

Lincoln Legal Briefs

A Quarterly Newsletter of The Lincoln Legal Papers

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

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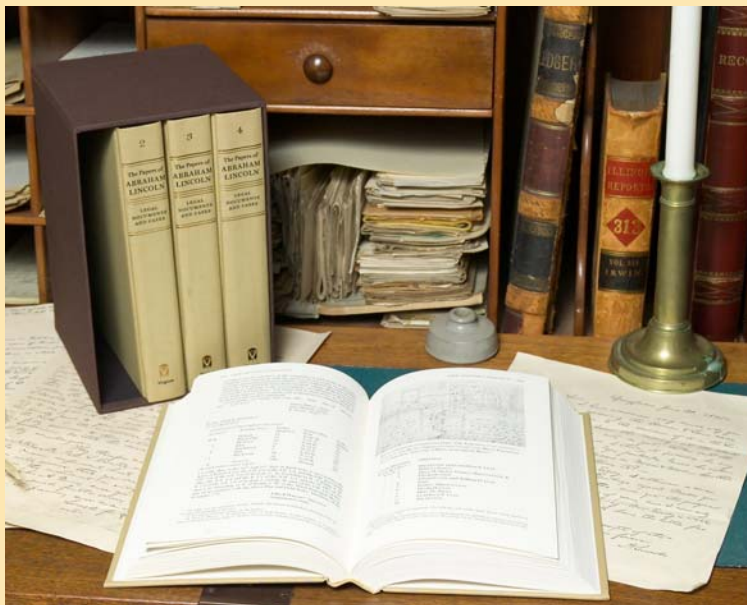
Announcing The Papers of Abraham Lincoln: Legal Documents and Cases

The Papers of Abraham Lincoln and the University of Virginia Press are delighted to announce the publication of the four-volume selective print edition of Lincoln's legal papers, entitled *The Papers of Abraham Lincoln: Legal Documents and Cases*. The culmination of more than two decades of intensive study of Lincoln's quarter-century law practice, this edition completes the work of the Lincoln Legal Papers, begun in 1985. It is the project's second major publication, joining *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, published on three DVD-ROM discs in 2000.

The editorial staff spent several months selecting cases for inclusion into the book edition. The director assigned cases to staff members, who spent considerable time selecting, transcribing, and proofing documents; researching context; and writing the chapters. While one editor was responsible for a chapter, everyone's contribution improved the quality of the final presentation. Every staff member had an opportunity to offer constructive criticism and suggestions at several points during the process. Also improving the quality of the final product was the labor of our editorial board. After the staff completed several chapters, the director forwarded them to the editorial board for review. All of the members of the board read several chapters and commented on them, offering suggestions and comments. Their work provided indispensable outside observation of our work.

The selective print edition provides authoritative transcriptions of approximately 750 documents from fifty of Lincoln's most important, interesting, and representative cases. Editorial text

and notes place the documents and the cases in their historical and legal contexts. Three topical chapters, two surveys of Lincoln's travels around the Eighth Judicial Circuit, and a chapter devoted to a single term of the Sangamon County Circuit Court round out the volumes. A historical introduction, a biographical directory, a glossary, brief essays on



court structure and legal pleading and practice, and a primer on legal descriptions of land aid readers in understanding the context of Lincoln's cases. Ten maps and over fifty illustrations also enhance the volumes. The print edition also serves as an introduction and gateway to the thousands of cases and tens of thousands of documents in the *Complete Documentary Edition*.

The four-volume boxed set retails for \$300 and is available from the University of Virginia Press at 1-800-831-3406 or <http://www.upress.virginia.edu/books/lincoln.HTM> and from online booksellers. Members of the Abraham Lincoln Association receive a discount.

Lincoln the Lawyer, Politician, and Documentary Editor

In 1830s Illinois, political parties completed the process of becoming fully formed. In some respects, this period of time was more political than at any other time in antebellum Illinois. Abraham Lincoln handled a number of politically motivated legal cases during this time as he and Stephen Douglas battled each other for the top positions—legal and political—in their respective parties.

Lincoln and Douglas opposed each other in a series of cases that began with the widow Mary Anderson. In 1837, she hired the Stuart-Lincoln law firm to recover some land that she believed had been fraudulently transferred by her husband to James Adams, a political ally of Douglas. Adams also was a candidate for probate justice of the peace against Lincoln's friend Anson Henry. Lincoln posted an inflammatory handbill, and Adams publicly responded against the "knot of lawyers"—Stuart, Lincoln, and Stephen T. Logan—by accusing them of wrongdoing. Logan responded by suing Adams in an action of libel to restore his good name and reputation. After excessive trials in the local newspapers, public attention waned as the cases changed venue to a neighboring county, where all were either dismissed or settled. However, Mary Anderson never recovered her land.

A new document relating to these lawsuits recently obtained by the Abraham Lincoln Presidential Library and Museum from the Louise Taper Collection illustrates Lincoln's preparation and attention to detail.

The document, shown here, was reproduced in Lincoln's printed handbill, and Lincoln introduced the document as having "a connection to the land affair, I immediately took a copy of it, which is word for word, letter

Lincoln Legal Briefs Is Going out of Business

This is the final issue of the *Lincoln Legal Briefs*, which began in December 1987. The publication of *The Papers of Abraham Lincoln: Legal Documents and Cases* marked the end of the Lincoln Legal Papers; and twenty years and eighty-five newsletter issues later, we retire this publication that we hope has informed and entertained you over the years.

for letter, cross for cross." Lincoln, of course, transcribed a number of documents as evidence in declarations or bills of complaint. He also copied passages in printed opinions and copied political speeches as fodder to prepare for debates.

While we had Lincoln's transcription policy of "word for word, letter for letter, cross for cross," here we have a new example of Lincoln's policy. Documentary editors, of course, strive for perfect accuracy, and we are pleased to know that Lincoln shared our belief nearly one hundred and seventy-five years before we transcribed his own words.

By John A. Lupton
Associate Director/Associate Editor

A copy.
Judgement in Sangamon circuit court
in favour of Joseph Anderson against
Joseph Miller obtained on a note
originally 25 doll. and interest
thereon accrued—
I assign all my right, title and interest to the
said Judgement to James Adams which is in con-
sideration of a debt I owe the said Adams
May 10th 1837.
Joseph Anderson
marked

**Copy of Assignment, written by Abraham Lincoln
Filed 10 October 1837, as evidence in *Logan v. Adams***
Image courtesy of the Abraham Lincoln Presidential Library and Museum.

New Illinois Legal Document Found in New Jersey

In our research travels to repositories across the country to digitize documents for Series II and Series III, we have continued to locate new legal documents as well. In February, Director Daniel Stowell and Assistant Editor Ed Bradley visited the Morristown National Historical Park in Morristown, New Jersey. The park, which commemorates the town's connections to the Revolutionary War, owns six Lincoln documents, including an answer (pictured at right) in the Sangamon County Circuit Court case of *Kelly v. Wells and Wells*. Part of the extensive Lloyd W. Smith Collection, donated to the park in 1955, the documents are housed at the library in the visitor center, located in the woody, picturesque park. Morristown is just one of the many interesting repositories where the project has located Lincoln documents during the past two years.

Kelly v. Wells and Wells

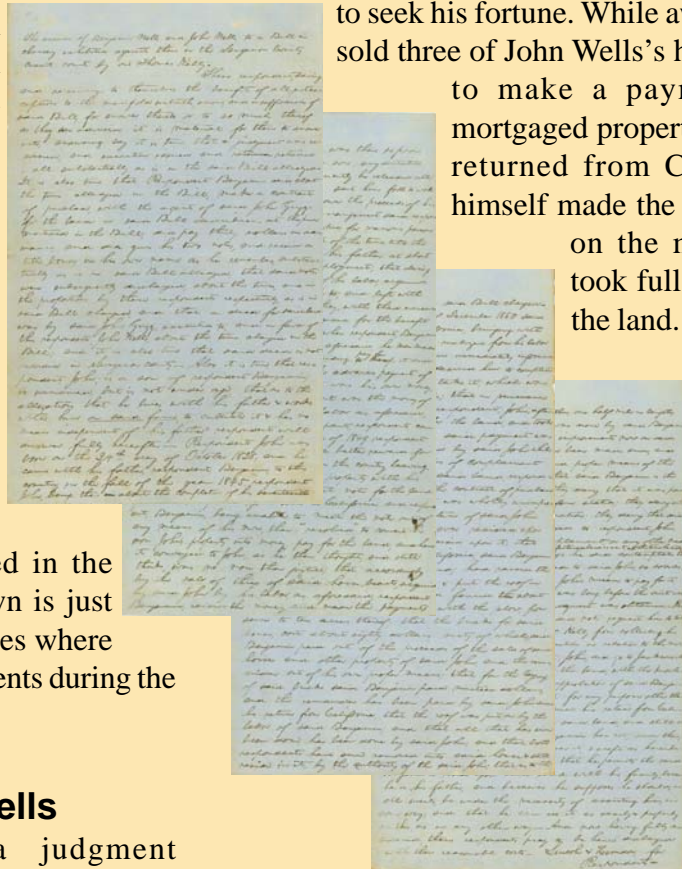
After failing to obtain a judgment in one lawsuit against Benjamin Wells and John Wells, Thomas Kelly retained Silas W. Robbins and filed another suit against them in August 1852. Kelly claimed that Benjamin Wells owed money resulting from a former law suit to Kelly's former company, S. C. Bascom & Co. He also claimed that Benjamin Wells had transferred an eighty-acre tract of land (on which he had a mortgage) to his minor son John Wells to hide assets and thwart payment of the judgment.

Debt litigation was a reality in antebellum America, as debtors and creditors navigated the confusing economic waters of the era. This debt-related legal action was only one of the hundreds of such cases Lincoln and his partners handled from 1837-1861.

Kelly v. Wells and Wells appeared in the Sangamon County Circuit Court in the fall term, and Wells and his son retained Abraham Lincoln. The case was continued until the summer term, when

Lincoln filed the recently located four-page answer. In the answer, Lincoln argued that his client Benjamin Wells had legitimately converted the real property to his son. Released from his father's responsibility, the young John Wells went to California to seek his fortune. While away, his father sold three of John Wells's horses in order to make a payment on the mortgaged property. When John returned from California, he himself made the final payment on the mortgage and took full possession of the land. In the answer,

Lincoln also reported that John Wells had stated that "his father did not request him to take and hold this property to prevent s^d Kelly from collecting his debt."



Answer, written by Abraham Lincoln
filed 9 June 1853

Image courtesy of Morristown National Historical Park.

After multiple continuances and three years of inactivity in the case, the court dismissed it in November 1856. While a somewhat routine legal dispute, the case reveals something of the complex economic situations with which antebellum Illinoisans were forced to contend in the context of scarcity of cash and complicated webs of credit.

By Stacy Pratt McDermott
Assistant Editor

Sources: Judge's Docket Entry, August 1852, Judge's Docket 1849-1853, Sangamon County Circuit Court; Decree, 9 September 1852, Record L, 589; Decree, 1 April 1853, Record M, 168; Decree, 21 June 1853, Record M, 322; Decree, 10 December 1853, Record M, 487, all in Illinois Regional Archives Depository, University of Illinois at Springfield; Answer, filed 9 June 1853, Morristown National Historical Park, Morristown, NJ; Martha L. Benner and Cullom Davis, eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition* (Urbana: University of Illinois Press, 2000).

Staff and Project News

In January, Associate Director John Lupton gave a presentation on Lincoln's legal writings at a law professor's conference in New York.

Also in January, John Lupton and Research Associate Kelley Clausing spoke to the volunteers of the Abraham Lincoln Presidential Library and Museum. Lupton gave a presentation entitled "Lincoln's Legal Writing" and Clausing's presentation covered aspects of Lincoln's term in Congress.

In February, Assistant Editor Stacy McDermott (pictured below) gave a presentation on Lincoln and antebellum law to a group of fifth graders at Iles Elementary School in Springfield. The students are part of an annual living history program in which they research, write, and make presentations about life in nineteenth-century Illinois.



In March...

John Lupton gave a presentation to the partners and associates of the Indianapolis, Indiana, law firm of Plews, Shadley, Racher, and Braun, who visited Springfield for several days for a law firm retreat. Lupton spoke to them about Lincoln's law practice before they toured the numerous Lincoln sites in Springfield.

Director Daniel Stowell presented a paper on Lincoln's bid for Commissioner of the General Land Office, entitled "Whigs in Disarray: Abraham Lincoln and the Scramble for Federal Patronage in 1849" at the Missouri Valley History Conference in Omaha, Nebraska. He also presented a paper entitled "From History to Fiction: Abraham Lincoln's Most Famous Murder Trial and the Limits of Dramatic License" at the annual meeting of the Popular Culture Association/American Culture Association in San Francisco, California.

Assistant Editor Chris Schnell and Research Associate Erika Holst (formerly Nunamaker) presented papers at the Illinois History Symposium at Millikin University in Decatur, Illinois. Schnell's paper was entitled "'Life on the Circuit': A Look at the Culture of Itinerant Lawyers in Lincoln's Illinois." Holst's paper was entitled "The Gentleman of the House: Abraham Lincoln and Domestic Gentility."

The project acknowledges with deep appreciation the generosity of Mr. and Mrs. Sheldon S. Cohen.

The Lincoln Legal Papers

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A Project of



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University of Illinois at Springfield

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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.

•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.

Please address inquiries and gifts to:

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