

Lincoln Legal Briefs

A Quarterly Newsletter of The Lincoln Legal Papers
A Documentary History of the Law Practice of Abraham Lincoln, 1836-1861

April — June 2002

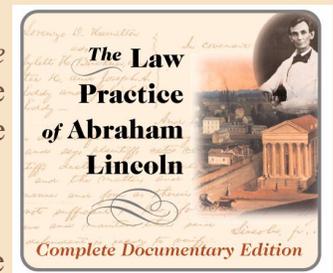
Number 62

Illinois Bar Foundation Underwrites Chapter

Earlier this spring, the Board of Directors of the Illinois Bar Foundation approved a \$5,000 grant to the Lincoln Legal Papers. The award will fund the preparation of “Lincoln on Being a Lawyer,” a topical chapter in the selective book edition. This chapter, one of fifty-five slated for the four-volume edition to be published in 2006, will document Lincoln’s advice to younger attorneys about preparing to be a lawyer, where to practice, and how to be a successful member of the bar. One of the highlights of the chapter will be Lincoln’s “Notes for a Law Lecture,” which include his reflections on work habits, ethics, fees, oratory, and honesty in the practice of law. “Resolve to be honest at all events;” Lincoln warned, “and if, in your own judgment, you can not be an honest-lawyer, resolve to be honest without being a lawyer.” It is “altogether fitting and proper,” to borrow a phrase from the Gettysburg Address, that the professional descendants of Abraham Lincoln—Illinois lawyers—support a chapter presenting his reflections on the practice of that profession.

Rave Reviews for The Law Practice of Abraham Lincoln: Complete Documentary Edition

Since the publication of *The Law Practice of Abraham Lincoln: Complete Documentary Edition* in February 2000, several academic journals have published very positive reviews. Following are some excerpts from those reviews:



Gerald J. Prokopowicz, *Documentary Editing*, December 2001

“The results vastly exceeded the most optimistic projections...the editors of the Lincoln Legal Papers did a superb job not only in making Lincoln’s documents available, but in taking advantage of the possibilities inherent in electronic publishing to make them easily accessible, even for the novice computer user...The most impressive aspect of the publication, besides its sheer size, is the efficiency of its search tools...If the editors of the Lincoln Legal Papers did no more than fill out the picture of the sixteenth president’s law practice, they would have performed a valuable, if narrow, historical service. What they have produced, however, is also a work of social history that affords remarkable insight into the role of law and lawyers in the frontier era of Midwestern settlement.”

Phillip Shaw Paludan, *Journal of American History*, September 2001

“This marvelous collection stands as a model for what modern editing can do...This is documentary editing at the highest level.”

Timothy Walch, *Journal of Illinois History*, Summer 2001

“The *Law Practice of Abraham Lincoln* is extraordinary in every sense of that much overused word. It is difficult to find any other word that accurately describes the contours of this publication.

Continued on page 4

Abraham Lincoln Represents His New Father-in-Law in Legal Case

Before Abraham Lincoln and Mary Todd wed in November 1842, Kentuckian Robert S. Todd, Mary's father, purchased 243 acres of land southeast of Springfield in Sangamon County, Illinois, for \$1,200. The land purchase initiated a dispute between Todd and the seller of the land, Nathaniel W. Ware, a prominent land speculator from Mississippi. The dispute involved the devaluation of bank notes from the State Bank of Illinois and culminated in the only legal case in which Lincoln represented his father-in-law.

Specie was scarce on the antebellum frontier, and it was typical for individuals to purchase real property or pay debts with various types of paper currency. Bank notes, paper money that banks printed and that circulated in the economy much like modern paper currency does today, were common. Robert Todd's intention to pay for land using bank notes was typical of antebellum land transactions. However, following the Panic of 1837, land prices had fallen and "bankable paper" had depreciated in value, further complicating real estate transactions.

Between May 1842 and March 1844, Robert Todd wrote at least four letters to Ninian Edwards, his son-in-law and land agent, regarding Todd's dispute with Ware. The recently discovered letters add to our understanding of the Sangamon County Circuit Court case of *Todd v. Ware* and reveal interesting details about Todd's relationship to his daughters and their husbands who lived in Springfield.

The purchase of the land at the center of the legal dispute concerned an agreement between Todd and Ware that the latter would accept State Bank of Illinois notes as payment for the land. Todd attempted to pay for the land with the bank notes, but Ware refused to accept them because they had depreciated in value considerably. Lincoln, representing Todd, filed a lawsuit in July 1843 to force Ware to accept the bank notes. Ware

of the original mortgage contract. The court ruled that Todd had to pay the amount owed and not the face value of devalued bank notes.

Todd was frustrated with the court's result, but "right or wrong," he wrote to Edwards in March 1844, "I wish to do what I have to do instantly." During the next month, he finalized the land transaction and deeded eighty acres of the land to Abraham and Mary Lincoln. Todd wrote that he wished Lincoln "to avail himself of this Land immediately if it will be of any advantage or add to his comfort in any way."

As it turned out, the land did add to the Lincoln family's comfort. In September 1854, the Lincolns sold it for \$1,200 and used the money to enlarge their home in Springfield.

Stacy Pratt McDermott
Assistant Editor

Ninian W. Edwards Esq
D^r Sir
Springfield 24 May 1842
Your letter of the 18th Inst is duly rec^d. and
our only exp^t my surprise at Mr Ware and his agent in
the face of their written contract should refuse to
receive the money contracted for, and which you
know was the description of money, for which
alone I authorized the purchase. I have
seen a lawyer who agrees with us both in opinion
that they are bound to take it and I hope you
will take the precaution to tender the money
for the first note due 1/4 June at least the
balance of it -
If I can find time I will come out
in the course of a month, if Mr Ware should
consent you can rescind the contract, if not
he must comply with it - if the money has
depreciated, so has the Land in the same
proportion -
Respectfully
R. S. Todd

This document is one of five Robert Todd letters that is related to Lincoln's case *Todd v. Ware*. It is located in the Ninian Edwards Family Collection at the Illinois State Historical Library in Springfield, Illinois.

DONORS

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

Herman J. Belz
N. Lee Beneze
Stephen Mudge

The Honorable and Mrs. Harlington Wood Jr., in memory of The Honorable Henry Politz

Editorial Board Reviews Chapters of Selective Edition

In March, the editorial staff sent manuscripts of two different completed case presentations to each of the six members of our Editorial Board. We did so to ensure that these twelve chapters were of the highest quality and to determine whether there were any problems we needed to correct before completing more case presentations. So, what did they think?

“I think very well of the way you handle the complex issues in this case. If all the chapters retain this level of usefulness and clarity—and why should they not?—you and your staff will deserve users’ applause and gratitude. Congratulations.”—Harold M. Hyman

“Looking at the bigger picture, I thought both cases were handled very well by the editor...Your volumes should really present a wonderful sampling of Lincoln’s legal career and the law as it was practiced in mid-nineteenth-century Illinois. Keep up the good work!”—John P. Kaminski

“I enjoyed reading them. They are exceedingly well done...Keep up the good work.”—Stanley N. Katz

“My overall reaction upon reading them was My God, what a lot of work this was! The footnotes with all the biographical and other explanatory information about all the players are just wonderful! And, of course, I’ve read enough mid-19th century slavery cases to know that the handwritten documents are often very hard to decipher. So just that alone is a wonderful contribution to the scholar.”—Jenni Parrish

“I found that I could follow the case, that the key documents were present in typescript, and that the explanation was clear and concise. Whoever prepared it deserves congratulations...It is good to be reassured that the project is moving along in a satisfactory manner and that eventually we will have some printed evidence of your success.”—John Y. Simon

Staff and Project News

The National Historical Publications and Records Commission awarded the Lincoln Legal Papers project \$63,496. This award is a decrease from last year’s funding. Because of serious budget limitations, the commission reduced funding levels for all continuing documentary editing projects by approximately 12.7 percent.

In April...

John Lupton contributed a chapter on Lincoln the lawyer to Allen Spiegel’s new book, *A. Lincoln: A Shrewd, Sophisticated Litigator in His Time*, published by Mercer University Press.

John also appeared on the radio during a public radio pledge drive on WUIS. He talked about the project and donated three sets of the project’s previous two donor premiums, *From Log Cabins to Temples of Justice: Courthouses in Lincoln’s Illinois* and *Judging Lincoln: The Bench in Lincoln’s Illinois*.

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Reviews *continued from page 1*

Tens of thousands of books have appeared on all aspects of the life of Abraham Lincoln, and tens of thousands more will appear in years to come. I am certain, however, that no publication—past, present, or future—will rival this one in terms of its breadth and depth of detail...This documentary edition is a prototype for the future of both documentary editing and scholarly research.”

Brian Dirck, *H-Net Review*, January 2001

“The Lincoln Legal Papers Project has released the fruits of years of painstaking labor...to give us an extraordinarily complete picture of Lincoln’s law practice...At long last we have a truly comprehensive, detailed record of the practice of an antebellum career attorney.”

Staff News *continued from page 3*

In May...

Stacy McDermott presented a paper in New York, New York, entitled “Lincoln’s Approach to the Law” at a symposium, “Lincoln and National Security,” sponsored by the Committee on Legal History of the Association of the Bar of the City of New York and the Gilder Lehrman Institute of American History. She and former Lincoln Legal Papers Director Cullom Davis were among the invited participants.

Sam Wheeler completed his Master’s degree in history at the University of Illinois at Springfield. His Master’s thesis was a biography of Leonard Swett, a legal colleague of Abraham Lincoln. Sam has served as the project’s graduate assistant for the past two years.

In June...

John Lupton talked to the Elderhostel group sponsored by Lincoln Land Community College about the Lincoln Legal Papers and Lincoln’s circuit riding.

John also commented on three papers during a session of the third biennial Abraham Lincoln and Macon County conference at Millikin University.

Professional Service...

Chris Schnell is serving as the historical advisor to Frank Kopecky, of the Center for Legal Studies at the University of Illinois at Springfield, and Donna Schechter, of the Illinois State Bar Association. Kopecky and Schechter are developing a mock trial based on one of Lincoln’s legal cases for an annual, role-playing competition for Illinois high school students.

John Lupton is serving on the Illinois State Treasurer’s Historical Committee. The committee examines contents of safety deposit boxes that have been abandoned for five years, and John will provide assistance when the committee finds historical objects or documents in those boxes.

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

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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.

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