

Lincoln Legal Briefs

A Quarterly Newsletter of The Lincoln Legal Papers

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

July — September 2001

Number 59

Project's Reproduction Hat Becomes a Part of History

A reproduction of Abraham Lincoln's trademark stovepipe hat belonging to the Lincoln Legal Papers became a part of Illinois history on September 5, when Illinois Secretary of State Jesse White used it to determine the name of the ninth member of the Illinois Legislative Redistricting Commission.

After each federal decennial census, the Illinois General Assembly redraws boundaries for state legislative districts. The legislature was unable to agree on a new map. In the event of legislative disagreement, the Illinois Constitution provides for the creation of a redistricting commission. Republicans and Democrats each appointed four members to the commission, but they could not agree on new district boundaries either. In such cases, state law requires the Illinois Secretary of State to select a ninth member of the commission at random. Democrats nominated Michael Bilandic, former Chicago mayor and Illinois Supreme Court Justice, and Republicans nominated Ben Miller, a former Illinois Supreme Court Justice and a member of the Lincoln Legal Papers Advisory Board.

In a formal ceremony at the Old State Capitol, Democratic representative Tim Mapes, Chief of Staff for Democratic Illinois House Speaker Michael Madigan, and Republican representative Bob Kjellander, a member of the Republican National Committee, each inspected the hat. Mapes wrote Bilandic's name on a piece of paper, and Kjellander wrote Miller's name on a separate piece of paper. Each man inserted the papers into envelopes, which went into the reproduction hat. Mapes and Kjellander mixed up the two envelopes. Secretary of State Jesse White then pulled an envelope out of the hat, opened it, and read the name of Michael Bilandic.



Illinois Secretary of State Jesse White draws a name out of the Lincoln Legal Papers' hat in an historic ceremony at the Old State Capitol. *Photo courtesy of the Illinois Historic Preservation Agency.*

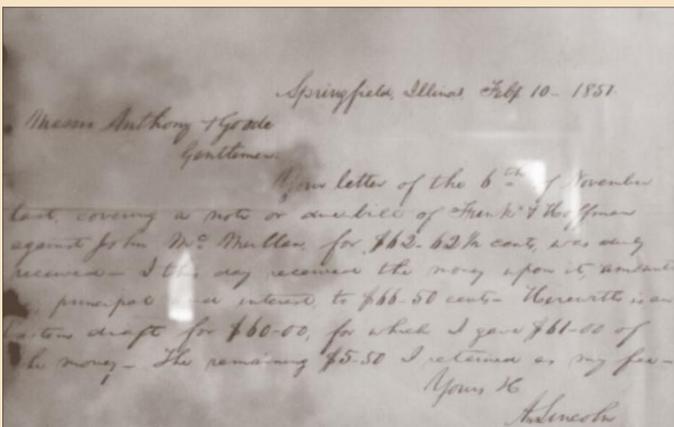
White's random selection of Bilandic's name out of the Lincoln Legal Papers's hat gave Democrats a majority on the redistricting commission. Control of the commission is important. In 1981, Secretary of State Jim Edgar pulled the Democratic nominee's name out of a hat, which ultimately gave Democrats control of the Illinois General Assembly. In 1991, Secretary of State George Ryan selected the Republican nominee, which allowed Republicans to regain control of the Illinois Senate. Many political leaders do not like the lottery-style method to determine whose map will be adopted, but everyone should agree that Lincoln's hat is an honest receptacle to use.

***For more on Lincoln's hat,
turn to page four of Lincoln Legal Briefs.***

A Tale of Two Springfields

While conducting research for this year's donor premium, Susan Krause discovered a new Lincoln document in *County Courthouses of Ohio* by Susan Thrane. Krause was using the book during her research for *From Log Cabins to Temples of Justice: Courthouses in Lincoln's Illinois*. The section of Thrane's book on Clark County contained a photograph of a Lincoln document hanging on the wall of the Court of Common Pleas courtroom in the county seat of Springfield, Ohio.

The document is a letter that Lincoln wrote to "Messrs Anthony & Goode." Roy Balesler had not known of the document when he edited the *Collected Works of Abraham Lincoln* nor had the staff of the Lincoln Legal Papers before the publication of the *Law Practice of Abraham Lincoln: Complete Documentary Edition*.



In the 1840s, John McMullan, who lived in Ohio prior to moving to Springfield, Illinois, owed Frink and Hoffman, a company probably based in or near Springfield, Ohio, \$62.62½ on a promissory note. Frink and Hoffman asked their attorneys Charles Anthony and James Goode to collect the debt for them. Anthony and Goode knew that McMullan had relocated to Springfield, Illinois, where he had become the proprietor of the City Hotel.

Charles Anthony was a long-time lawyer and Whig politician who had served in the Ohio legislature for more than ten years. James Goode was new to the profession of law. They may have found Abraham Lincoln's name in *Livingston's*

Law Register, which listed lawyers in every community in every state, and recognized Lincoln as a Whig and most recently a former member of Congress. On November 6, 1850, Anthony and Goode asked Lincoln for assistance in collecting the note that McMullan owed their clients.

On February 10, 1851, Lincoln replied that he had "received the money upon it, amount[ing], principal and interest, to \$66.50 cents. Herewith is an Eastern draft for \$60.00, for which I gave \$61.00 of the money. The remaining \$5.50 I retained as my fee."

Charles Anthony died in 1862. James Goode formed other legal partnerships and became a prominent attorney in Springfield, Ohio. In 1875, when he became the judge of the Clark County Court of Common Pleas, he framed his letter from the martyred president and savior of the Union, and displayed it in his courtroom, where it remains to this day.

The discovery of the letter is yet another illustration of a little-known aspect of Lincoln's legal career, his office practice or non-litigation work. Many Lincoln biographers claimed that Lincoln rarely handled office practice matters and left that business to his partner William Herndon. The Lincoln Legal Papers found documentary evidence of nearly five hundred instances of Lincoln and his partners' non-litigation activities, including several examples of such out-of-court debt collection.

Judge Harlington Wood Jr., Circuit Judge of the U. S. Court of Appeals in Springfield, Illinois, and a long-time supporter of the Lincoln Legal Papers, deserves special recognition for his assistance in gaining access to this new Lincoln legal document. The staff also acknowledges with gratitude the cooperation of Gerald Lorig, Judge of the Clark County Court of Common Pleas, and Floyd Barmann, Executive Director of the Clark County Historical Society, in Springfield, Ohio.

John A. Lupton
Assistant Director/Assistant Editor

Donors

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

- Jeanette Bahnke
- Burrus Carnahan
- Robert Crowe, The Theatre in the Park
- Richard & Judy Duncan
- John A. Lupton
- Daniel W. Stowell
- Marvin Strunk
- John Corey Qua
- The Honorable and Mrs. Harlington Wood Jr., in memory of Donald Hansen

Project Prepares Archival Copy Of Complete Documentary Edition

The project has prepared a computer-output-to-microfilm (COM) archival copy of the *Complete Documentary Edition*. This copy will serve as a backup of all of the data, images, and help and reference sections on archival-quality microfilm for long-term preservation. The Illinois State Historical Library will keep one copy and the Illinois State Archives will keep another. A \$14,000 grant from the National Historical Publications and Records Commission funded the effort.

Staff News

On July 5th, Daniel Stowell spoke to a meeting in St. Louis of the circuit clerks for the Eighth Federal Judicial Circuit, which includes Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. He gave a presentation about Abraham Lincoln's federal practice, and highlighted the recent discovery of Lincoln's pardon of Elizabeth Shorter, a domestic servant in the District of Columbia found guilty of larceny.

On July 15 and 28, John Lupton led the pre-show discussion for the musical "Abraham!" at the New Salem Theatre in the Park. Daniel Stowell led the discussion on July 20.

From July 23-27, Daniel Stowell and Christopher Schnell attended "Electronic Texts

and Images," a course at the University of Virginia's Rare Book School in Charlottesville. They learned about the SGML and XML markup of texts and the research, preservation, editing, and educational uses of electronic texts.

On July 24, Stacy McDermott and Dennis Suttles demonstrated *The Law Practice of Abraham Lincoln: Complete Documentary Edition* to Linda Tosch, an Illinois Humanities Council "Road Scholar."

On August 9, Susan Krause spoke to the Menard County Historical Society about Lincoln in Menard County and demonstrated *The Law Practice of Abraham Lincoln: Complete Documentary Edition*.

On September 14, Dennis Suttles led a workshop for junior and senior high school teachers focusing on the Lincoln Legal Papers curriculum materials developed earlier this year. His presentation was part of the Lincoln Home National Historic Site's educational program in conjunction with the Sixteenth Annual Lincoln Colloquium.

John Lupton's article "Lincoln the Lawyer" appeared in the June 2001 issue of *Annotation*, the Newsletter of the National Historical Publications and Records Commission.

Glenna Schroeder-Lein's book, *Andrew Johnson: A Biographical Companion*, was recently published by ABC-CLIO. The book is an encyclopedia of the life and career of Andrew Johnson and was a by-product of Glenna's work on the Andrew Johnson Papers.

Schroeder-Lein also published "Index to Volume 44 of Atlanta History," *Atlanta History* 45 (Spring 2001): 46-63.

About Lincoln's Hat

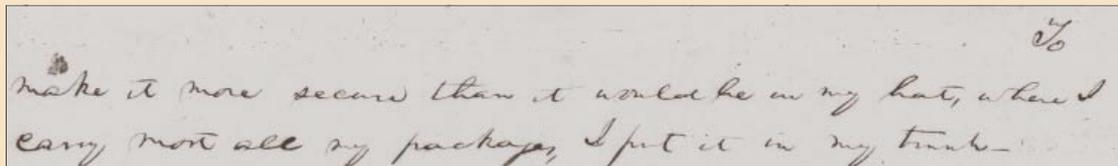
John McMicking of Dundas, Ontario, Canada, made a reproduction hat specifically for the Lincoln Legal Papers this summer. It is a handcrafted replica of the hat Lincoln wore to Ford's Theater on the night of his assassination. The original is in the Smithsonian Institution in Washington, D.C. The reproduction hat is seven inches tall with a two-inch brim and the hat size is the same as the original: 7 1/8. It is crafted of beaver fur felt over a foundation of rabbit fur felt. The project uses the hat in its educational outreach programs and in its presentations before other public groups.

The choice of the reproduction Lincoln hat as a receptacle for drawing the name of the ninth member of the Illinois Legislative Redistricting Commission was an appropriate one considering that Lincoln used his own hat to carry an assortment of items. William Herndon, Lincoln's third law partner, noted that "[i]f a good idea struck [Lincoln],...he penciled [it] down on a small slip of paper and put it in his hat, where he carried quite all his plunder, checkbook for the bank account, letters answered and unanswered, handkerchief, etc."



Photo courtesy of the Illinois Historic Preservation Agency.

This unorganized method of carrying his papers sometimes caused Lincoln embarrassment. He apologized to fellow attorney Richard S. Thomas for "not sooner answering your letter...that when I received the letter I put it in my old hat, and buying a new one the next day, the old one was set aside, and so, the letter lost sight of for a time." Lincoln wanted to ensure that he would not lose Charles Welles's letter and "[t]o make it more secure than it would be in my hat, where I carry most all my packages, I put it in my trunk."



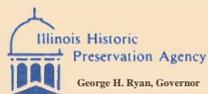
Excerpt from a Lincoln letter to Charles R. Welles, 20 February 1849.

Document courtesy of the Illinois State Historical Library.

The Lincoln Legal Papers

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

A Project of



Cosponsors:

- Abraham Lincoln Association
- University of Illinois at Springfield Center for Legal Studies

Project Staff:

Daniel W. Stowell, Director/Editor; John A. Lupton, Assistant Director/Assistant Editor; Susan Krause, Assistant Editor; Stacy Pratt McDermott, Assistant Editor; Christopher A. Schnell, Assistant Editor; Glenna R. Schroeder-Lein, Assistant Editor; Dennis E. Suttles, Assistant Editor; Carmen Morgan, Secretary; Sam Wheeler, Graduate Assistant; Cullom Davis, Consulting Editor.

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:

The Lincoln Legal Papers
#1 Old State Capitol Plaza, Springfield, IL 62701-1507
Phone: (217) 785-9130 Fax: (217) 524-6973
E-mail: llp@uis.edu
Website: <http://www.lincolnlegalpapers.org>

Printed by authority of the State of Illinois (3.5M—09-01)