

The Lincoln Legal Papers Curriculum:

Understanding Illinois Social History through Documents from
The Law Practice of Abraham Lincoln, 1836-1861

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Abraham Lincoln, Attorney-at-Law

When Abraham Lincoln lived in New Salem, Illinois, from 1831-1837, he began to consider a career in law. Aspiring attorneys typically studied with established members of the bar or served as clerks in law offices to prepare for a legal career. But Lincoln had no such opportunity in New Salem and worried that he did not have a sufficient education to be an effective lawyer. Lincoln was also interested in the political questions of the day. In 1834, he was elected to a seat in the state legislature in Vandalia, where he served as a representative for Sangamon County. When the legislature was not in session, Lincoln read books he borrowed from a law office in Springfield. He gained further experience by writing legal documents for the local justice of the peace and appearing in courts both as a witness and as a defendant. On March 24, 1836, the Sangamon County Circuit Court in Springfield certified that Lincoln was a person of good moral character, the first of several necessary steps in becoming a lawyer in Illinois. On September 9, the Illinois Supreme Court examined Lincoln's knowledge of the law and issued him a license to practice in all of the courts in the state.

Lincoln became a junior law partner to John Todd Stuart in Springfield and learned the practice of law by trying cases in court. Like many of his colleagues, Lincoln was a general practice attorney; that is, he represented clients in a variety of civil actions including debt, slander, divorce, mortgage foreclosure, and in criminal offenses, including murder. Early in his career he represented clients before local justices of the peace and in county, circuit, and state appellate courts. According to entries in the office's fee book, Lincoln and his partner generally divided legal fees of \$5 to \$10, but in *People v. Truett*, an 1838 murder case, they received \$500. When Sangamon County became part of the newly formed Eighth Judicial Circuit in 1839, Lincoln began to ride that nine county circuit which included Sangamon, Tazewell, Logan, and McLean counties. After Springfield became the state capital in 1839, the federal court and the Illinois Supreme Court, which had met in Vandalia, moved to Springfield. Lincoln, who had joined the law office of Stephen T. Logan, extended their practice beyond the Eighth Judicial Circuit to include these courts.

In time, Lincoln wanted to begin his own law firm. In 1844, William H. Herndon, a young law clerk in the Logan and Lincoln office, became his junior partner. The new firm prospered, but Lincoln was also lured by politics and he served a term in the United States House of Representatives from 1847 to 1849. After Lincoln returned to Springfield the two partners eventually moved their office to a site on the west side of the square on Fifth Street.

Lincoln was away from Springfield for nearly six months of the year, three months each spring and each fall riding the Eighth Judicial Circuit, which eventually included fourteen counties in central Illinois. Lincoln was one of a few attorneys, besides the state's attorney and the judge, who traveled the entire circuit. Most attorneys only practiced in their home county and a few neighboring counties. It was an interesting time in Lincoln's life. Dirt roads were difficult to travel by horse and buggy during rainy weather. While in a county seat, the court officials and lawyers stayed at local taverns, ate at common tables, and often slept in the same bed. When travel was particularly hazardous or lengthy, the group stayed at rural farmhouses along the way. By the end of

the 1850s, railroads had become a popular mode of transportation, and Lincoln was able to travel to each of the county seats by rail. Many county seats along rail lines had grown in population, and new hotels accommodated the lawyers and judges. When he reached a county seat, Lincoln handled whatever legal business came to him. Local attorneys asked him for assistance; sometimes litigants themselves sought his services. He might cooperate with an attorney in one case, and oppose him in the next. When he was back home in Springfield, Lincoln interspersed regular court appearances with cases before the local justices of the peace. He also took on the legal tasks of writing deeds, registering land, paying taxes, receiving money, and giving advice. Lincoln and Herndon charged a typical client \$5 to \$20, although they sometimes took a case without charge. Debt-related issues constituted the majority of Lincoln's legal cases.

In addition to their own cases, attorneys living in counties far away from Springfield often referred their Illinois Supreme Court cases to Lincoln and Herndon's firm. Lincoln's residence in the state capital, where the Supreme Court heard appeal cases, helped him build a strong appellate practice. Lincoln's federal practice in Springfield and the burgeoning city of Chicago probably supplied him with much of his income. The federal courts in Illinois generally ruled on disputes between citizens of different states. Out-of-state residents or businesses attempting to collect debts from Illinois residents often sued them in the federal courts if the amount in controversy exceeded \$500, which was the minimum amount for a case to be heard in the U.S. Circuit Court. As a result, Lincoln could charge his clients in federal court much higher fees than those he represented in the state or lower courts. Clients from major commercial centers such as New York, Boston, St. Louis, and Philadelphia retained Lincoln to represent them in Illinois courts. Because the Chicago Fire of 1871 destroyed almost all of the Illinois federal records prior to 1855, it is difficult to estimate the full extent of his practice. One aspect of his practice, however, became increasingly important. In the 1850s the Illinois legislature provided charters for railroad companies, and many of them began construction, which triggered much litigation over issues of right of way, stock subscriptions, fencing, and damages to property. Lincoln generally supported the development of railroads all over the state, but that did not prevent him from opposing the railroad companies in the courtroom. The Illinois Central Railroad secured his legal services more often than any other railroad.

Lincoln did not aspire to any judicial or state legal offices. He often wrote reference letters for friends who sought judgeships. It was not uncommon that if a judge on the circuit had to leave court during session, he would appoint one of the attorneys to sit for a few days as judge. Sometimes Lincoln was selected to act as the judge. Lincoln never sought the position of state's attorney either, though he occasionally assisted the state's attorneys on the Eighth Circuit by writing indictments, serving as co-counsel, and acting as state's attorney *pro tem* in criminal cases. But, according to some historians, Lincoln did make a contribution to the way lawyers argued their cases in an area known as "jury nullification." In this procedure, a lawyer asked the jury to suspend "the letter of the law" and instead use their common sense to determine the course of justice in a particular case.

In the mid-1850s, Lincoln turned again to politics. A former member of the Whig Party, Lincoln became a member of the fledgling Republican Party in 1856. During the famous 1858

Senatorial campaign against Stephen A. Douglas, Lincoln did not practice law for much of the summer and fall. His series of debates with the 'Little Giant' in 1858, however, transformed Lincoln into a national political figure. After his loss to Douglas in that election, Lincoln returned to his law practice, but he maintained his political contacts which eventually helped him garner support for a bid for the presidency. The Republican National Convention nominated Lincoln as its candidate for president in May, 1860. He continued to take cases during the summer term of the federal court in Springfield, but his legal career was about to come to an end. In November 1860, Lincoln won the election for the presidency over his political rival, Stephen A. Douglas, and two other candidates. During the winter, Lincoln wrapped up his legal business with Herndon, and left for Washington in February 1861.

According to Herndon's biography of his famous law partner, Lincoln wanted the partnership sign to hang undisturbed outside their Springfield office to "give our clients to understand that the election of a President makes no change in the firm of Lincoln and Herndon." He told Herndon that if he returned he wanted to resume his practice of law "as if nothing had ever happened."

John A. Lupton
The Lincoln Legal Papers

The Lincoln Legal Papers Curriculum

Over the past decade, researchers and editors of the Lincoln Legal Papers have compiled a documentary history of the law practice of Abraham Lincoln. Based in the Old State Capitol in Springfield, Illinois, these public historians have traveled the state and the nation collecting and cataloging documents related to Lincoln's law practice. Nearly 100,000 documents have been discovered in the archives of local, county, state, and federal courts as well as in libraries and other repositories.

In the course of collecting the materials related to Lincoln's legal career, it became clear to the historians that comprise the Lincoln Legal Papers' staff that many of the documents would be useful to middle school and high school teachers as primary sources for the study of United States history. The documents they have uncovered include a wealth of detailed information about the daily life of ordinary people in Illinois during the years of Lincoln's legal practice. Moreover, the information found in the documentation of a typical court case often intersects with the story of the transforming processes that were at work in moving Illinois from a frontier society after statehood in 1818 to a modern one on the eve of Lincoln's presidency in 1861. The Lincoln Legal Papers have provided the documentation that historians and teachers need to describe the increase in the state's agricultural production, the expansion of its transportation network, and the growth of its towns and cities. In scores of documents found in the case files in which Abraham Lincoln participated as an attorney, the aspirations--and the frustrations--of the first generation of settlers in the Prairie State are brought to light once again.

The use of primary source documents in the study of Illinois history helps teachers and students accomplish three other important goals. First, the study of the primary sources will foster the development of History's Habits of Mind, which help students think more critically about the past, both in accepting it on its own terms and considering how it has affected the present. These Habits of Mind have been suggested by the National Council for History Education and include:

- understanding the significance of the past to their own lives, both private and public, and to their society.
- distinguishing between the important and the inconsequential, and to develop the "discriminating memory" needed for a discerning judgment in public and personal life.
- perceiving past events and issues as they were experienced by people at the time, and to develop historical empathy as opposed to present-mindedness.
- acquiring at one and the same time a comprehension of diverse cultures and of shared humanity.
- understanding how things happen and how things change, how human intentions matter, but also how their consequences are shaped by the means of carrying them out, in a tangle of purpose and process.
- comprehending the interplay of change and continuity, and avoiding assuming that either is somehow more natural, or more to be expected, than the other.
- preparing to live with uncertainties and exasperating, even perilous, unfinished business, realizing that not all problems have solutions.

- grasping the complexity of historical causation, respecting particularity, and avoiding excessively abstract generalizations.
- appreciating the often tentative nature of judgments about the past, and thereby avoiding the temptation to seize upon particular “lessons” of history as cures for present ills.
- recognizing the importance of individuals who have made a difference in history, and the significance of personal character for both good and ill.
- appreciating the force of the non-rational, the irrational, the accidental, in history and human affairs.
- understanding the relationship between geography and history as a matrix of time and place, and as the context for events.
- reading widely and critically in order to recognize the difference between fact and conjecture, between evidence and assertion, and thereby to frame useful questions.

Second, the use of primary source documents to learn about the stories of ordinary people operating within the larger contexts of state and national history will illuminate for students History’s Vital Themes and Narratives. These Vital Themes and Narratives, also suggested by the National Council for History Education, organize the broader patterns of historical understanding, and include:

- Civilization, cultural diffusion, and innovation
- Human interaction with the environment
- Values, beliefs, political ideas, and institutions
- Conflict and cooperation
- Comparative history of major developments
- Patterns of social and political interaction

Third, the use of primary source documents will help teachers and students meet the State of Illinois Learning Standards for the Social Sciences. These standards help student master basic knowledge and understanding of:

- Political Systems
- Economics
- United States and World History
- Geography
- Social Systems

The *Lincoln Legal Papers Curriculum* includes this introduction, six lesson plans, primary source documents, ancillary materials, and guides to help students analyze traditional sources and legal documents found in the Lincoln Legal Papers. The plans are sequenced generally according to the dates of the primary sources, with the exception of the first plan which discusses Abraham Lincoln the lawyer. Each lesson is keyed to particular Habits of Mind and Vital Themes and Narratives. All of the plans are firmly grounded in the Illinois Learning Standards for History (Standard 16), particularly that standard’s emphasis on the analysis of documents as well as on state and national history in the early nineteenth century. Each of the other Social Science disciplines (represented in Standards 14, 15, 17, and 18) provides a focal point for one of the six plans in the

curriculum, although several of the benchmarks within the various Illinois Learning Standards can be met through a particular lesson. For example, Lesson Plan One, *Abraham Lincoln and the Rule of Law*, addresses Standard 14, Political Systems. Lesson Plan Two, *Moving People through the Prairie State, 1820-1860*, addresses Standard 17, Geography. Lesson Plan Three, *Illinois Agriculture and the Marketplace, 1830-1860*, addresses Standard 15, Economics. Lesson Plan Four, *Material Culture on the Prairie*, combines aspects of Standards 15 and 18, Social Systems. Lesson Plan Five, *Social Role and Status: Marriage on the Illinois Prairie*, addresses Standard 18. Lesson Plan Six, *Canals and Railroads Open Illinois* addresses issues related to Standard 17.

The *Lincoln Legal Papers Curriculum* provides both opportunities and challenges for teachers. The principal opportunity is to engage students with primary source documents that will enhance their knowledge and understanding of mid-nineteenth century United States history and the history of Illinois. Primary sources are the best way to let the student of history “take a walk in the shoes” of a person who took part in an historical event, to see first-hand what it was like to experience an event in the past.

Legal documents, however, present a number of challenges. Legal documents are filled with technical terms that are familiar to lawyers and judges, but not to other citizens. They follow certain procedural formats that are unfamiliar to the average reader. Legal documents, like all other primary sources, only speak to those who can ask the proper questions of them. To help students formulate good questions, the curriculum includes a Key to Transcription Symbols, developed by the editors of the Lincoln Legal Papers, that follows this introduction. This key explains the markings that editors used when they transcribed the documents that students will analyze in class. In addition, each of the six lesson plans includes a Glossary of Terms to help clarify unfamiliar technical and legal terms found in the documents. The primary source documents are presented in both facsimile and transcribed versions that give students the opportunity to see the actual document as it appears in the archival collections, while at the same time facilitating their reading of the contents. Preceding each transcription of a case document is a Case Summary, a contextual synopsis of the entire case developed by the editors of the Lincoln Legal Papers from the principal legal documents. Each lesson includes a guide to assist students as they analyze the individual Lincoln legal documents, which are at the heart of the lesson. Two of the guides are specifically tailored to the documents in two of the lessons: *Abraham Lincoln and the Rule of Law* and *Material Culture on the Prairie*. Each of the lessons' guides orients the student to the court with jurisdiction, establishing time and place as well as other salient introductory information. The guides then help students master the content of the document through a guided questioning strategy. The questions help them understand the adversarial nature of legal proceedings, which most students find quite interesting. The guides also include a section that asks the students to employ History's Habits of Mind and to identify in the document History's Vital Themes and Narratives, that is to make the connection between local people and events and the larger themes of state, national, and even world history.

Each lesson plan in the *Lincoln Legal Papers Curriculum* follows a similar format, beginning with the identification of the lesson's Vital Theme and Habits of Mind and appropriate Illinois Learning Standards. A Focus statement follows that sets the context for the content of the

lesson and its primary source documents. Specific content and skill objectives are stated to help teachers and their students understand what they are expected to know and do during a given lesson. The lesson plans include a detailed series of Procedures that offer guidance for instructional methodology, including background information for brief lectures, and questions that help students explore concepts and master content. These procedures are usually organized into engaging sections titled, "Discovery," "Going to Court," and "You Be the Judge."

The successful Write on Illinois initiative inspired us to include in each plan a "Write to Learn" assignment suggesting topics for either narrative, expository, or persuasive essays that will help students demonstrate their knowledge of the lesson's content, their reasoning or critical thinking skills, and their communication skills. Various charts and graphs, as well as student guides for analyzing documents related to Lincoln's law practice, complement the lesson plans. The plans also suggest additional activities that might be pursued in subsequent lessons, including an activity that will encourage students to participate in Illinois History Day research projects. Finally, each lesson makes a series of thoughtful suggestions about activities that will extend the students' exploration of the given theme of a lesson.

A History Rubric for Performance Assessment is included in this Introduction. The rubric helps teachers assess their students' knowledge, reasoning, and communication skills in history and social science activities and assignments. The rubric is keyed to History's Vital Themes and Narratives and to History's Habits of Mind. Teachers can employ this rubric to assess all of the suggested writing assignments. Illinois teachers of the social sciences use this rubric to assess student performances that are tied to the new Illinois Learning Standards.

Teachers at all levels, grades 6 – 12, will find useful materials in each of the plans, but individual teachers are in the best position to use their professional judgment to determine which lessons, or parts of lessons, best suit their particular needs. Middle school and high school teachers alike will find appropriate instructional materials and primary source documents in each of the lessons. For example, materials in *Abraham Lincoln and the Rule of Law* and *Material Culture on the Prairie* are easily adaptable to the grade 6-12 history and social sciences curriculum. Each of the other four lessons includes materials of various levels of complexity. Therefore, one key to the successful use of the *Lincoln Legal Papers Curriculum* is that teachers should preview carefully the plan, the materials, and the documents to gauge the level of difficulty of the lesson and their appropriateness. While some of the documents in *Social Role and Status: Marriage on the Illinois Prairie* will suit the needs of the middle school teacher, other documents included in that lesson may not be appropriate. Similarly, some of the materials and documents included in *Canals and Railroads Open Illinois* or the other lessons may suit middle and high school students, while some may even challenge the more experienced students. The plans include full texts of the documents, thereby allowing individual teachers to edit back or perhaps omit the more difficult documents. Another key to the successful use of the curriculum is that students must be patient when they use the Habits of Mind to analyze a Lincoln Legal document. Perhaps most important, teachers must both discuss the documents with their students and help them connect the document's content to the wider Vital Themes and Narratives of Illinois and United States history.

Students in Illinois, and across the nation, are not bound together by a common ethnicity or religion; indeed the state and nation are becoming more diverse as each year passes. But these students do share in common one fundamental ideal, which has bound all citizens together since the foundation of the Republic: the democratic vision of liberty, equality, and justice. One important way for students to appreciate the durability of that vision across time, and to preserve it for the future, is to know and understand how our democratic values were shaped in the past. The materials presented for classroom use in the *Lincoln Legal Papers Curriculum* are drawn from instances when ordinary people went to court to resolve conflicts over questions arising from bewildering technological, cultural, and economic changes. At the heart of each of these court cases, however, we find on display the pursuit of individual liberty, equality, and justice as perceived by people at the time. As such the *Lincoln Legal Papers Curriculum* aims to help students understand how individual citizens, local events, and larger historical forces affected the development of Illinois and its political beliefs and ideals during the Age of Lincoln.

Lawrence W. McBride

Frederick D. Drake

Editors, *Lincoln Legal Papers Curriculum*

February 12, 2001

Key to Transcription Symbols

. . .	text left out in excerpting
[. . .]	unrecoverable passages in source text
^roman^	additions to original source text (interlineations)
strikeout	passages deleted by the author of document
[:-:.]	unrecoverable passages deleted by the author of document
<u>underline</u>	passages underlined by the author of document
[<i>italic</i>]	editorial supply; not based on words in original text
[roman]	editorial supply of mutilated passages; expansion of abbreviations, when necessary for clarity

A History Rubric For Performance Assessment

KNOWLEDGE <i>Knowledge of evidence from history: facts/supporting details; themes/issues, and concepts/ideas</i>	REASONING <i>Analysis, evaluation, and synthesis of evidence</i>	COMMUNICATION <i>Demonstrates knowledge and reasoning through oral, written, visual, dramatic, or mixed media presentation</i>
<p>6</p> <ul style="list-style-type: none"> Key concepts/Vital Themes and Narratives/ issues/ideas are thoroughly identified, defined, and described Significant facts/supporting details are included and accurately described Has no factual inaccuracies 	<p>6</p> <ul style="list-style-type: none"> Identifies and logically organizes all relevant evidence Uses appropriate and comprehensive critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence Reaches informed conclusions based on the evidence 	<p>6</p> <ul style="list-style-type: none"> All ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning processes The presentation is well focused with a well-defined thesis Presentation shows substantial evidence of organization Presentation shows attention to the details of specific performance conventions
<p>5</p> <ul style="list-style-type: none"> Key concepts/Vital Themes and Narratives/ issues/ideas are considerably identified, defined, and described Facts/supporting details are included Has only minor factual inaccuracies 	<p>5</p> <ul style="list-style-type: none"> Identifies and logically organizes most of the relevant evidence Uses appropriate and critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence Reaches informed conclusions based on the evidence 	<p>5</p> <ul style="list-style-type: none"> Most ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning processes The presentation demonstrates a focus, and thesis with minimal narrative gaps Presentation shows sufficient evidence of organization Presentation has minor mistakes in attention to the details of specific performance conventions
<p>4</p> <ul style="list-style-type: none"> Key concepts/Vital Themes and Narratives/issues are partially identified, defined, and described Some facts/supporting details are included May have a major factual inaccuracy, but most information is correct 	<p>4</p> <ul style="list-style-type: none"> Identifies and organizes some of the relevant evidence Uses partial critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence Reaches informed conclusions based on the evidence 	<p>4</p> <ul style="list-style-type: none"> Some ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning processes The presentation demonstrates a focus and thesis with several narrative gaps Presentation demonstrates adequate evidence of organization Presentation has mistakes in attention to the details of specific performance conventions
<p>3</p> <ul style="list-style-type: none"> Some key concepts/Vital Themes and Narratives/ issues/ideas are identified, defined and described Few facts/supporting details are included Has some correct and some incorrect information 	<p>3</p> <ul style="list-style-type: none"> Identifies some of the relevant evidence but omits other evidence Uses incomplete critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence Reaches incomplete conclusions based on the evidence 	<p>3</p> <ul style="list-style-type: none"> Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning processes The presentation demonstrates an inadequate focus and thesis Presentation demonstrates inadequate evidence of organization Presentation has insufficient attention to the details of specific performance conventions
<p>2</p> <ul style="list-style-type: none"> Few Key concepts/Vital Themes and Narratives/ issues/ideas are identified, defined, and described Facts/supporting details are not included Information is largely inaccurate or irrelevant 	<p>2</p> <ul style="list-style-type: none"> Identifies little relevant evidence and omits most of the evidence Uses unclear or inappropriate critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence Reaches inaccurate conclusions based on the evidence 	<p>2</p> <ul style="list-style-type: none"> Most ideas in the presentation are not clearly expressed The presentation demonstrates insufficient focus and a poorly defined thesis Presentation demonstrates insufficient evidence of organization Presentation has multiple mistakes in attention to the details of specific performance conventions
<p>1</p> <ul style="list-style-type: none"> Key concepts/Vital Themes and Narratives/ issues/ideas are not identified, defined, and described Facts/supporting details are not included Information is inaccurate or absent 	<p>1</p> <ul style="list-style-type: none"> Important evidence relevant to the problem is not identified Critical thinking skills and Habits of Mind are absent Conclusions are lacking or unclear 	<p>1</p> <ul style="list-style-type: none"> Expression of all ideas in the presentation is unclear The presentation demonstrates little focus and lacks a thesis Presentation demonstrates little evidence of organization Presentation has no attention to the details of specific performance conventions

From: Frederick D. Drake and Lawrence W. McBride, "Reinvigorating the Teaching of History through Alternative Assessment," *The History Teacher* 30 (February 1997): 145-73.

Comprehensive Glossary of Terms

abutment: a structure that supports the end of an arch or a bridge.

acre: a unit of land measure equal to 43,560 square feet or 4,047 square meters.

adjourn: to bring a session of court to an official close, putting off further proceedings either indefinitely or until a later stated time.

adultery: voluntary sexual intercourse between a married person and another person who is not their spouse.

allegation: a statement not yet proven; a statement by a party to a lawsuit that the party will attempt to prove.

artifact: an object produced by human work, especially that remaining from a particular historical period.

attorney: a person, especially a lawyer, appointed to act on behalf of another person. The attorney legally represents a plaintiff or defendant in court.

barter: exchange of goods or services without the use of money.

Berkshire: an English breed of hogs, which are black with white markings on feet, face, and tail.

bill of complaint: a written statement by a plaintiff in a chancery action that sets forth the facts and the legal basis for his or her case.

bill of exceptions: a list of written objections to a trial judge's rulings or instructions.

Boanerges: a powerful and blunt orator or speaker.

bond: an amount of money held by the court, which is forfeited if a person fails to comply with a court order.

breach of contract: the failure to do what one has promised to do in a formal agreement.

bushel: a unit of dry measure equal to 32 quarts or 30.28 liters.

chancery: a division of the law devoted to settling issues for which there was no remedy in the common law; also called equity.

channel: the bed where a natural stream of water flows; the deeper part of a river.

chattel: an item of movable property.

circuit court: a court that sits in more than one place in a judicial district.

civil society: voluntary associations, economic groups, religious organizations, and other social relationships that in a free society are not under government control.

clevis: a U-shaped piece of iron with holes in the end through which to run a pin to attach one thing to another.

close: a portion of land enclosed by a fence, by walls, or by ownership of adjoining properties. In law, an interest in land entitling the owner to compensation for damages.

cognizance: knowledge or notice.

commencement: the start of an action.

commodity: anything bought or sold, an article of commerce; any basic item or product of agriculture or mining.

common law: a division of the law that includes cases involving private injuries; the common law had specific methods for resolving disputes.

compromise: a settlement of differences between two or more persons in which each side gives up some of its claims and agrees to some of the demands of the other side.

constitutional government: a form of limited government whose exercise of political power is restrained according to law.

corporation: a group of persons authorized by law to act as a single person and legally endowed with various rights and duties.

counsel: a lawyer appointed or hired to represent a client in legal matters.

county: the largest territorial division for local government within a state of the United States.

cross-bill: an action filed by a defendant in an ongoing case against the plaintiff and/or the other defendants in that case.

cross examination: the questioning of a witness who has already testified in order to check or discredit the witness's testimony, knowledge, or credibility.

culvert: a drain crossing under a road or embankment.

declaration: a written statement by a plaintiff in a common law action that sets forth the facts and the legal basis for his or her case.

default: the failure by a defendant to plead his or her case, which led to a judgment for the plaintiff.

defendant: the person against whom someone brings a legal action. In criminal cases, the defendant is the person accused of a crime. In civil cases, the defendant is the person being sued. In some civil cases, the defendant is called the respondent.

demand: the amount of a good or service people can and will purchase at a certain price.

depose: the act of swearing as to the accuracy of a statement in written testimony.

detriment: damage, harm.

divers: various, several.

docile: easily led or managed.

doubletree: a wooden crossbar on a wagon, carriage, or plow, to each end of which the singletrees are attached when two horses are harnessed side-by-side.

dower: a form of estate that provided for a widow's needs out of her husband's real and personal property.

effects: movable property; goods or personal belongings.

endorsement: a writing, usually on a document, confirming or acknowledging the action set forth in the document.

err: to make a mistake.

estate inventory: a written list of property with assigned values compiled for taxation or inheritance purposes, usually upon the death of the owner of the property.

execute: to complete a task.

feeder: a waterway that supplies, replenishes, or connects one body of water with another.

foreclosure: a legal action to recover land or buildings held under a mortgage.

fornication: voluntary sexual intercourse between two persons not married to each other.

frow: a cutting tool with a blade at a right angle to the handle.

hames: two curved pieces on the collar of an animal's harness, to which straps are attached.

handbill: a small printed sheet to be distributed by hand for advertising.

heir: a person who inherits property from a deceased person, usually a family member.

hogshead: large cask or barrel, usually holding from 63 to 140 gallons.

impanel: to choose individuals to serve on a jury.

impede: to obstruct or slow down.

incumbrance: a prior or more important claim or interest in property, lessening its value to the owner or tenant.

inflation: a continuing rise in the prices of goods and services.

ingrain carpet: a reversible carpet made of wool, which has been dyed before being spun into yarn.

injunction: see writ of injunction.

inventory: a list of items of property owned by an individual or a business.

jury nullification: the acquittal of a defendant by a jury in disregard of the judge's instructions and contrary to the jury's findings of fact. Jury nullification is most likely to occur when a jury is sympathetic toward a defendant or regards the law under which the defendant is charged with disfavor.

keg: a small cask or barrel, usually holding from 5 to 10 gallons.

license: a right or permission granted by a government or business to engage in some activity or to do some act.

limited government: a government whose exercise of political power is restrained by law or other institutions.

litigant: parties to a lawsuit (plaintiffs and defendants).

litigation: the process of carrying on a lawsuit; a case or lawsuit.

lot. a set of objects or a number of things.

market: a region in which goods and services are exchanged; a desire to buy, demand.

market price: the price that a good or service brings when sold.

master in chancery: an officer of a court whose duty is to make investigations and report to the court.

material culture: the study of all artifacts designed by people to satisfy needs or wants, or to express an idea.

meridian: a line from which degrees of longitude are measured on a map or globe.

migrate: to move from one country, place, or locality to another.

minor: a person below the age of legal responsibility; in antebellum Illinois, the age of legal responsibility for males was twenty-one years old; for females, it was eighteen years old.

navigable: deep enough and wide enough to allow boats or ships to pass.

neb: a projecting end or point.

nominal: in name only; small or insignificant.

nullification: to reduce to nothing.

omnipotent: all powerful.

oral argument: a statement made by a lawyer before a court to advocate a client's position or to answer the judge's questions.

orator: a person who presents his point of view to the court, usually in writing.

oratrix: a female person who presents her point of view to the court, usually in writing.

p.d.: *pro defendente*; representing the defendant.

p.q.: *pro querente*; representing the plaintiff.

partition: a legal action in which the plaintiff asks the court to divide specific real property among the co-owners.

perpetual: lasting forever; holding an office or other position for life or for an unlimited time.

petition: a formal written request made to an official person or body; a document including a formal written request.

pie: an animal covered with patches of two or more colors.

pirogue: any canoe-shaped boat.

plaintiff: the person who initiates a lawsuit. In some civil cases, the plaintiff is called the petitioner.

plat: a plan, map, or chart of a piece of land with present or proposed features.

plea: a defendant's answer to a plaintiff's claim in a lawsuit.

praecipe: a document from an attorney or a plaintiff instructing the clerk of the court to issue a specified writ.

prairie: level or rolling grassland, especially that found in central North America.

presiding: to occupy the place of authority.

process: a means (such as a summons) used to require a defendant to appear in court.

proximity: very near; closeness.

qrs.: quartos; paper folded twice to form four leaves or eight pages.

relief: a form of assistance, monetary or otherwise, provided by law to someone who has suffered a wrong.

remand: to send a case back to the original court, usually with instructions on how to proceed.

remonstrance: a formal protest against a court ruling.

retail price: the price at which goods or services are sold directly to the general public.

right of way: the right of a person to pass over land owned by another; a portion of land acquired by a government or a company to create a transportation route.

rod: a unit of linear measurement equal to 16.5 feet or 5.03 meters.

rule of law: the principle that the actions of both government and citizens are subject to the law.

rural: characteristic of the country, of country people, or of farming.

scilicet: “to wit”; that is to say.

section: a unit of land equal to one square mile in area; one of the 36 subdivisions of a township.

section line: a dividing line on a map, separating adjoining sections of land or parts of a township.

settee: a small sofa with a back and arms.

shoat: a young, weaned pig.

shortage: a lack in the quantity or amount needed or expected.

similiter: a statement written on a document declaring that the parties have agreed to disagree and to let the court decide the case between them.

singletree: a wooden bar swung at the center from a hitch on a wagon, carriage, or plow and hooked at either end to the horse's harness.

skiff: any of various small boats, especially a flat-bottomed rowboat.

span: a team of two animals used together.

steelyards: a portable weighing device, consisting of a horizontal bar with a hook for holding an object to be weighed on one end and a sliding counterweight on the other end.

strata/stratum: a bed or layer of rock whose make-up is similar throughout.

subpoena: a written order to a person requiring him or her to appear in court to provide evidence in a particular case.

subscribe: to sign a document to acknowledge an obligation; to pledge a gift or contribution by writing one's name with the amount.

summons: a document notifying a person that an action has been brought against him or her and requiring him or her to appear in court.

supply: the amount of a good or service that a producer will offer at a given price.

timothy: a type of grass grown for hay.

transcript: a certified copy of court proceedings (including all documents), prepared by a court official.

trespass: a legal action to obtain compensation for a wrong committed with force by the defendant against the plaintiff; to enter wrongfully or without consent upon the property of another.

trespass on the case: a legal action to obtain compensation for a wrong committed by the defendant against the plaintiff, when the situation did not fit the technical requirements for an action of trespass. Trespass on the case applied where the injury to the plaintiff was indirect rather than direct or where it was accidental with no force.

urban: characteristic of the city or of city people.

valuation: appraisal of property; an item's estimated or determined market value.

verdict: the decision of a jury or a judge on matters submitted to them in a trial. In criminal cases, the verdict is usually expressed as "guilty" or "not guilty." In civil cases, the verdict is a finding for the plaintiff or for the defendant.

waste weir: a dam in a stream or river to raise the water level or to divert its flow.

with force and arms: with violence, against the property or person of another.

writ: a written order from a court forbidding or requiring some action.

writ of injunction: a written order from a court forbidding a person to do something.

yearling: a one-year-old animal.