

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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Lincoln Legal Papers Will Host NHPRC Editing Fellowship

The National Historical Publications and Records Commission has selected the Lincoln Legal Papers as the host institution for the Fellowship in Historical Documentary Editing for the 2002-03 academic year. This award is a gratifying recognition of the scholarly work and the editorial experience of the Lincoln Legal Papers staff, who will provide excellent mentoring and a unique training opportunity in documentary editing. Established in 1967, the NHPRC Fellowship is designed to give fellows hands-on experience in all phases of historical documentary editing. After attending the June 2002 Institute for the Editing of Historical Documents in Madison, Wisconsin, the fellow will join the project in August 2002. The fellow will work closely with the Lincoln Legal Papers editors to prepare several individual case presentations for the selective book edition of Lincoln's legal papers, scheduled for publication in 2006. This process will include the selection of case documents, transcription, research, annotation, and final proofreading. The NHPRC underwrites the one-year fellowship in the amount of \$45,250 for the fellow's stipend, benefits, and interviewing expenses.

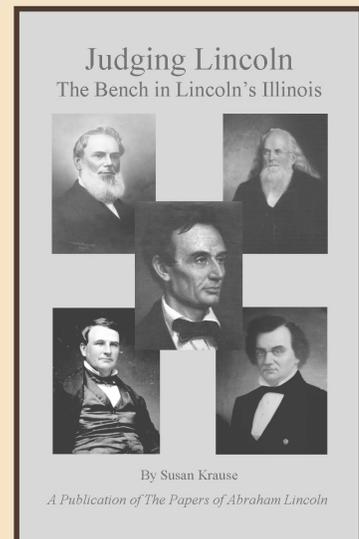
Applicants for the fellowship should hold a Ph.D. or have completed all requirements for the doctorate except the dissertation. The application and instructions are available from the NHPRC or online at <http://www.nara.gov/nhprc/edprog.html>. The application deadline is March 1, 2002. Commission staff will forward eligible applications to the Lincoln Legal Papers, and the project will select the fellow by mid-May 2002.

Announcing this Year's Donor Premium

The project has prepared another special premium this year. Private donations are extremely important to the financial well-being of the project, and our special donor premiums are produced in appreciation for that financial support.

This year, donors of \$100 or more will receive a booklet on the judges who decided the cases in Abraham Lincoln's law practice. Written by Assistant Editor Susan Krause, the booklet, entitled *Judging Lincoln: The Bench in Lincoln's Illinois*, will contain photographs or portraits and biographical sketches of twenty-nine justices and judges who rendered verdicts in Lincoln's cases. Judges from Illinois circuit courts, the Illinois Supreme Court, and the federal courts are featured. Also included will be brief summaries of interesting Lincoln cases that each judge heard.

This booklet is a nice companion to last year's premium, *From Log Cabins to Temples of Justice: Courthouses in Lincoln's Illinois*.



Yes, Virginia, There Are Lincoln Legal Documents Still Out There

Jesse K. Dubois and Abraham Lincoln became friends when both served together as Whigs in the Illinois General Assembly. Both were interested in politics, and Lincoln recommended Dubois as the 1856 Republican nominee for Illinois State Auditor, a position to which he won election and which he held for eight years. Dubois eventually moved to Springfield in 1857 and lived in the same neighborhood as Lincoln.

Earlier in their careers in January 1840, Dubois, who lived in Lawrenceville in south-eastern Illinois, gave Lincoln his power of attorney to dispose of two lots of land in Springfield. The land was located on Jackson Street, less than a block from where both Lincoln and Dubois would later live. Lincoln sold the first lot in 1841.

On July 23, 1845, Lincoln wrote a deed as Dubois's agent and attorney to sell the second lot to James L. Hill for \$50. Hill was originally from Pennsylvania and settled in Indiana, where he married. About 1838, he moved to Springfield and became a real estate and insurance agent. The lot was a desirable piece of land because it was in the same block as Springfield's public market. As a real estate agent, Hill probably recognized the land's value and did not keep it very long. In 1848, he sold the lot to Elisha Saunders for \$80; however, he kept the original deed written and signed by Lincoln in his possession.

The deed remained in the family's possession for more than 150 years. Hill's great-grandchildren, ninety-three-year-old Glenn W. Allen of Delavan, Illinois, and his ninety-six-year-old sister Dorothy C. Allen of Peoria, Illinois, donated the previously unknown deed to the Illinois State Historical Library in November.

While Lincoln's partner William H. Herndon noted that Lincoln disliked office practice, the Lincoln Legal Papers has discovered many instances of Lincoln's non-litigation work. The deed the Allens donated is yet another excellent example of this type of practice. The Lincoln Legal Papers and the library truly appreciate the generosity of Glenn Allen and Dorothy Allen in making this document available to the public.

This Indenture made this twentieth day of July in the year of our Lord one thousand, eight hundred and forty five by and between Jesse K. Dubois of the county of Lawrence and state of Illinois, party of the first part, and James L. Hill, of the City of Springfield and state aforesaid, party of the second part, Witnesseth: That the said party of the first part, for, and in consideration of, the sum of fifty dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does, grant, bargain, and sell, unto the said party of the second part, all the right, title, interest, and estate of the said party of the first part, in and to Lot number one & fourteen in Block number fifteen in C. S. S. addition to the (late town, now) city of Springfield in the state of Illinois. To have and to hold to the said party of the second part, his heirs and assigns forever, the above described Lot, together with all and singular the privileges and appurtenances thereto belonging: And the said party of the first part, for himself, his heirs and assigns, does, covenant, and with the said party of the second part, his heirs and assigns that he will warrant, and forever defend the title of said Lot against the claim or claims of any and all persons whomsoever.

In testimony whereof the said party of the first part has hereunto set his hand and seal, the day and year first above written—

Jesse K. Dubois
By A. Lincoln, his
attorney in fact.

State of Illinois—
I, James L. Hill, being duly sworn, depose and say that I am the only person who has seen the original of the above described deed, and that I have seen the same in the possession of the late James L. Hill, and that I believe the same to be the true and correct copy of the original, and that I have seen the signature of the said Jesse K. Dubois, and that I believe the same to be his true and voluntary signature.

John A. Lupton
Assistant Director/Assistant Editor

Donors

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

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Staff News

John Lupton gave an interview with Eric Olsen of *The World and I* magazine. Olsen has completed two parts of a three-part series on Lincoln's pre-presidential life in Kentucky, Indiana, and Illinois.

On October 5, Daniel Stowell presented a paper at the annual meeting of the Association for Documentary Editing in Raleigh, North Carolina. His paper, entitled "Building with Lincoln Logs: Transforming the Lincoln Legal Papers," reported on the recent transitions within the Lincoln Legal Papers and to the Papers of Abraham Lincoln. He, Christopher Schnell, and

Cullom Davis met with representatives of the National Endowment for the Humanities and the National Historical Publications and Records Commission.

Daniel Stowell spoke at the UIS Writer's Corner, a workshop for people in the university's Institute for Public Affairs. Daniel recounted his experiences with getting books published by university presses.

In November, John Lupton spoke to the Illinois State Bar Association Board of Governors. He talked about Lincoln's law practice and demonstrated *The Law Practice of Abraham Lincoln: Complete Documentary Edition* in the Christian County courthouse building in which Lincoln practiced.

Barry Taper, 1930-2001

The Lincoln Legal Papers is saddened to note the death of Barry Taper in December. He and his wife Louise have long been supporters of the Lincoln Legal Papers and achieved the "Partner" level for their substantial contributions to the project. Louise Taper also serves as a member of the project's Advisory Board. We express our condolences to the Taper family in this time of loss.

A Picture is Worth...

In his classic chronicle, *Democracy in America*, Alexis de Tocqueville attributed the “chief cause of the extraordinary prosperity and growing power of this nation...to the superiority of their women.” Among these women was Sarah Elizabeth Allsop, an English immigrant who sued Shelby County resident John Sturgeon for slander in 1850. Sturgeon had publicly called Sarah and her sister “whores” and adulterers. During the course of the case, Sarah Allsop married Thomas D. Tennery.

Tennery had served in the Mexican War and was wounded at the battle of Cerro Gordo. During the war, he kept a diary of his travels and experiences. In the published version of the diary is a photograph of Tennery’s family, dated about 1884 and presented here. Sarah Allsop Tennery and her husband are seated on the left in the front row. What a rare find—a picture of a litigant in one of Abraham Lincoln’s legal cases. Not only was the litigant a person who was not historically prominent, but she also was a woman litigant.



Photograph from The Mexican War Diary of Thomas D. Tennery, published by the University of Oklahoma Press in 1970.

So, what is a picture worth? It is certainly worth some extra effort to find the original photograph for an illustration that the editors will include with the chapter of the case in the book edition. As for the slander case, the jury awarded Sarah and Thomas (who became a party to the case by virtue of his marriage to Sarah) \$500 in damages. Lincoln represented Sturgeon.

Tocqueville’s conclusion about America’s women is all the more interesting given the historical view of nineteenth-century women’s roles and rights. The record of Abraham Lincoln’s legal career documents the typical role of women in the courtroom or legal process. They were sometimes litigants, but more often witnesses, and certainly more commonly spectators. Women never served as judges, lawyers, court officers, or jurors. As litigants, they most often appeared in chancery cases (family court in the modern legal system) to claim their inheritance or dower rights or, more rarely, to seek a divorce. Women appeared as litigants in 19 percent of Lincoln’s 5,172 legal cases. In the action of slander, which served an important role in asserting redress for slights to a person’s reputation and character, women were litigants in twenty-five of the ninety cases in Lincoln’s law practice.

Susan Krause/Assistant Editor

The Lincoln Legal Papers

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A Project of



Cosponsors:

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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.

Please address inquiries and gifts to:

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