

Lincoln Legal Briefs

A Quarterly Newsletter of The Lincoln Legal Papers

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

January — March 2002

Number 61

Lincoln Legal Papers Curriculum Magazine Released

On the 193rd anniversary of Abraham Lincoln's birth, the Papers of Abraham Lincoln released its Lincoln Legal Papers curriculum magazine to educators and students of Illinois history. The Illinois Bar Foundation provided a generous grant to produce *From Courtroom to Classroom: The Lincoln Legal Papers Curriculum*, edited by Dennis E. Suttles and Daniel W. Stowell. The project sent copies of the magazine to 3,032 history teachers in public schools and to 1,121 private schools throughout Illinois.

When the full documentation of Lincoln's legal activities became available to scholars and students with the publication of *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, the Lincoln Legal Papers staff recognized the importance of this information to students of American history. It was clear that the documents relating to Lincoln's law practice would be useful to the teachers of middle and senior high school students as primary resources for the study of Illinois and United States history.

A generous grant from the Abraham Lincoln Association allowed the Lincoln Legal Papers to commission Professors Lawrence McBride and Frederick Drake of the History Education Program at Illinois State University to create six lesson plans using documents from Lincoln's law practice. The Lincoln Legal Papers made these lesson plans available online at <http://www.lincolnlegalpapers.org> under curriculum.

Building on the success of these lesson plans, the staff of the Lincoln Legal Papers sought a grant from the Illinois Bar Foundation to make them available in a magazine format. *From Courtroom to Classroom* offers an introduction to Abraham Lincoln as a lawyer, abbreviated versions of the six online lesson plans, each paired with a substantial essay written by a leading historian, a lesson about Illinois courthouses following the guidelines established by Teaching with Historic Places, and a glossary. In order to facilitate the use of original documents in the classroom, each lesson plan contains the transcriptions of legal documents from Lincoln partnership cases.

Each lesson plan suggests a number of learning activities designed to help educators integrate the use of original legal documents into their classes. Although the lessons were created for teachers of grades 6-12, educators can scale the lesson plans to meet the needs of students in other grades and subject areas as well. The editors of the Lincoln Legal Papers hope that students will develop a new appreciation for and excitement about the past by studying primary documents.

From Courtroom to Classroom: The Lincoln Legal Papers Curriculum



Dennis E. Suttles
and
Daniel W. Stowell, Editors



Lincoln's Filing System

Abraham Lincoln once labeled a wrapper for some office papers, “When you can’t find it anywhere else look into this,” characterizing the unsystematic manner in which Lincoln and his law partner William H. Herndon managed their office. When Lincoln worked on the Eighth Judicial Circuit, he was often away from home for several weeks at a time, making it necessary for him to prepare for several of his cases in outlying courts ahead of time.

During the fall 1850 term, Lincoln visited at least ten county circuit courts in central Illinois and participated in approximately eighty cases. Before the court term, out-of-town clients often sent Lincoln a claim or a promissory note upon which they wished to sue. Utilizing the resources of his law office, Lincoln often drafted his pleadings while in Springfield. He then filed the pleadings with their respective claims or notes for the upcoming trip around the circuit, enclosing and tying them in a wrapper like that pictured here. Lincoln carried his papers in the liner of his stovepipe hat or in his carpetbag in which he packed the few belongings he needed for the trip. In a similar manner, Lincoln wrapped all the fees he collected while on the circuit until he returned to Springfield to divide them evenly with Herndon.

Christopher A. Schnell
Assistant Editor



Donors

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

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- ♦ The Honorable and Mrs. Harlington Wood Jr.
- ♦ Mr. and Mrs. Mort Barker, in memory of Barry Taper
- ♦ Betty Hickey, in memory of James Myers
- ♦ Kaller Family Foundation, Inc., in memory of Barry Taper

Staff News

In December, John Lupton gave a presentation to the Shelby County Primetimers, a civic organization in Shelbyville. He talked about the project and Lincoln's legal career in Shelby County.

Susan Krause participated in the Lincoln Birthday festivities at the Mt. Pulaski Courthouse in Logan County. She spoke about the courthouses in which Abraham Lincoln practiced.

Stacy McDermott's brief review of new Lincoln scholarship appeared in the February 2002 issue of *Illinois Issues*, a University of Illinois at Springfield publication devoted to Illinois politics and government.

Stacy McDermott, Chris Schnell, Daniel Stowell, and Dennis Suttles presented papers at the Missouri Valley History Conference in Omaha, Nebraska, in March. Stacy's paper was "We the Jury": A Composite Portrait of Antebellum Illinois Jurors"; Chris's paper was "Communities, Fugitive Slaves, and the Law of Personal Freedom in Antebellum Illinois"; Daniel's paper was "Webs of Credit: S. C. Davis and Company and the Collection of Interstate Debts"; and Dennis's paper was "An Illinois Man Would Not Want Land Here at Any Price": Land Prospecting in Eastern Kansas and Nebraska in 1886."

Editorial Staff Members

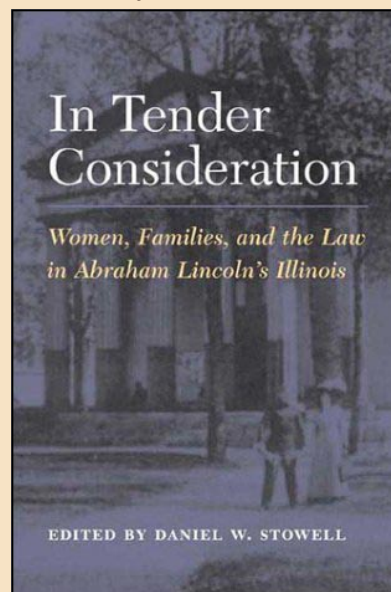
Publish Book of Essays on Lincoln's Legal World

In March, the University of Illinois Press released *In Tender Consideration: Women, Families, and the Law in Abraham Lincoln's Illinois*, a collection of essays by the members of the editorial staff of the Lincoln Legal Papers. Drawing on the rich resources of *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, this volume scans the full range of antebellum Illinoisans' family woes. Deserted wives, destitute widows, jilted brides with illegitimate children, and slandered women brought their cases before the courts, often receiving a surprising degree of sympathy and support.

Through the stories of dozens of individuals who took legal action to obtain a divorce, contest a will, prosecute a rapist, or assert rights to family property, *In Tender Consideration* illuminates the legal status of women and children in Illinois and their experiences with the law in action. Contributors document how the courts viewed children and how they responded to inheritance, custody, and other types of cases involving children or their interests. These cases also highlight Lincoln's life in law, placing him more clearly within the context of the legal culture in which he lived and raising intriguing questions about the influence of his legal life on his subsequent political career.

Director and Editor Daniel W. Stowell edited the book and authored the introduction and two of the chapters. Assistant Editor Stacy Pratt McDermott also wrote two essays for the volume, and Assistant Editors Dennis E. Suttles, John A. Lupton, Christopher A. Schnell, and Susan Krause each contributed one essay to the collection. Dr. Michael Grossberg, the editor of the *American Historical Review* and an expert on nineteenth-century family law, wrote a foreword for the volume.

The book is available from the University of Illinois Press at (800) 545-4703 or <http://www.press.uillinois.edu/s02/stowell.html>.



Educational Outreach

Susan Krause demonstrated the *Complete Documentary Edition* to Stephen Sauer's high school class from Lincoln, Illinois, in December. The students were on a tour of Springfield historic sites, and during their



Picture by Ben Burger

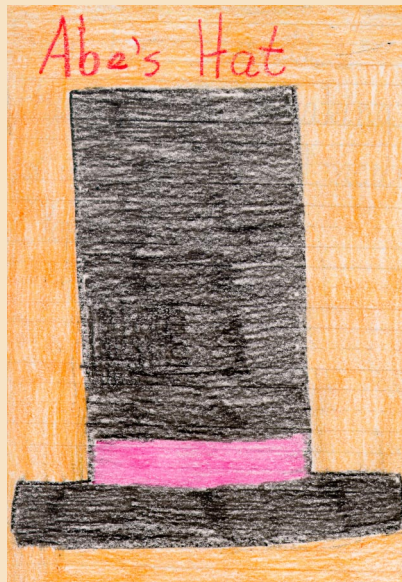
stop at the Old State Capitol, Susan talked to them briefly. Sauer

previously volunteered for the Lincoln Legal Papers during the search for records in

Tazewell County in 1993.

In February, Stacy McDermott spoke to a group of students at Iles Elementary School in Springfield about the Almanac Trial. Stacy also showed the students the project's reproduction Lincoln hat and lap desk.

Daniel Stowell spoke to fourth grade classes at Loami



Picture by Cassie Wynn

second graders in Mrs. Chris Escorcia's class from New Berlin Elementary school included in their thank you notes to Daniel Stowell following his presentation at their school.



Picture by John D. Wyatt

Elementary School and to groups of first and second graders at New Berlin Elementary School about Lincoln's defense of Duff Armstrong in *People v. Armstrong*. The children enjoyed learning about the trial and seeing both the reproduction Lincoln hat and reproduction Lincoln lap desk.

The drawings pictured here are a few of those that



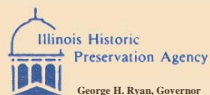
Picture by Joseph Stowell

We continue to find our educational outreach initiatives rewarding, as they provide us with the opportunity to teach school-age children about Lincoln the lawyer.

The Lincoln Legal Papers

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A Project of



Cosponsors:

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

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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:

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Printed by authority of the State of Illinois (3.5M—03-02)