

# 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 2002

Number 63

## NHPRC Fellow Dan Monroe Joins Project

In November 2001, the Lincoln Legal Papers learned that it would be the host project for the National Historical Publications and Records Commission's 2002-2003 Fellowship in Historical Documentary Editing. After a lengthy search, a committee consisting of Director Daniel Stowell, Assistant Director John Lupton, and Assistant Editor Susan Krause chose Dr. Dan Monroe from a strong pool of applicants. Dr. Monroe joined the project in August and has begun to prepare a case presentation of the 1838 divorce case of *Rogers v. Rogers* for the selective book edition under the mentoring of Susan Krause.

Dr. Monroe received his Ph.D. in American history from the University of Illinois at Urbana-Champaign in 1998, under the direction of Dr. Robert Johannsen. Monroe is the author of two forthcoming books: *The Republican Vision of John Tyler*, due in January 2003 from Texas A&M University Press, and *At Home With Illinois Governors: A Social History of the Illinois Executive Mansion*, due later this year from the Illinois Executive Mansion Association. He has also published several articles, book reviews, and

encyclopedia entries. What distinguished Monroe from the other fine applicants was his background and research in Illinois history and Lincoln studies. In addition to his research on Illinois governors, Monroe also authored several essays on Lincoln for a website and worked with the Looking for Lincoln project for one year, during which he helped local Illinois communities collect and interpret their Lincoln stories.

The NHPRC Fellowship program offers successful applicants the opportunity to work with a documentary editing project for one year and to gain valuable hands-on experience. Many former fellows have joined the regular staffs of documentary editing projects. The Lincoln Legal Papers is grateful to the NHPRC for the opportunity to have such a fine scholar as Dan Monroe join us this year.



## Previously Unknown Lincoln Case Identified

When the University of Illinois Press published *The Law Practice of Abraham Lincoln: Complete Documentary Edition* in February 2000, the editors were unable to identify the litigants in twenty-two cases and labeled them as *Unknown v. Unknown*. One of these cases involved William Dickson from Rock Island County. The only document in this case was a letter in which Lincoln had written Dickson in 1851 notifying him that his case had been continued at the last term of the U.S. Circuit Court. The 1871 Chicago Fire destroyed all

Springfield federal court records prior to 1854, including any relating to William Dickson.

Through the laborious efforts of Alexandra Benedict, a teacher from Geneseo, Illinois, who has done extensive research on the paper town of Rock Island City, the unknown case involving Dickson has been identified: *Robert Campbell v. William Dickson*. Benedict searched carefully through the Dickson Family manuscript collections at Colorado College in Colorado Springs and at Washington and Jefferson College in Washington, Pennsylvania, and found

*Continued inside...*

letters that provide a rich history of the dispute involving Dickson and New York resident Robert Campbell.

Campbell had sued Dickson in the U.S. Circuit Court in the early 1840s to recover a debt. Campbell won the suit, and the court awarded him \$3,051.43 for the debt and damages, but the court had difficulty in getting the money from Dickson. In 1849, Dickson and Campbell renewed their legal dispute in the federal court. Dickson hired Stephen T. Logan as his attorney. Cyrus Dickson, William Dickson's son, wrote to his father from Wheeling, (West) Virginia, and suggested that he should get a continuance in the case. Cyrus Dickson would be unable to appear in court and would have to provide the information that his father needed through a deposition. Cyrus Dickson wrote his father, "this order you should have secured from the Court when you were at Springfield. If that great lawyer of yours, Judge Logan, did not know this, and provide you with it, he is not so great a man as you take him to be."

Logan enlisted the aid of Abraham Lincoln to help him with the suit. William Dickson wrote to his two Springfield attorneys on May 24, 1851, that "the first Monday in June is at hand [the beginning of the federal term of court], when my case with R Campbell will be again call<sup>d</sup>?" He added that he would not be able to come to Springfield because of his ill health. Lincoln responded to him on July 26, 1851, that "Most of the business at the late term of the U.S. Court, and your case with the rest, was continued over without a

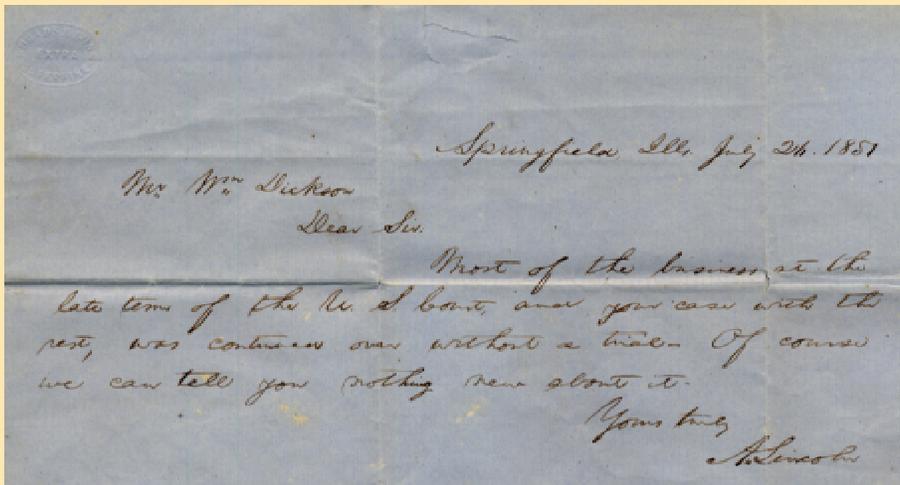


Image courtesy of Berea College, Berea, Kentucky.

## Mailing Letters, 1851

When Lincoln went to mail his letter to William Dickson, he carefully folded the paper several times to form a small packet and sealed it with a wax seal. On the outside of this 3 x 4-inch packet, Lincoln wrote the address and took it to the post office on Fourth Street in Springfield. There, postmaster Abner Y. Ellis, whom Lincoln had represented in several legal cases in the 1830s, stamped the letter with a postmark and also stamped it with a "5."

In 1845, Congress decreased the rates for postage. Letters weighing up to ½ ounce could be mailed up to three hundred miles for five cents and over three hundred miles for ten cents. Each half ounce added five cents to the cost of postage. In 1851, Congress again reduced rates to three cents per half ounce up to three thousand miles. Sending a letter collect cost an additional two cents.

The number "5" stamped on this letter indicates that Lincoln mailed the letter collect to Dickson in Camden Mills, Illinois, approximately 150 miles to the northwest. Dickson had to pay five cents to obtain this brief letter from his attorney. The Post Office began issuing paper stamps in 1847, but did not require their use until later. In 1855, Congress again restructured the rates and required the sender, rather than the recipient, to pay postage.



Image courtesy of Berea College, Berea, Kentucky.

trial. Of course we can tell you nothing new about it." A year later, Campbell and Dickson eventually settled the case, ending the matter.

We appreciate the research efforts of Alexandra Benedict, who helped discover a case that no longer remains unknown to history. This *Unknown v. Unknown* case is now *Campbell v. Dickson*.

John A. Lupton  
Assistant Director

## DONORS

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

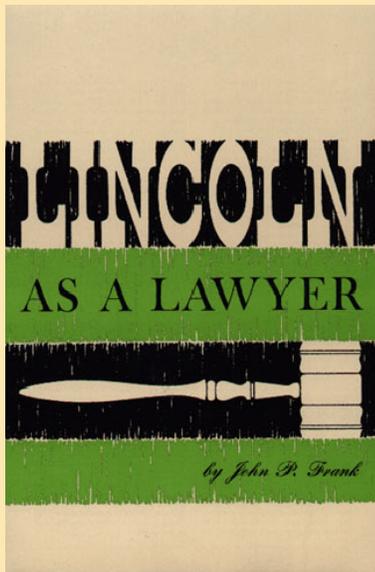
American Association of University Women, Decatur Branch  
Dr. and Mrs. Cullom Davis, in memory of Willard Bunn Jr.  
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Mr. and Mrs. F. John Taylor  
John A. Lupton  
Christopher A. Schnell  
Theatre in the Park

### **Lincoln Legal Scholar John P. Frank Dies**

John P. Frank, 84, died in September in Scottsdale, Arizona. He was a partner in the Phoenix law firm of Lewis and Roca and is best known for representing Ernesto Miranda before the United States Supreme Court in 1966 in *Miranda v. Arizona*. The decision in that case required police to advise suspects of their rights against self-incrimination at the time of their arrest—the “Miranda warning.” Frank was also involved in the 1954 landmark decision *Brown vs.*

*Board of Education of Topeka, Kansas*.

Although he was an eminent lawyer and author of eleven books, he is best known to Lincoln students as the author of *Lincoln as a Lawyer*, first published in 1961. Reissued in 1991 with a new introduction by Cullom Davis, then director of the



Lincoln Legal Papers, Frank’s volume is an invaluable study of Lincoln as an attorney. In his new introduction, Davis wrote: “Scarcely the first author to produce a book-length study of Lincoln the lawyer, Frank nevertheless remains the best...he alone brought to the task both the experience of a legal

practitioner and the perspective of a legal scholar...Judicious and rigorous throughout...*Lincoln as a Lawyer* has admirably survived the test of time.”

Frank received the Lincoln the Lawyer Award in 1991 from the Abraham Lincoln Association. The Lincoln the Lawyer Award, which is given infrequently, recognizes “individuals who reflect the character and ideals of Abraham Lincoln in their legal careers.” Still interested in the progress of the Lincoln Legal Papers, Frank wrote to the project in April of this year to inquire about our progress toward completing the selective book edition. The staff of the Lincoln Legal Papers express our condolences to his wife Lorraine Frank and his family in this time of loss.

### **Two Project Supporters Die**

The staff of the Lincoln Legal Papers are saddened to announce the deaths of Mrs. Sally Schanbacher, 77, and of her cousin Mr. Willard “Bunch” Bunn Jr., 88, both of whom passed away in July. Both were longtime supporters of the Lincoln Legal Papers. Mrs. Schanbacher was also a charter member of the project’s advisory board and served until 1999. Mrs. Schanbacher and Mr. Bunn were members of the Abraham Lincoln Association. Mr. Bunn also served as the treasurer of that organization. We express our sincere condolences to the Schanbacher and Bunn families for their loss.

## Staff News

Kelley Boston, a native of Farmersville, Illinois, joined the project in August as the new graduate assistant. In May, Kelley received a B.A. in American history from the University of Illinois at Urbana-Champaign.

Daniel Stowell published an article in the latest issue of *Documentary Editing* entitled “Building with Lincoln Logs: Transforming the Lincoln Legal Papers,” which was a printed version of the paper that he delivered at last year’s Association for Documentary Editing annual meeting.

John Lupton, Chris Schnell, and Stacy McDermott authored an article entitled “Abraham Lincoln and His Legal Contemporaries” in *Papers from the Thirteenth and Fourteenth Annual Lincoln Colloquia*. Each of them contributed a section for the article: John wrote “Abraham Lincoln and His Informal Partners on the Eighth Judicial Circuit;” Chris followed with “At the Bar and On the Stump: Douglas and Lincoln’s Legal Relationship, 1837-

1841;” and Stacy finished with “Women, Business, and the Law: The Story of Henrietta Ulrich.”

John Lupton was the pre-show discussion leader for three performances of “Abraham!” at New Salem’s Theatre in the Park in July.

In August, Daniel was the pre-show discussion leader at performances of “Distant Thunder” at New Salem’s Theatre in the Park.

In September, Chris Schnell spoke to the American Association of University Women in Decatur. He spoke about the legal rights of women in the nineteenth century.

Stacy McDermott presented a public lecture on Abraham Lincoln as a divorce lawyer in the Hall of Representatives in the Old State Capitol in September.

Also in September, Daniel Stowell gave a presentation to the annual meeting of the David Davis Mansion Foundation in Bloomington, Illinois. Daniel discussed the microfilming and digitization of Abraham Lincoln, David Davis, and related collections at the Illinois State Historical Library.

### The Lincoln Legal Papers

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A Project of



#### Cosponsors:

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University of Illinois at Springfield

#### 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.

#### 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; Kelley Boston, Graduate Assistant; Dan Monroe, NHPRC Fellow.

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