself cannot stand...”

“I am compelled to take a more impartial and unprejudiced view of things.”

-A. Lincoln

Abraham Lincoln and his personal opinions are locked in a cloud of mystery. More than likely, the American people will never know his real views. The main cause of this mystery is the fact that Lincoln himself hid his personal beliefs, on the grounds of wanting to become and remain a politician. In the following text, Lincoln's views of African Americans as litigants during his law career will be explored.

It should be noted that this research reflects only Abraham Lincoln's legal career, and strives to limit the amount of knowledge on Lincoln's political career. The main reasoning behind this method is that Lincoln as a politician seems to have attempted to placate both Northern and Southern citizens and in all likelihood hid what he really felt to become elected.

After Abraham Lincoln was given the right to practice law in Illinois courts in 1836, he began an illustrious law career. But with all that is known about Lincoln, what about his early dealing with slaves, free blacks, and mulattos? After looking through various cases handled by Lincoln, John T. Stuart, Stephen Logan, and William Herndon relating to African Americans, there are four cases that seem to be of great importance.

The first case is a non-litigation matter involving William “Billy the Barber” Florville. According to legend, Lincoln was a good friend to Florville, a free black barber from Bloomington, Illinois. In a letter wrote on February 22, 1860, Lincoln confirms this friendship, and requests M.W. Packard to pay Florville's taxes, as Lincoln cannot.

This relationship with Billy the Barber suggests that Lincoln had little or no prejudice against African Americans. Also, another case involving Florville was found in a fee book kept by Lincoln and Herndon. In that instance, Lincoln and Herndon represented William Florville in a Justice of the Peace court case, and ended up not charging Florville any money for the case. Perhaps they exchanged services, legal representation for a haircut.

The second point of interest in Lincoln's career is the litigation case of *Shelby v. Shelby*. In the early part of 1841, Mary Shelby, a free woman of color, retained Lincoln to sue her husband, Mack Shelby, for divorce on the grounds of habitual drunkenness. Mrs. Shelby claimed that Mack, a “gentleman of

colour," was a drunkard who did not provide for her and the children. In July of 1841, the case was dismissed.

Apparently Lincoln had a close association with Mrs. Mary Shelby because he also defended her in the case of *Shelby v. Freeman & Freeman*. While researching, this seems to be the only divorce case Lincoln handled for an African American couple, and defended a woman. According to these documents, Lincoln did not show prejudice towards African American woman, because he defended Mrs. Mary Shelby, and successfully worked out an agreement in the case of *Shelby v. Freeman & Freeman*.

The third main point that was found was the case of *Bailey v. Cromwell & McNaghton*. In 1836, Mr. Bailey gave Nathan Cromwell a promissory note for \$376.48 for a black female indentured servant (also known at this time in Illinois as a slave). The parties agreed that Cromwell would provide proof that the woman was a slave and bound to servitude. Cromwell later died, and William Cromwell and McNaghton, the administrators of Nathan Cromwell's estate, sued for payment of the note. Bailey retained Stuart and Lincoln and argued that he did not pay because Nathan Cromwell voided the contract by failing to provide the consideration--proof of the woman's status as servant. The court ruled for Cromwell and McNaghton and awarded \$431.97. Bailey appealed to the Illinois Supreme Court, which reversed the judgment, ruling that the note and the agreement made at the same time were one contract. Since Cromwell did not furnish the evidence of indenture as promised, the contract was void because it lacked consideration.

According to the Illinois State Constitution, indentured servants that existed before Illinois became a state would be held to their contracts. The servant's children would be free, males at 21, and females at 18. (Article VI, Sec. 3) This clause in the constitution allowed citizens of the new state of Illinois to keep their slaves for a determined amount of time. Lincoln at this time was just acting as a lawyer and trying to uphold the rights of his client under the Illinois Constitution.

The final point of interest is the Matson Slave Case. In 1845, Matson brought five of his slaves (Jane Bryant and her children) into Illinois. These slaves believed that since they were in a free state, they themselves were freed. They then sought refuge with Rutherford and Ashmore. When Matson declared that the slaves were runaways, the sheriff took them into custody and placed them in jail, from which the court would sell them to the highest bidder. The Illinois State Constitution states that no slaves will be introduced into the state (Article VI, Sec. 1). Jane Bryant and her children petitioned for a writ of habeas corpus to obtain their freedom, and Ashmore filed the petition with the court. Matson retained Lincoln and resisted the petition. Lincoln used the doctrine of comity to argue that slave owners could use their slaves for labor in Illinois as long as the slaves were in transit. (The doctrine of comity was an obligation to grant a privilege out of respect and deference, not as a matter of right. Courts in one state would enforce the laws of another state according to the principle of comity.) The court ruled that bringing slaves into Illinois was in "contravention of the Constitution of Illinois" and that Matson had thereby forfeited all title to the services of Bryant and her children. The court declared Bryant and her children free.

This seems to be a controversial case for Abraham Lincoln, the "Great Emancipator," to argue. Here, Lincoln is defending a slaveholder, who brought slaves into a free state. This is an excellent example of Lincoln just doing what he is being paid to do. Lincoln believed in the rule of law, which is a state of order in which events conform to the law at all times. Under the "black codes" of Illinois, the subject of traveling with slaves was not clear, so Lincoln took the case to define the rights of a slaveholder under the rule of law. He did not, in all likelihood, take the case because he held pro-slavery views.

Twenty-nine cases were found associated with Lincoln and African Americans. Eighteen cases were when Lincoln and his associates were representing African Americans. The other eleven cases were when the attorneys were prosecuting African Americans.

In addition to the cases found pertaining to Lincoln and African Americans, an article was uncovered on a “lost speech” supposedly given at the Illinois State Convention in Bloomington, Illinois on May 29, 1856 (Norton, Roger.). At this time, Lincoln was still a lawyer, but was also becoming a popular politician. Allegedly, Lincoln identified slavery as the “root cause of the country’s problems, and claimed that all free soil people needed to rally against slavery and existing political views” (Norton, Roger.). According to legend, people at the state convention were so moved by the extemporaneous speech that even reporters did not write down notes on it. Now, the story seems to be lost to the ages.

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## Conclusion

After examining the research, it has been established that the original hypothesis was inconclusive.

Abraham Lincoln as a lawyer was not prejudiced against African Americans, nor was he an abolitionist. The research that has been gathered shows that Lincoln followed the law as was stated in the Illinois statutes, and did not give special treatment to African Americans or slaveholders.

It is the opinion of the group that after Abraham Lincoln began his political career, his political views of “emancipation” were not necessarily his personal opinion. He knew that he could not terminate slavery as president, because he had no right in the Constitution to do so. So, when he issued the Emancipation Proclamation, it was in all probability that it was done only as a political effort to help end the war. But, for all purposes in this project, Abraham Lincoln did handle cases involving African Americans, but he was not biased while he acted as a lawyer.

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## Activity 1.1 ~ The Chicken Bone Case

“During his long career as a circuit-riding lawyer in Illinois...Abraham Lincoln won over countless juries with his slow-talking style, his natural wit and his story-telling ability.” Charles M. Hubbard

Read the article from the *American History Magazine* about “Lincoln and the Chicken Bone Case” Hubbard, Charles M. “Lincoln and the Chicken Bone Case.”

*American History* 32 (October 1997): 31-34, 69.

[http://historynet.com/ah/bllincoln\\_and\\_the\\_case/](http://historynet.com/ah/bllincoln_and_the_case/) and then answer the questions below as you read.

1. On the morning of October 17, 1855 residents of Bloomington, Illinois awoke to \_\_\_\_\_.

2. Explain what happened \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. The only casualty was \_\_\_\_\_ but \_\_\_\_\_, a \_\_\_\_\_ suffered two broken thighs when a chimney collapsed on him.

4. The doctors who took care of him were \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

5. Dr. Fleming reported his condition as “ \_\_\_\_\_.”

6. After 16 days, the following happened to the patient

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.





## *Abraham Lincoln - The Circuit Riding Lawyer*

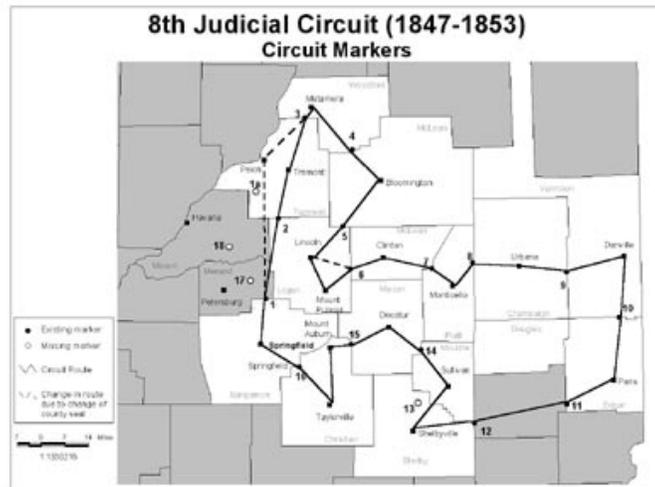
“More so than the representatives of the federal postal system, the justices appeared despite rain, snow, sleet and the hazards of traveling.” Leonard Baker, “The Circuit Riding Justices”, 1976.

The Eighth Judicial Circuit in Illinois in the 1840s and 1850s covered an area of about 800 miles and could take up to six months to cover. The initial courthouses in the Eighth Circuit might be log or frame construction but there were other communities where the court was held in private homes until a courthouse could be built. As communities grew in size the original courthouses were replaced with fancier, most expensive courthouses. The Metamora and Mount Pulaski courthouses are the only original buildings left from the circuit riding period in Illinois history. The pictures of the courthouses below are not all in the Eighth Circuit but are part of the early history of Illinois.

Becky Gordon tells us in *Illinois History*, Volume 33, Number 5, February 1980, p. 102 that “Riding the Eighth Circuit” was a trip of four hundred miles lasting eleven or twelve weeks. Lincoln and the other lawyers who rode the circuit experienced the loneliness of the Illinois plains and looked for a house to stop in to relieve this as they followed the circuit. Accommodations in the county seats ranked from very poor to luxurious and at many stops on the circuit private parties were given in honor of the circuit riders.

Jeannette Smith reports in the January/February, 1983, p. 30 issue of *Illinois Parks and Recreation* that “...The Metamora Courthouse history shares stories about the distinguished attorneys, who at the height of the circuit 11,000 miles needed to be covered. Abraham Lincoln traveled the circuit full time for twelve years. His famous story telling at the Metamora House, the boarding house in which the circuit riders stayed made the weary hours of travel by horse and buggy or horseback more tolerable. His appearance in court brought large crowds into town, and a picnic in the park across from the courthouse was a part of the day’s activities. The horseshoe playing area was put to use and visiting with neighbors they seldom say made it a holiday for all.” We gain a perspective about how the residents of the communities in the circuit came to know the attorneys who served them and how Lincoln made a part of his reputation, which would be crucial to his political success.

Figure 1. Map of the 8<sup>th</sup> Judicial Circuit (1847–1853). The solid line shows the route of the circuit riding lawyers. The broken line shows changes in the route as a result of county seat relocations. [http://jala.press.uiuc.edu/25.1/images/fraker\\_fig01b.jpg](http://jala.press.uiuc.edu/25.1/images/fraker_fig01b.jpg)



### Some Courthouses on the Circuit



The log cabin courthouse in Decatur, Illinois is now a replica at the Macon County Historical Museum.

The current Postville courthouse at Lincoln, Illinois is a replica of the original but a picture from Dooley and Welch, p.6 shows the 1840 Postville courthouse

<http://www.state.il.us/hpa/hs/Postville.htm>



The Metamora Courthouse information can be found at the Illinois State Historic Preservation website with the history and information about this

courthouse. <http://www.state.il.us/hpa/hs/Metamora.htm>

The Mt. Pulaski Courthouse history and information with photographs of the interior of the preserved building will be found at the Illinois State Historic Preservation site <http://www.state.il.us/hpa/hs/Pulaski.htm>





Kentucky native who sometimes served as a co-counsel with Mr. Lincoln.<sup>8</sup> although travel could be rigorous, reported Benjamin Thomas, many of "these trips were joyous and exhilarating. One lawyer remembered with pleasure the 'good company, the exhilaration of great speed, over an elastic road, much of it a turf of grass, often crushing under our wheels the most beautiful wild flowers, every grove fragrant with blossoms, framed in the richest green, our roads not fenced in by narrow lanes.'"<sup>1</sup>

Contemporary biographer William H. Herndon wrote: "I was on the circuit with Lincoln probably one-fourth of the time. The remainder of my time was spent in Springfield looking after the business there, but I know that life on the circuit was a gay one. It was rich with incidents, and afforded the nomadic lawyers ample relaxation from all irksome toil that fell to their lot. Lincoln loved it. I suppose it would be a fair estimate to state that he spent over half the year following Judges [Samuel] Treat and [David] Davis around on the circuit. On Saturdays the court and attorneys, if within reasonable distance, would usually start for their homes. Some went for a fresh supply of clothing, but the greater number went simply to spend a day of rest with their families. The only exception was Lincoln, who usually spent his Sundays with the loungers at the country tavern, and only went home at the end of the circuit or term of court."<sup>2</sup>

Judge Davis wrote about one weekend in June 1852: "Lincoln, Anthony, Thornton, Campbell & Moulton and myself went [Sunday morning] to Mr. John Wards about five miles from Shelbyville,' Davis wrote. 'Whiled away several hours, got a fine dinner, & about 3 o'clock started for Sullivan where we got about 6 o'clock.'"<sup>11</sup> Although Mr. Lincoln clearly enjoyed the circuit, he sometimes withdrew from the comradery of his colleagues - even when in their presence. Legal scholar Hill wrote that Mr. Lincoln "admitted very few friends to his confidence, and his intimates never numbered more than two or three. He was undoubtedly easy-going, pleasant-spoken, cordial, unconventional, and entirely approachable, but he had his own distinctive barrier of dignity which no one ever surmounted."<sup>12</sup> Mr. Lincoln's peculiar behavior was recalled by Jonath Birch, who observed Mr. Lincoln while studying law in Bloomington: Having no office of his own, Mr. Lincoln, when not engaged in court, spent a good deal of his time in the [court] clerk's office. Very often he could be seen there surrounded by a group of lawyers and such persons as are usually found about a courthouse, some standing, other seated on chairs or tables, listening intently to one of his characteristic and inimitable stories. His eyes would spark with fun, and when he had reached the point in his narrative, which invariably evoked the laughter of the crowd, nobody's enjoyment was greater than his. An hour later he might be seen in the same place or in some law office near by, but, alas, how different! His chair, no longer in the center of the room, would be leaning back against the wall; his feet drawn up and resting on the front rounds so that his knees and chair were about on a level; his hat tipped forward as if to shield his face; his eyes no longer sparkling with fun or merriment, but sad and downcast and his hands clasped around his knees. There, drawn up within himself as it were, he would sit the very

picture of dejection and gloom. Thus absorbed have I seen he sits for hours at a time defying the interruption of even his closest friends. No one ever thought of breaking the spell by speech; for by his moody silence no one dared to break through."<sup>3</sup>

1. Michael Burlingame, editor, "*Lincoln's Humor*" and *Other Essays of Benjamin Thomas*, p. 155.
2. William H. Herndon and Jesse W. Weik, *Herndon's Life of Abraham Lincoln*, p. 248-249.
3. Willard L. King, *Lincoln's Manager, David Davis*, p. 86.

At that time the Court went to the clients instead of the clients going to the Court. That is, Court business was laid out in Circuits; and the Court traveled from place to place, holding sessions, and transacting such business as the locality brought to it. Lincoln was in the "Eighth Judicial Circuit" of Illinois; and for several years traveled over it on horseback, with no other outfit than the contents of his saddlebags and a cotton umbrella. A longer or shorter period was occupied in completing the "Circuit," according to the amount of business brought to the Court. Lincoln was sometimes absent three months from home on the Circuit. During one of these long absences his wife had a second storey and a new roof put upon their house, as a surprise to him. It was nicely finished when he returned. Coming in front of his old home, he sat upon his horse surveying the changed habitation, and pretending not to recognize it, he called to a man across the street,— William M. Thayer Ch. 21 p. 1

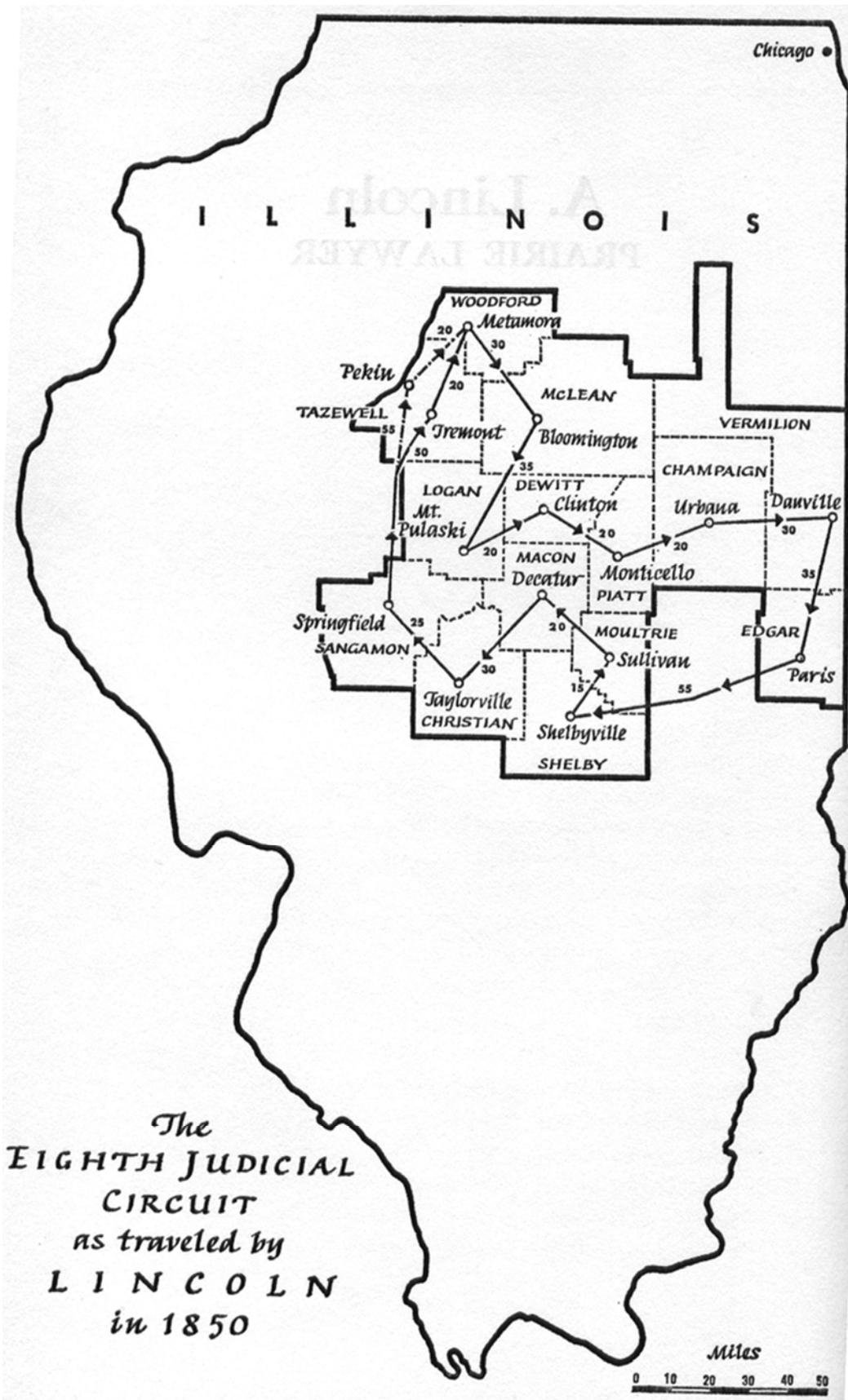
Honesty, kindness, generosity, fairness, justice, and kindred qualities distinguished him in the practice of law.

Judge John Dean Canton reminiscences: "In riding from one county seat to another, the judges and lawyers generally traveled in a band together...usually the gait was a fast walk or trot...the monotony of the ride was relieved by conversation and the relation of anecdotes or storytelling, though ordinarily these last were reserved for the evening, when the whole party would be assembled. Then it was the delights of circuit riding were most appreciated. All were good story-tellers, and with rare exceptions each one added somewhat to his store since the last meeting...Frequently a quite ordinary incident would be dressed up and so embellished as to be exceedingly ludicrous and amusing.

<http://digital.library.mcgill.ca/lincoln/exhibit/imgdisplay.php?sec=1&item=27>



Lantern - A. L. Linkhorn! June 1860



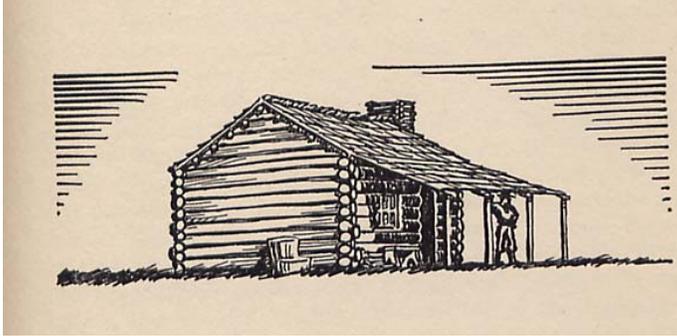
The  
 EIGHTH JUDICIAL  
 CIRCUIT  
 as traveled by  
 LINCOLN  
 in 1850

## *Activity 1.2 ~ Introductory ~ Vocabulary*

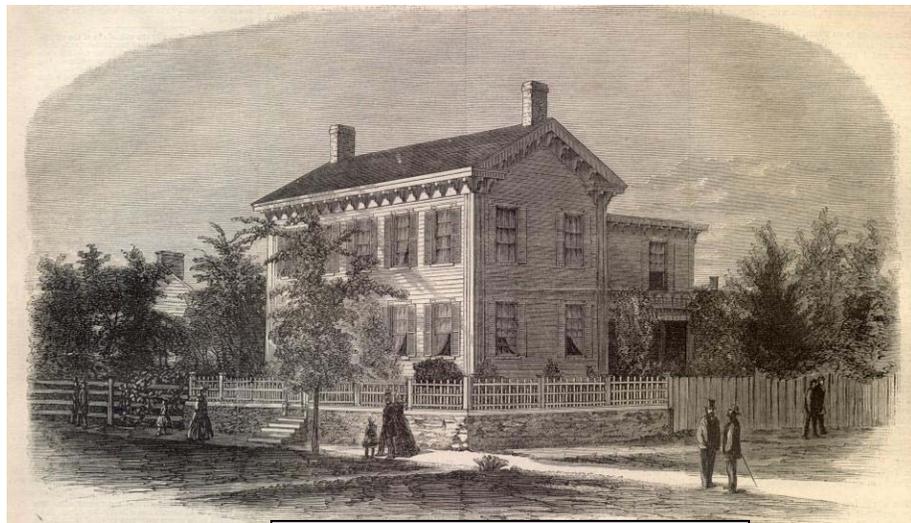
Students will define each of the following vocabulary words that appear in the introduction and they will understand their meaning. Students will determine if the definition used in the Lincoln article is interpreted the same way today.

1. frontier
2. ambition
3. politics
4. volunteers
5. rebellion
6. expired
7. legislature
8. votes
9. protégé
10. achievement
11. delegation
12. logrolling
13. national platform
14. abolition societies
15. slavery
16. promulgation
17. injustice
18. licensed
19. saddlebags
20. sessions
21. lawsuits
22. trivial
23. libel
24. assault and battery
25. county seats
26. circuit court
27. merits
28. storytelling
29. statehouse
30. competition

*Activity 1.3 ~ Introduction ~ Create a Timeline*



Using the website at the Lincoln Home National Park Site <http://www.nps.gov/liho/lincoln.htm> create a pictorial timeline of Abraham Lincoln's life from 1832 – 1856 adding the accomplishments and details of Lincoln's life along with the dates and important events. Each pair of students will create their own picture of the timeline and add the events and dates using their own creativity. Information on the accomplishments and important events must be researched beyond the Park Service website.



Harper's Weekly May 20, 1865

*Activity 1.4 & 1.5 ~ Introductory ~*

*Creating a Map of Lincoln's Journey to Illinois and an Illinois*

*Map connected to the Timeline*



Students will be provided with outline maps of the following states: Kentucky, Indiana, and Illinois.

Students are to mark and label the areas where Lincoln journeyed during his life up to 1859.

Research will be required to add the information to the maps.

Using the outline of the State of Illinois, students are to create their own map key and show the locations of the journeys of Lincoln's life in Illinois. Students can use the timeline they created to assist them with this task. The key box is on the left



Name: \_\_\_\_\_

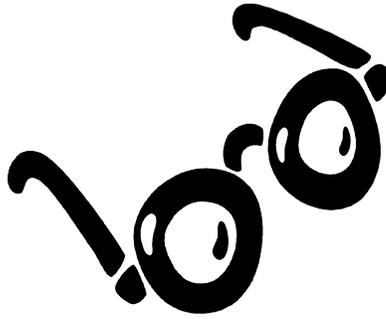
## Activity 1.6 ~ Abraham Lincoln's Journey

The table below contains words that have been chopped in half. Find the pieces that fit together and write them in the answer area below.

ons	Illi	nois	homespun
riv	flat	Dec	cabin
genera	Salem	litting	lage
xe	post	iana	ucky
ily	vil	ers	fron
l store	atur	New	Kent
fam	boats	wag	clothing
log	office	tier	railsp
a	Sprin	Sangamo	n River
Ind	gfield		



For Teacher's Eyes



Only

Abraham  
Lincoln's  
Journey

Answer Key:  
(Students may have  
a different order.)

frontier  
log cabin  
Kentucky  
Indiana  
Illinois  
rivers  
rail splitting  
family  
New Salem  
Decatur  
Springfield  
Sangamon River  
axe  
village  
wagons  
general store  
post office  
homespun clothing  
flatboats

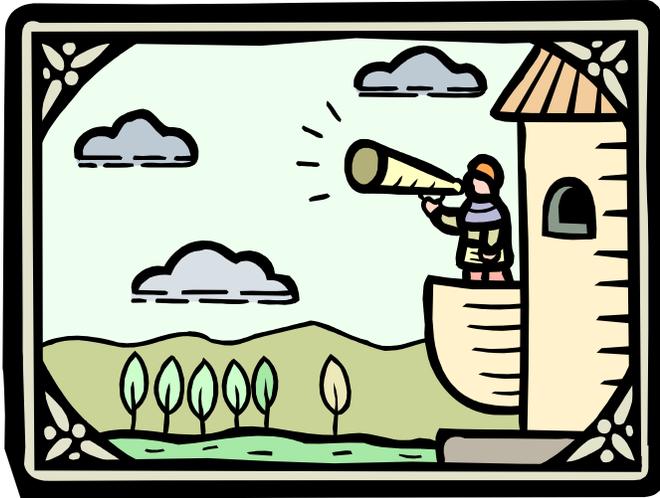
## Activity 1.7 ~ Abraham Lincoln – Word Search

B U Y E L Y Y J T P S R L W E  
K P Z Q B Y D N O T G E M M D  
Z I E K G K E L O K K D W S F  
K U H N M D O R A I D A Y L U  
A T U N I P E S U B S E N G M  
N K B S D K J B E X E R W R I  
U A E L E R O T A L S I G E L  
I R I E C O M M A N D E R T S  
P N P C L V L R X Q R A Y S U  
B E V Y I A W R E C J Z H A R  
R R R E W T L H V T U G L M V  
X I X Y N B I M Q G I Z R T E  
L Z E L W T M L N H C R N S Y  
H R R I Y Z O W O A H V W O O  
R E H T A F Z R F P R I W P R

COMMANDER  
LAWYER  
POSTMASTER  
STOREKEEPER

FATHER  
LEGISLATOR  
PRESIDENT  
SURVEYOR

INVENTOR  
POLITICIAN  
READER  
WRITER



## Activity 1.8 ~ Historic Lincoln Sites Internet Scavenger Hunt

Visit the websites attached to each question to find the answer. Write your answer next to each question.

Name \_\_\_\_\_

1. In what state was Abraham Lincoln born and who were his parents? <http://www.nps.gov/abli/>

\_\_\_\_\_

\_\_\_\_\_

2. Abraham Lincoln's mother dies in what year in Spencer County, Indiana? \_\_\_\_\_  
<http://www.berwickacademy.org/lincoln/bury.htm>

3. The second farm Abraham Lincoln lives on is named \_\_\_\_\_

\_\_\_\_\_

<http://showcase.netins.net/web/creative/lincoln/sites/knob.htm>

4. Young Lincoln was saved from drowning by playmate \_\_\_\_\_

\_\_\_\_\_

<http://www.alincolnlearning.us/birthplace.html>

5. Once Lincoln's father remarries, they move to Illinois settling along the \_\_\_\_\_ River.

<http://www.sparknotes.com/biography/lincoln/timeline.html>

6. Abraham attends school for how long \_\_\_\_\_  
<http://sc94.ameslab.gov/TOUR/alincoln.html>

7. Abraham Lincoln made two flatboat journeys to \_\_\_\_\_  
\_\_\_\_\_ in \_\_\_\_\_ and \_\_\_\_\_.  
<http://www.sparknotes.com/biography/lincoln/timeline.html>

8. New Salem is the name of \_\_\_\_\_  
where Abraham Lincoln tried the following jobs:

---

---

---

<http://www.jeannepasero.com/lincolntimeline.html>

9. \_\_\_\_\_ married  
Abraham Lincoln on \_\_\_\_\_.  
<http://www.jeannepasero.com/lincolntimeline.html>

10. Abraham Lincoln was the \_\_\_\_\_  
President of the United States and was inaugurated on

\_\_\_\_\_  
<http://sc94.ameslab.gov/TOUR/alincoln.html>



### BONUS:

Interactive Abraham Lincoln quiz

<http://www.surfnetkids.com/games/lincoln-sw.htm> See  
how well you do... was it a “Presidential  
Effort”?



Photo Source: Peggy Dunn 2005  
Lincoln and Family Downtown,  
Springfield, Illinois

## Activity 1.9 ~ Abraham Lincoln “Booklet” Project

1. Object: To create a class booklet, which will include a collage of perspectives from each student about Abraham Lincoln, the Lawyer. Each student will then receive a “scrapbook” of the perspectives when it is completed.

2. Responsibility of Each Student: You will be able to choose what you want to do from the list of ideas below. There should be enough ideas below so no students are doubling up on projects. If you think of another page, let the classroom teacher know about it. Your work will be completed outside of class; but weekly class meetings about progress on the booklet will be held.

3. Requirements of the Assignment:

📄 Each student in the class is responsible for a page (front and back) in the book.

📄 All written assignments must be typed.

📄 Projects may be turned in upon completion, as there is no reason to wait for the deadline, which is \_\_\_\_\_.

📄 Grading criteria include: effort, creativity, originality, and neatness. Be Different! Try to make your page “THE BEST”!

📄 Your Assignment is worth \_\_\_\_\_ points.

4. Project Options:

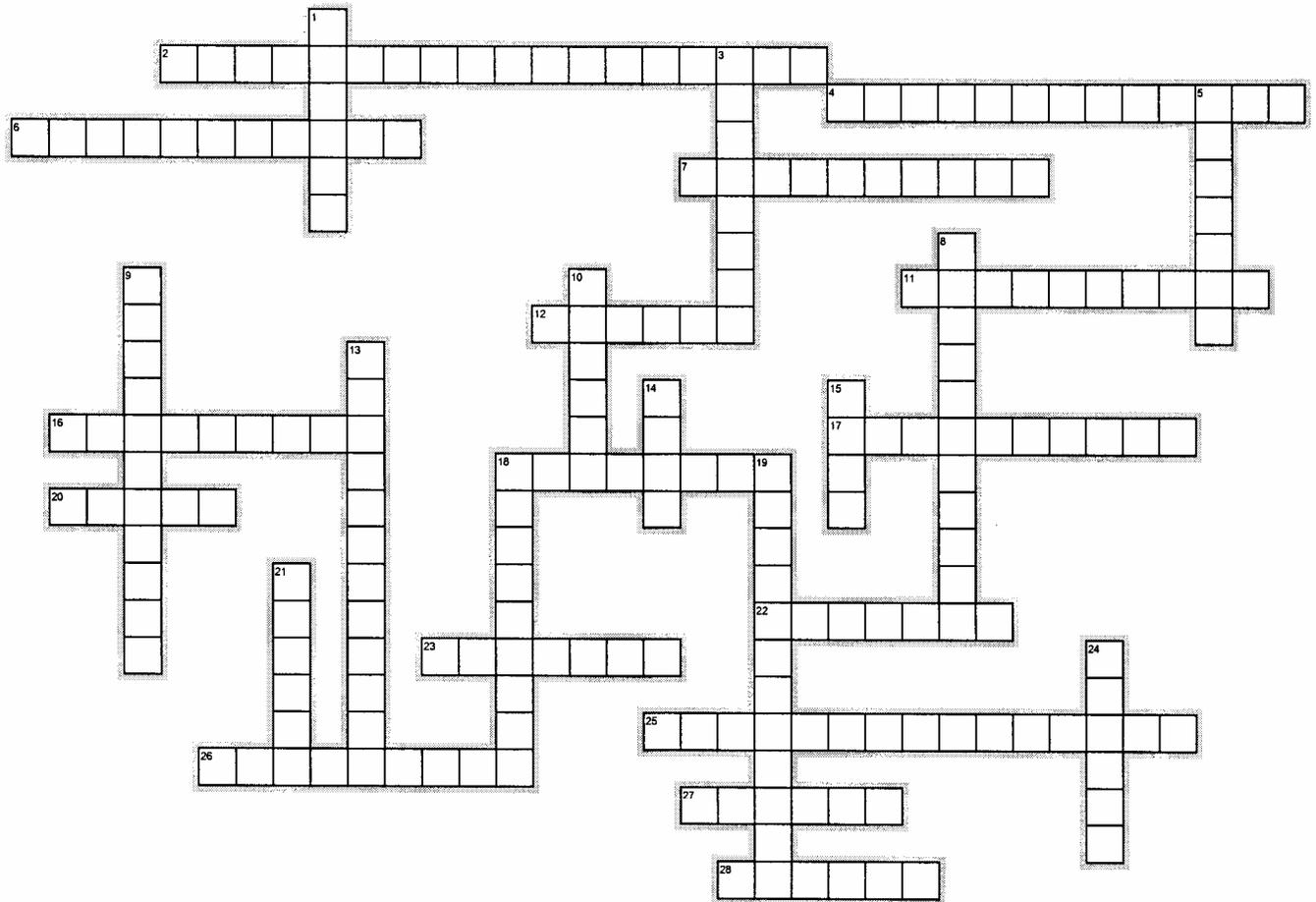
- Design the cover of the scrapbook
- Create an interview with a fellow lawyer who is trying a case against Abraham Lincoln
- Write an original poem or short story about Abraham Lincoln
- Choose a character from Lincoln’s life and write a “spotlight” news segment
- Write an article from a foreign leader’s perspective of the time period 1834 – 1858
- Write an article from a Lincoln neighbor’s perspective about the family
- Write the obituary of Abraham Lincoln’s brother Thomas who died in infancy in 1811 when Abraham was two years old
- Write and draw a political cartoon about Abraham Lincoln at New Salem
- Give your educated opinion about Lincoln, the lawyer (tell us what you have learned)
- Create a word search based on terminology from the 1800s (define all the terms used)
- Create a crossword puzzle about Abraham Lincoln (define all the terms used)

- Draw or copy a map and plot the places where you believe important events occurred in Illinois in the 1800s
- Develop a news story of an important event in the 1840s
- Write an advice column about holding parties for children in the 1850s for mothers
- Create a fictional story
- Draw a map showing where the courthouses were located in Illinois in 1830
- Develop a news story about a Lincoln law case involving a murder as if you were reporting the events – A list of murder cases: [http://pphsp.uis.edu/LSI\\_Subwebs/Assault%20And%20Murder%20In%20the%20Legal%20System%20During%20the%20Nineteenth%20Century/murdercases.htm](http://pphsp.uis.edu/LSI_Subwebs/Assault%20And%20Murder%20In%20the%20Legal%20System%20During%20the%20Nineteenth%20Century/murdercases.htm)
- Write a fictional diary of Lincoln’s housekeeper in Springfield – Mariah Vance
- Create artwork or a picture collage using the houses in Lincoln’s neighborhood in the 1840s – see the Lincoln Home site website for assistance
- Watch and critique a movie about Abraham Lincoln
- Write a one paragraph annotation, including the citation, of ten websites explaining what one will find at the site about Abraham Lincoln
- Find five books written about Abraham Lincoln and write a summary of each one with the citation information for each
- Choose a hero in the 1840 – 1850 in the United States and write a commentary pretending you are that person. Make sure you provide enough identifying information about yourself as this character so the reader will know who you are and why you are writing
- Write a story about Lincoln, the legislator from a woman’s perspective
- Create a trivia game about Abraham Lincoln
- Write a story about how the Lincoln boys passed their time when they were not in school – research games of the time period
- Become a newspaper reporter and write an article for your fictional hometown newspaper about the wedding of Abraham Lincoln and Mary Todd
- You are the Lincoln boys’ teacher, write a note home to Abraham and Mary Todd Lincoln about two separate incidents about something the boys are doing in school and something they have done to get them in trouble. Write the Lincoln’s response to the teacher. This will create four letters.
- Research an aspect of Abraham Lincoln’s life before he ran for president.
- Create a diary as a circuit-riding lawyer telling about the courthouses, the communities, and the people you meet when you are riding the northern section of the Eighth Judicial Circuit. See the map



# Activity 1.10 ~ Abraham Lincoln's Careers Crossword

Created by Peggy Dunn with EclipseCrossword — [www.eclipsecrossword.com](http://www.eclipsecrossword.com)



## Word bank

AUTHOR BARGE MAN CIRCUIT RIDER CLERK COMMANDER-IN-CHIEF CONGRESSMAN  
 DEBATER EMANCIPATOR FATHER FRIEND HONEST ABE HUSBAND INVENTOR LAWYER  
 LEGISLATOR MARTYR MILITIA CAPTAIN ORATOR POET POSTMASTER PRESIDENT  
 RAILSPLITTER READER SIT IN JUDGE STATESMAN STOREKEEPER STUDENT SURVEYOR  
 WHIG

## Across

- |  |  |
|--|--|
| 2. Civil War military title                | 17. his character                              |
| 4. lawyer on horseback or carriage         | 18. determining the size of a plot of land     |
| 6. Freed the slaves                        | 20. The Lincoln Berry store                    |
| 7. Ran for a government office in Illinois | 22. Reading                                    |
| 11. New Salem post office                  | 23. married                                    |
| 12. member of the Bar                      | 25. Black Hawk war                             |
| 16. 16th of the U. S.                      | 26. Mississippi river                          |
|  | 27. writer                                     |
|  | 28. sharing and liking others is a way to be a |

# Abraham Lincoln's Careers

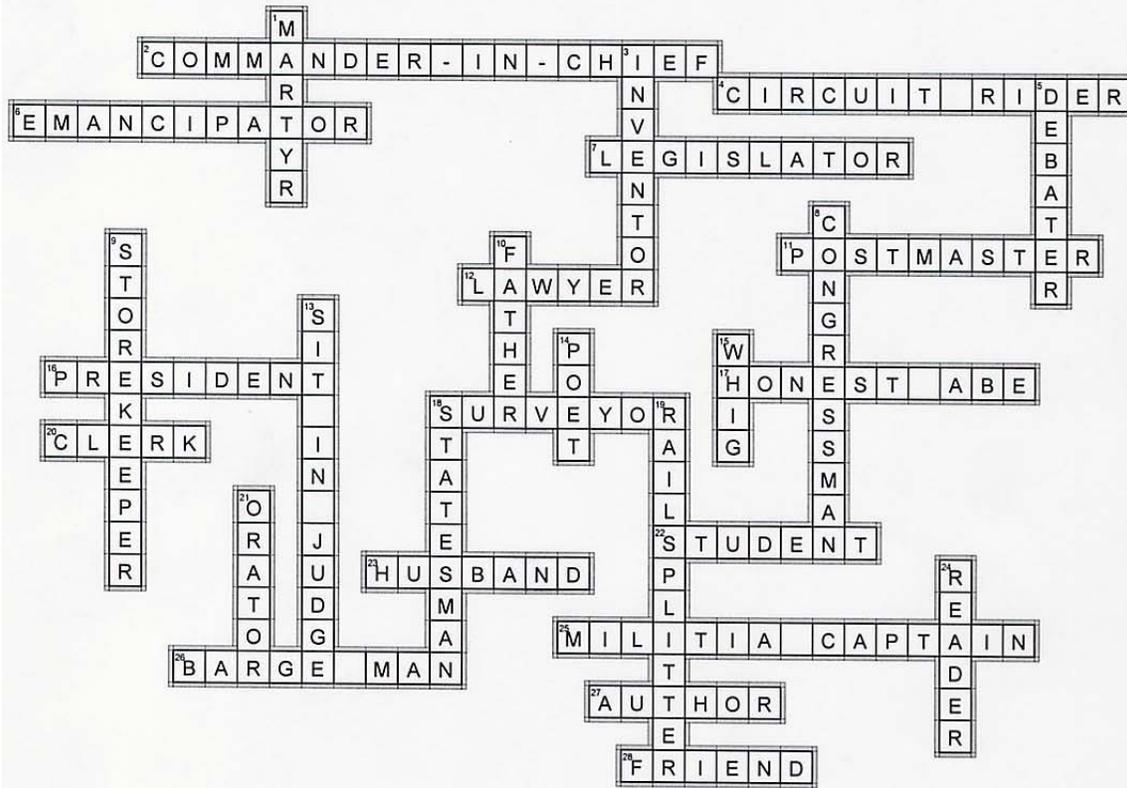
Created by Peggy Dunn with EclipseCrossword — [www.eclipsecrossword.com](http://www.eclipsecrossword.com)

## Down

1. killed by John Wilkes Booth
3. patent holder
5. argued his position against Stephen Douglas
8. Ran for a government office in Washington
9. sold merchandise to community members
10. had children
13. substitute at the bench
14. writing rhyming lines
15. political party
18. involved in politics
19. Ax and wood
21. spoke before audiences
24. loved books

# Abraham Lincoln's Careers

Created by Peggy Dunn with EclipseCrossword — [www.eclipsecrossword.com](http://www.eclipsecrossword.com)



## Across

2. COMMANDER-IN-CHIEF — Civil War military title
4. CIRCUIT RIDER — lawyer on horseback or carriage
6. EMANCIPATOR — Freed the slaves
7. LEGISLATOR — Ran for a government office in Illinois
11. POSTMASTER — New Salem post office
12. LAWYER — member of the Bar
16. PRESIDENT — 16th of the U. S.
17. HONEST ABE — his character
18. SURVEYOR — determining the size of a plot of land
20. CLERK — The Lincoln Berry store
22. STUDENT — Reading
23. HUSBAND — married
25. MILITIA CAPTAIN — Black Hawk war
26. BARGE MAN — Mississippi river

27. AUTHOR — writer
28. FRIEND — sharing and liking others is a way to be a

## Down

1. MARTYR — killed by John Wilkes Booth
3. INVENTOR — patent holder
5. DEBATER — argued his position against Stephen Douglas
8. CONGRESSMAN — Ran for a government office in Washington
9. STOREKEEPER — sold merchandise to community members
10. FATHER — had children
13. SIT IN JUDGE — substitute at the bench
14. POET — writing rhyming lines
15. WHIG — political party
18. STATESMAN — involved in politics
19. RAILSPLITTER — Ax and wood

# Abraham Lincoln's Careers

Created by Peggy Dunn with EclipseCrossword — [www.eclipsecrossword.com](http://www.eclipsecrossword.com)

## Down

- 21. ORATOR — spoke before audiences
- 24. READER — loved books