

# Lincoln Legal Briefs

A Quarterly Newsletter of The Lincoln Legal Papers

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

October — December 2007

Number 84

## “Almost a father to me”

One of the unexpected benefits of the extensive search for the Papers of Abraham Lincoln is the discovery of new insights into Lincoln’s legal career. Buried among hundreds of thousands of documents at the National Archives are many letters to President Lincoln on a variety of subjects. On some of those letters are endorsements written by Abraham Lincoln of varying length and importance. Some endorsements simply refer the subject matter of the letter to a cabinet officer or other government official. A few yield more interesting insights into Lincoln the president and sometimes into Lincoln the lawyer.

A recent discovery in the files of the Treasury Department contained such an endorsement. On January 13, 1862, Stephen T. Logan wrote a letter to his former law partner, now President. Logan appealed to Lincoln on behalf of James W. Farrar. Although Logan did not know Farrar well, “some of our most respectable citizens” recommended him. Farrar had been “thrown out of employment by the existing troubles,” and Logan asked Lincoln to give Farrar a clerkship aboard some U.S. Navy vessel.

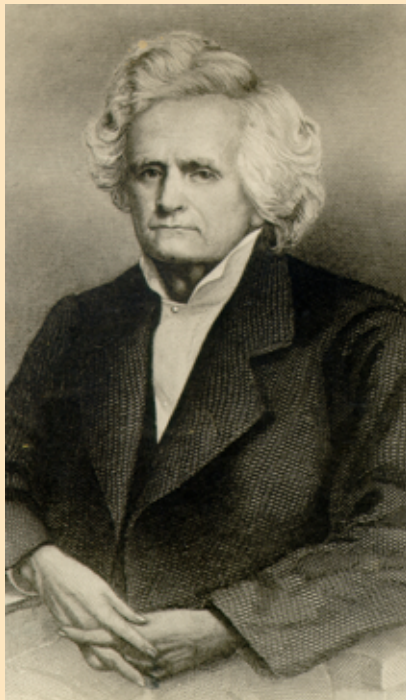
On March 26, 1862, Lincoln forwarded the letter to Secretary of the Navy Gideon Welles with

the endorsement: “The writer of this is almost a father to me, and if the Secretary of the Navy can find a place for the young man he recommends I shall be obliged.” Although Lincoln sometimes included a note on his relationship to the person making a request, this endorsement is unique in the characterization of his relationship with Logan.

Six months earlier, Lincoln had written on another letter from Logan that “This letter is written by Judge Stephen T. Logan, one of my most distinguished, and most highly valued friends, who now, for the first time, makes a request of me about an office. I wish him to be gratified if possible.” In this earlier communication, Logan had written on behalf of his brother-in-law, L. T. Thustin, who lived in Louisville, Kentucky.

Stephen T. Logan, nine years Lincoln’s senior, formed a partnership with the younger attorney when the Stuart-Lincoln partnership dissolved in the spring of 1841. For the next three years, junior partner Lincoln regularly traveled to the courts in counties on the Fourth and Eighth Judicial Circuits, while Logan did most of his work in Springfield in the county, state, and federal courts.

By most accounts, Lincoln was estranged from his father, Thomas Lincoln, from the time he left his father’s household in the spring of 1831 until his father’s death two decades later in 1851. The successful son rarely wrote to his father in Coles County, Illinois, and their relationship was so strained that Abraham Lincoln did not attend his father’s funeral. In this context, Logan, as an older, more accomplished attorney, may have served as both mentor and father figure to lawyer Lincoln, although Logan was only nine years older.



Stephen T. Logan

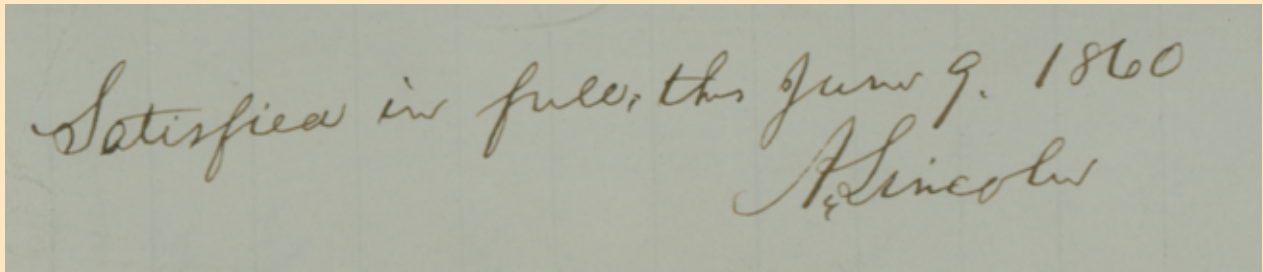
by Daniel W. Stowell  
Director/Editor

## Deed Record Entries Located

While the Lincoln Legal Papers finished systematic searching for documents in 1999, new documents seem to appear monthly. The latest entry in this ongoing process of discovery took place in the Sangamon County Recorder's Office in Springfield—a mere four blocks from our offices.

Mary Ann Lamm, the Sangamon County Recorder, contacted Dr. James Cornelius, the curator

The third endorsement concerns Mary Lincoln's aunt. Maria Bullock, who lived in Lexington, Kentucky, owned some property in the city of Springfield. Lincoln helped her divide the land into lots, advertised them, sold them, and collected the money for her. Lincoln sold one of the lots to Patrick Keilly, who was unable to pay the full amount and gave Lincoln a promissory note secured by a

A photograph of a handwritten note on aged paper. The text is written in cursive and reads: "Satisfied in full, this June 9. 1860" followed by a signature that appears to be "A. Lincoln".

Endorsement by Abraham Lincoln from a Sangamon County Deed Record Book

of the Henry Horner Lincoln Collection at the Abraham Lincoln Presidential Library, about several Lincoln deed records. Cornelius thought they might have been copies of the deed to Lincoln's home and asked John Lupton to accompany him to examine the documents. Lupton and Cornelius found three deed record pages each with a Lincoln endorsement on them. While the project knew of the existence of these endorsements, we were unaware of the location of the originals.

The first two endorsements relate to a non-litigation action in which Lincoln loaned money to Ritta Angelica Da Silva, a Portuguese immigrant, who secured the loan with a mortgage on her property, which was recorded in the deed record books. Several months later, Lincoln loaned her more money and took out a second mortgage. She eventually paid both debts, and Lincoln noted the satisfaction of the mortgages in the deed record book.

mortgage on the lot. Keilly later paid the promissory note, and, in the deed record book, Lincoln noted the satisfaction of the mortgage on behalf of Maria.

The previous recorder had the deed record pages framed in the 1970s and hung them on his wall. When Lamm became recorder, she inherited the documents by virtue of her position. Lamm is nearing retirement and wanted the documents to be more publicly visible and hopes to work out a permanent loan of the documents to the Abraham Lincoln Presidential Library and Museum.

## Lincoln's Last Case

Nearly every author who has written a biography of Abraham Lincoln or a study of his twenty-five year law practice notes the first case in which Lincoln served as an attorney. *Hawthorn v. Wooldridge* actually was two different cases tried in the fall of 1836, involving an assault and a debt collection with Lincoln representing the defendant in both cases. On the other end of the spectrum, scholars generally ignore Lincoln's last case, but often refer to the "Sandbar" case of *Johnston v. Jones and Marsh* in April 1860 as Lincoln's last case of any importance.

On May 18, six weeks after the conclusion of the *Johnston* case, Lincoln received the

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

Richard C. Bjorklund  
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Republican nomination for president. While he had done a small amount of legal work at the Sangamon County Circuit Court earlier in May, he did not travel the Eighth Judicial Circuit as he had done for much of the previous twenty-five years. Lincoln's last concentrated legal work came in the June 1860 term of the United States Circuit Court for the Southern District of Illinois, meeting in Springfield.

Lincoln worked on a number of cases during this term but particularly focused on three cases. In *Conner v. Berry*, Lincoln defended Joseph Berry against the assumpsit suit of his brother-in-law Richard Conner, who paid a judgment for Berry in an earlier lawsuit. Conner sued Berry to recover the debt. Lincoln wrote at least two documents (including the one at right) during this term, but the court continued the case until the next term. William H. Herndon argued the case for Berry at the trial in March 1861, when the jury ruled for Conner.

In *Joyner v. Bowen and Marvel*, Lincoln represented Marvel and Bowen, who defended against Joyner's attempt to obtain land that Marvel claimed. Joyner's son had died in the Mexican War, and as his son's heir, Joyner requested bounty land from the federal government through the aid of his Tennessee congressman. However, Joyner's congressman sold the land certificate to a land agent, who eventually sold it to Bowen, who settled in De Witt County, Illinois. Later, Bowen sold the land to Marvel. On July 10, the last day of the June term, the court continued the case, and a year later, the

In the Circuit Court of the United States, in and for the Southern District of Illinois -  
June Term 1860

Joseph A. Berry  
vs  
Richard W. Conner

And the said defendant comes and defends the wrong and injury, when, where, &c. and says plaintiff acts (now, because he says he did not undertake and promise, in manner and form as is in the declaration alleged; and of this he puts himself upon the country, &c.

And the said plaintiff Lincoln & Herndon, p. v. doth the like (Springfield, Mo.)

The defendant hereby notifies the plaintiff that on the trial of this cause, he will prove that the money supposed to have been paid by the plaintiff to the sheriff as in the plaintiff's declaration mentioned, was not paid for the defendant, as he puts, or otherwise.

That he will prove that the plaintiff is indebted to him, the defendant, in the sum of about seven hundred dollars, for the use and occupation of land in Kentucky, where defendant well offers to set off against the any claim of the plaintiff which he may succeed in proving.

Lincoln & Herndon

**Plea and Notice, written by Abraham Lincoln, in *Conner v. Berry*, June 1860**

Image courtesy of the National Archives and Records Administration, Great Lakes Region, Chicago, Illinois.

court ruled that Marvel had to pay Joyner the value of the land.

Finally, in *Dawson v. Ennis and Ennis*, Dawson retained Lincoln and sued Ennis and Ennis for patent infringement for selling a plough in Morgan County, Illinois, that Dawson claimed to have the rights to sell. Ennis and Ennis claimed that they received the right to sell the plough from the true inventor, and that Dawson was selling them illegally. On June 20, 1860, Lincoln argued the case before the judge, who decided to continue the case. This date is the last recorded activity of Lincoln in a courtroom. Two years later, the parties reached an agreement, and the court dismissed the case.

Even though the June 1860 term continued until July 10, there is no

**PATENT RIGHT CASE.—The case of Charles H. Dawson vs. H. M. and William Ennis, for infringement of a patent right in a double plow—was up in the United States Circuit Court on yesterday, and was argued before the Court by Messrs. Lincoln and Ketchum for the plaintiff, and Judge Palmer for the defendant. The Judge took the case under advisement.**

Newspaper Report of *Dawson v. Ennis and Ennis*  
June 21, 1860

Daily Illinois State Journal, Springfield.

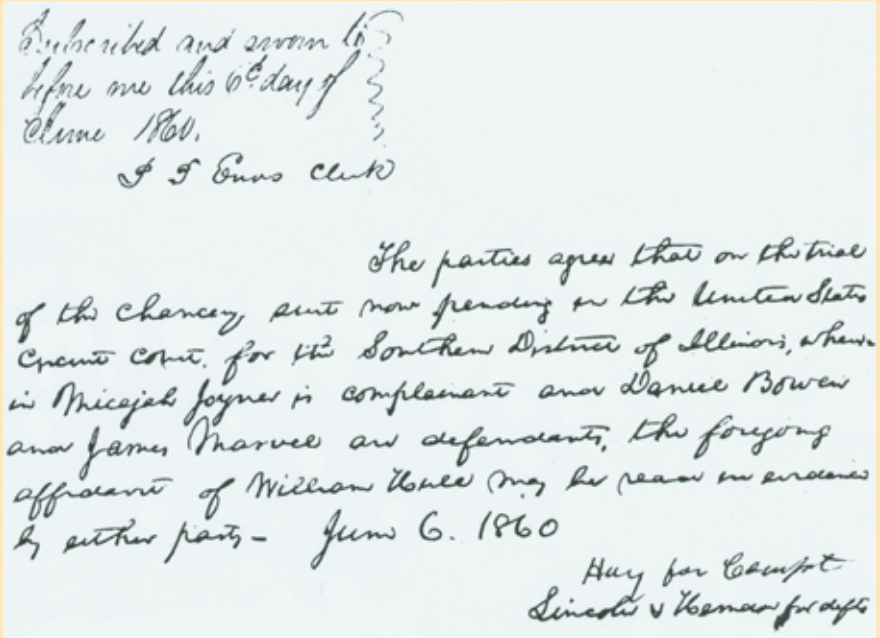
See **CASE** (on page 4)

## CASE (continued from page 3)

documentary evidence after June 20 of Lincoln's participation in a lawsuit, either by writing a pleading document or by arguing a case in court. It is possible that Lincoln may have worked on other cases and may have requested the continuance in *Joyner* on July 10, but the records are not conclusive.

During the summer and fall of 1860, Lincoln also handled a few non-litigation activities. He urged the governor to pardon several convicted prisoners serving time in the state penitentiary. Lincoln noted the satisfaction of a mortgage he possessed from a Portuguese woman (see page 2 for more details). He signed other petitions and provided legal opinions for people.

A number of Lincoln's cases continued well into his presidency, and Herndon, on occasion, would inform President Lincoln about a particular lawsuit on which the two had worked in Springfield. The very last lawsuit in which Lincoln had been involved as an attorney concluded in 1876, eleven years after his death. The case of *Beaver v. Taylor and Gilbert* began in 1853 and was an ejectment suit over some very valuable accreted land at the confluence of the Mississippi and Ohio Rivers.



Subscribed and sworn to  
before me this 6<sup>th</sup> day of  
June 1860.  
J. S. Evans Clerk

The parties agree that on the trial  
of the Chancery suit now pending in the United States  
Circuit Court for the Southern District of Illinois, where  
Michael Joyner is complainant and Daniel Bowen  
and James Marvel are defendants, the foregoing  
affidavit of William Hovey may be read in evidence  
by either party - June 6. 1860

Hay for Receipt  
Lincoln & Herndon drafts

### Agreement, written by Abraham Lincoln, in *Joyner v. Boven and Marvel*, June 1860

Image courtesy of the National Archives and Records Administration, Great Lakes Region, Chicago.

Lincoln was an attorney for Taylor and Gilbert during the January 1860 term of the federal court and gave a receipt for his legal services in October 1860 for \$1,500. The case went to the U.S. Supreme Court twice, with the final decision in October 1876 for Taylor and Gilbert.

by John Lupton  
Associate Director/Associate Editor

## The Lincoln Legal Papers

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*This project has been supported by grants from the National  
Endowment for the Humanities, an independent federal agency, and  
the National Historical Publications and Records Commission.*

#### 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.

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Printed by authority of the State of Illinois (3.8M—12-07)