

Lincoln Legal Briefs

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A Documentary History of the Law Practice of Abraham Lincoln, 1836-1861

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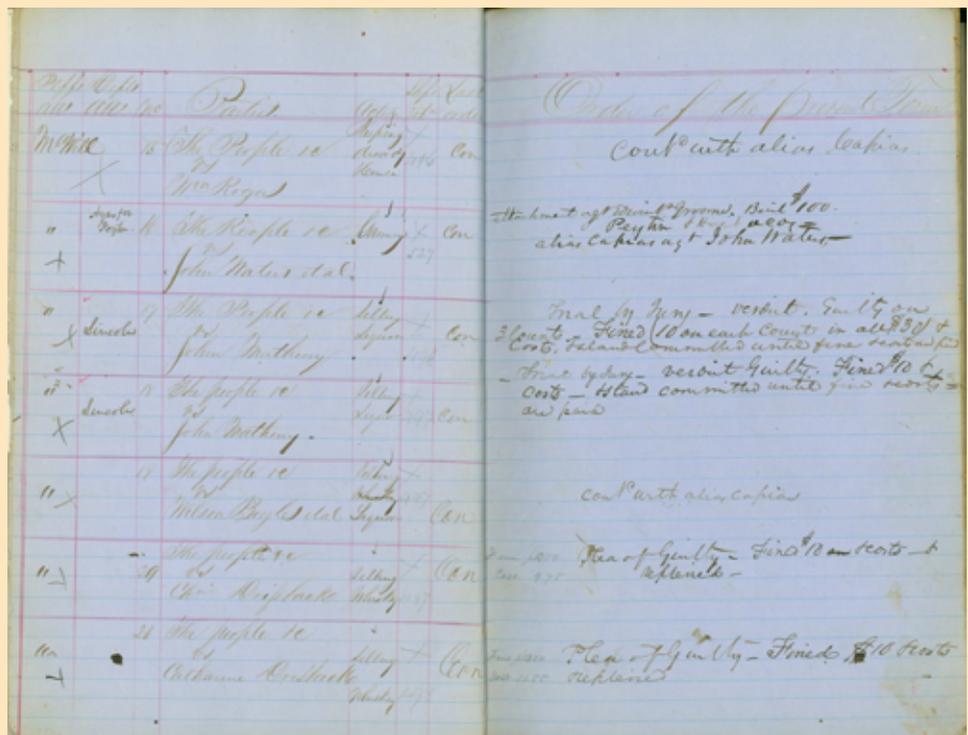
New Dockets Reveal Seventeen New Cases

Whenever an auction house sells a large collection of Lincoln manuscripts, it invariably yields documents that were previously unknown to scholars. When Heritage Auction Galleries sold the Henry E. Luhrs Collection in two auctions this year, project editors learned of 98 new legal documents. Twenty-two of those documents led to twenty-two new cases in the circuit courts of Champaign, Edgar, Sangamon, Tazewell, and Vermilion counties. The discovery of these documents required project editors to travel to those counties to search for case files and other documentation relating to these cases.

In November, Assistant Editor Chris Schnell and Research Associate Kelley Boston traveled to the Champaign County Courthouse in Urbana, Illinois, to research the four new legal cases from the Luhrs documents. While there, they discovered three judge's dockets, a judgment docket, an execution docket, and a clerk's docket dating back to 1835. Project editors had not seen these docket books during the initial Champaign County research for *The Law Practice of Abraham Lincoln: Complete Documentary Edition*. Two of the judge's docket books, which cover the years 1850-1856, yielded seventeen new legal cases in which Lincoln was involved. These new cases took place in the criminal, chancery, and common law divisions and represent a va-

riety of legal actions, including a criminal charge of keeping a tippling house (saloon). In that case, *People v. Joseph Fitzpatrick*, Lincoln served as the judge in the October 1854 term of court and continued the case until the next term. In the June 1856 term, Lincoln also served as a defendant attorney in three criminal charges of selling liquor.

These new docket books are a great discovery for the project not only because they have yielded new legal cases, but also because they represent a period of Champaign County's early history. As the county developed economically and its population increased, the terms of court became longer and the number of cases heard at each term increased. Lincoln's law practice in Champaign County increased correspondingly during this time period.



Folio from 1856 Champaign County Judge's Docket Book
(Lincoln wrote his name as defendant attorney in the second column in two cases.)

Staff News

Associate Director John Lupton wrote two entries in the *Encyclopedia of American Race Riots* (Greenwood, 2006), edited by Walter Rucker and James Nathaniel Upton. One entry concerns the coal mine wars of 1898 in Virden, Pana, and Carterville, and the other entry details the 1917 East St. Louis race riot.

In October, Daniel Stowell and Kelley Boston attended the Lincoln Symposium sponsored by the Abraham Lincoln Library and Museum at Lincoln Memorial University in Harrogate, Tennessee.

Also in October, Chris Schnell and Erika Nunamaker attended the annual meeting of the

Association for Documentary Editing in Quincy, Massachusetts.

On November 11, Daniel Stowell spoke to members of the Union League Club of Chicago at the Sangamo Club in Springfield. The Union League Club members had traveled to Springfield to tour the Abraham Lincoln Presidential Library and Museum. Stowell spoke to them about Lincoln's legal career and several cases that Lincoln argued in the federal courts in Chicago.

In December, Research Associate Kelley Boston married Jonathan Clausing. The couple met while they were students at the University of Illinois.

Project Staff Returns to County Courthouses

This fall, members of the staff returned to the project's roots in Illinois county courthouses to digitize legal documents from newly discovered Lincoln cases. The auction of the Lincoln documents

owned by Henry E. Luhrs (see story on page 1) led to the discovery of twenty-two new legal cases and one other legal activity from five central Illinois counties. Below are summaries of each new case.

Champaign County Circuit Court

Everett v. Evans

Trespass Quare Clausum Fregit, 1856

Joseph T. Everett sued Albert Evans and charged that Evans had unlawfully entered and damaged Everett's property. Lincoln filed a plea on behalf of Evans, and a jury found Evans guilty. The jury assessed \$51.25 in damages, and the court ordered Evans to pay the damages and court costs.

Hill v. Williams and Bradshaw

Assumpsit, 1858-1860

Lysander Hill sued John Williams to recover a \$600 debt. Lincoln wrote and filed a plea for Williams, and Hill later dismissed the case.

May v. Hollister

Trespass on the Case, 1855-1856

Calvin D. May hired James Hollister, a "physician and surgeon," to help May recover from a fractured wrist and a dislocated shoulder. May later sued Hollister, charging that Hollister's "ignorant, unskilful, and negligent" treatment had impeded May's recovery. May sought \$500 in damages. Hollister retained Lincoln, who filed a plea on his behalf. A jury later found Hollister not guilty.

White v. Rankin & Wiley

Debt, 1856

John P. White contracted with John T. Rankin and James Wiley to build a home on a lot in Urbana, Illinois, and to convey to him the deed to the property. Rankin & Wiley apparently failed to meet the terms of the agreement, and White sued them for a \$2,400 debt. Rankin retained Lincoln who presented evidence that the house was complete and that Rankin was prepared to convey the property. White later dismissed the case.

Edgar County Circuit Court

Baber v. Woodward

Ejectment, 1850-1851

Andrew J. Baber sued Moses Woodward because Woodward had allegedly ejected him from land that Baber rightfully owned. The court ruled that Baber was the land owner and had allowed Woodward possession for one year, time enough to remove his personal property from the premises. Lincoln wrote the court's final order.

Sanford v. Eliot

Assumpsit, 1851-1852

Sylvanus Sanford sued John Eliot in an action of assumpsit and requested \$200 in damages. Eliot retained Lincoln, who wrote and filed the plea. The jury ruled in favor of Sanford and awarded \$30. Lincoln argued for a new trial, which Judge David Davis granted. At the next term of court, Eliot agreed to accept the previous jury verdict.

**Wood v. Blackburn
Trespass, 1851**

Joseph Wood retained Lincoln and sued James M. Blackburn for cutting trees on Wood's property without his permission. Wood demanded \$600 for damages based on the value of the trees as defined by state law. Lincoln wrote and filed Wood's replication to the defendant's plea. The parties had tried to arbitrate their differences, but Wood declined the arbitrator's decision. Wood later dismissed the case and paid the court costs.

**Sangamon County Circuit Court
Booth v. Booth
Divorce, 1860**

Amasa Booth hired Lincoln & Herndon to sue his wife, Matilda Booth, for a divorce on the ground of adultery. After Matilda Booth failed to appear in court, the court heard testimony proving that she had committed adultery on at least two occasions while Amasa Booth was away in California. The court granted the divorce.

**Canfield v. Short
Conveyance, 1856-1860**

Charles W. Canfield entered into a contract to purchase 125 acres at \$20 an acre from Joshua W. Short. After Short refused to convey the property, Canfield sued him to obtain a court order for conveyance. Short retained Lincoln & Herndon, who presented evidence that Canfield had not paid for the land according to the contract. Canfield later dismissed the case.

**McGinnis v. Smith and Colburn
Petition and Summons, 1844**

Jonas Smith and William H. Colburn owed William McGinnis \$400. McGinnis hired Logan & Lincoln to sue Smith and Colburn to collect the unpaid debt. Smith and Colburn admitted that they owed McGinnis \$366.35 and agreed to pay that much as part of the judgment against them.

**Stevens v. Stevens
Dower, 1839-1840**

When Samuel H. Stevens died in April 1839, he owned 861 acres of land in Sangamon County, Illinois. Stevens's widow, Lucette Stevens, sued his son and only heir, Phineas Stevens, asking the court to assign her dower. Since Phineas Stevens was a minor, the court assigned a guardian *ad litem* to safeguard his interests. The guardian *ad litem* did not contest the petition for dower. Lincoln wrote the final court decree, which ordered three commissioners to assign the dower and convey the property to Lucette Stevens.

The project acknowledges with deep appreciation the generosity of the following contributors:

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**Sangamon County Probate
Justice of the Peace Court
Lincoln Filed a Claim
against the Redmond Estate for Casey
1843**

William Redmond owed several debts when he died in 1841. Among them was a \$200 debt to Zadock Casey. Lincoln filed a claim against the Redmond estate for \$200 on behalf of Casey.

**Tazewell County Circuit Court
Ames v. Ames
Divorce, 1854-1856**

In October 1854, Rowena Ames filed for a divorce from Sidney Ames on the ground of extreme and repeated cruelty. Sidney Ames denied the charges. After the testimony of twenty-three witnesses, a jury found Sidney Ames guilty of cruelty and granted Rowena Ames a divorce. Lincoln wrote the divorce decree, which was signed by Judge David Davis. In September 1856, the court granted Rowena Ames a one-time alimony payment of \$300.

**Bailey v. Knott
Assumpsit, 1838**

Leonard Knott gave David Bailey a \$300 promissory note in March 1838. When Knott failed to pay, Bailey retained Stuart & Lincoln and sued to collect the debt. On April 21, 1838, the court found for Bailey and ordered Knott to pay Bailey \$336.05.

**Carmen for the use of Chatterton v. Trice et al.
Debt, 1853**

Nathan S. Trice, Thomas C. Reeves, and James Haines purchased a city lot in Pekin, Illinois, from William H. Carmen for \$2,000. After they failed to pay the entire purchase price, Carmen sued them to collect the debt. The defendants retained Lincoln, who filed their plea. A jury found for Carmen and ordered the defendants to pay \$475.

**Hicks for the use of Wright and James v. Bailey
Debt, 1846**

In August 1846, Laban Hicks, for the use of Nathaniel Wright and Benjamin F. James, retained Lincoln and sued Daniel M. Bailey. Hicks sought damages of \$180 on a debt related to an earlier case in the Tazewell County Circuit Court. The court later dismissed the case at Hicks's request.

**Nichols and Ewers v. Jacobs and Jacobs
Debt, 1845-1846**

Elam Jacobs and Price Jacobs gave Jonathan Ewers a \$500 promissory note in 1836. Jonathan Ewers died, and Joshua Nichols and William Ewers, the administrators of his estate, sued Jacobs and Jacobs to collect the debt and \$400 in damages. Jacobs and Jacobs retained Lincoln to represent them. The court granted one continuance but refused to grant a second, forcing the plaintiffs to dismiss the case.

Seeley for the use of King v. Oakley
Assumpsit, 1846-1847

Abner Seeley, for the use of Samuel King, retained Lincoln and sued Charles Oakley for failing to pay a \$64 promissory note and requested \$150 in damages. After one continuance, the court found for Seeley, and the clerk assessed the damages at \$75.34. Lincoln represented the plaintiff in the case.

Vermilion County Circuit Court
Calvert v. Timmons et al.
Trespass, 1859

Sanford Calvert sued William R. Timmons, Joseph Anderson, Remus McArdle, Barry Day, and Albert Heath. Calvert charged that the defendants broke into his public house, inn, and warehouse, and created a disturbance for two hours during which they damaged various doors, locks, and hinges, and took an auger valued at \$7.00. He claimed damages of \$1,000. Lincoln wrote the plea for the defendants, explaining that Timmons, a justice of the peace, had issued a search warrant based on a complaint by Heath, and that the search was officially carried out by Anderson, McArdle, and Day, in search for the auger. A jury awarded Calvert damages of \$81.

Robbins & Pomeroy v. Peters
Assumpsit, 1858

John V. Robbins, Ralph M. Pomeroy, and Samuel L. Robbins, partners doing business as Robbins & Pomeroy, sued Joseph Peters for an unpaid promissory note for \$471.49 and interest. They requested damages totaling \$800. Peters retained Lincoln, who wrote a plea in abatement, stating that the case had been filed improperly in Vermilion County. The case continued until the next term, when Peters defaulted, and the court ordered him to pay \$257.71.

People for the use of Delay v. Caughron et al.
Debt, 1850

The probate court appointed Samuel Caughron as the administrator of the estate of William Caughron. Samuel Caughron signed a bond for \$1,000 to ensure the proper administration of the estate. Jacob Delay, as the guardian of minors George T. Caughron and Sephronia Caughron, sued Samuel Caughron and the sureties on his administrator's bond. He claimed that Samuel Caughron had failed to carry out his responsibilities as administrator. The defendants denied the charges. Lincoln wrote the pleas, but signed for Joseph Peters as the defendants' attorney. The court ruled in favor of the plaintiffs and awarded them damages of \$59.45.

Holmes v. Weaver et al.
Enforce Mechanic's Lien, 1855

William B. Holmes sued John Weaver, William James, and Joseph D. Perkins to enforce a mechanic's lien. The defendants defaulted, and the court ordered them to pay Holmes \$357.80. Lincoln wrote the court's final decree.

Stanford v. Radcliffe and Vanmeter
Debt, 1842-1843

Philip M. Stanford sued Ambrose D. Radcliffe and Isaac D. Vanmeter for two \$500 promissory notes, which had not been paid, and for \$300 in damages. Radcliffe and Vanmeter retained Lincoln who wrote and filed their plea. When neither Lincoln nor the defendants appeared in court, the judge ordered Radcliffe and Vanmeter to pay Stanford the debt of \$1,000 and damages of \$701.16.

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A Project of



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How You Can Help:

•By advising project staff of known or reported Lincoln legal documents in your locality. We are seeking photocopies of any document, record, letter, contemporary printed account, or after-the-fact recollection that relates to Abraham Lincoln's entire law practice, 1836-1861.

•By making a tax-deductible donation to the Abraham Lincoln Association in support of the project. Such gifts provide crucial support in furtherance of the project's objectives.

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