

## Moving People through the Prairie State, 1820-1860

**Theme:** Conflict and Cooperation

**Habits of Mind:** Understand the Relationship between Geography and History as a Matrix of Time and Place  
Perceive Past Events and Issues as Experienced by People at the Time, and to Develop Historical Empathy as Opposed to Present-mindedness

**Focus:** Advances in transportation systems enabled hundreds of thousands of people to migrate west during the period 1820-1860. The Erie Canal, completed in 1825, and the National Road, which reached Vandalia in 1833, brought commerce and settlers to the Old Northwest region of Wisconsin, Michigan, Ohio, Indiana, and Illinois. Most of the settlers were farmers who hoped to realize the full potential of the rich prairie land. Soon, small villages and towns dotted the countryside. However, the increase in the number of settlers often led to conflicts over land rights. The security of one's right to property was symbolized by the fence, which soon became a point of disagreement between those who wanted to raise cattle, those wanting to grow corn, and those just wanting to keep neighbors and strangers off their property.

Often, land disputes arose that involved private citizens, government agencies, and officials at the local, county, and state levels. In this lesson students encounter a dispute over the existing route of a road near Mt. Pulaski, and a landowner's attempt to change the existing road, which crossed his property. The landowner built a fence across the road where it crossed his property to force the local authorities to change the route. The fence was certain to affect his neighbors and travelers who used the road to get to Springfield, and the case went to court.

Problems concerning land rights still occur, not only between citizens but also between individual local people and between groups of people. Students might connect what they learn in this lesson to a recent example from Illinois involving litigation brought forward by Native American tribes seeking to reclaim land that they contend was unjustly taken away from them during the period of Westward Expansion.

**Objectives:** Students will be able to:

1. Describe examples of conflict and cooperation that accompanied Westward Expansion.
2. Analyze a map.
3. Analyze primary source documents.

**Illinois Learning Standards:**

16.E 2a Identify environmental factors that drew settlers to the state and region.

16.E 3b Describe how the largely rural population of the United States adapted, used, and changed the environment after 1818.

17.A 2b Use maps and other geographic representations and instruments to gather information about people, places, and environments.

17.C 3a Explain how human activity is affected by geographic factors.

## Procedures

### 1. Discovery

#### A. Westward Expansion Brought People to Illinois.

- 1) Erie Canal opened westward migration from the east *via* the Great Lakes.
- 2) Roads pressed westward across the mountains from the eastern seaboard states.
- 3) Indian removal was completed in Illinois in 1837, although some claims to land formerly belonging to Native Americans in Illinois remained contested.
- 4) Extension of railroads across the country offered faster and less expensive transportation.
- 5) Advances in farming technology promised economic growth through land development.
- 6) Coal deposits led to the development of early industrial production, especially in the southern and central regions of Illinois.
- 7) Rural communities emerged in central and northern Illinois.

**B. Five Maps and a Chart Tell the Story of Westward Expansion in Illinois.** (See attachments.) In the following activities, teachers should make sure that students identify the key places in this legal action: Mt. Pulaski Road, Mt. Pulaski, Springfield and Logan County, and the region around Logan County.

*Map 2.1: Illinois in 1830:* Settlement along the river areas resulted from people traveling westward along the Ohio River, north and south along the Wabash, and north along the Mississippi and Illinois Rivers. Note: The northern most river is the Rock, which empties into the Mississippi River, that forms the western boundary of the state of Illinois. The Des Plaines River and the Kankakee River meet to the east of Ottawa and form the Illinois River. The mouth of the Kaskaskia River is located at the Mississippi River near the city of Kaskaskia. The Wabash River forms the southeastern border of Illinois. The Ohio River joins the Wabash River near Shawneetown.

Teaching Opportunity: Find each of these rivers on a current Illinois map.

*Map 2.2: Illinois Highways in 1832:* Roads allowed migrants to settle most of the southern Illinois region and to migrate towards the central and northern regions of the state. Note: The author of this map has overstated its title. In 1832 the state was served largely by dirt roads that were often impassable for several months of the year.

Teaching Opportunity: Use a current highway map to identify points and key intersections along Illinois “highways.”

*Map 2.3: Proposed State Railroad System, c. 1850:* This proposal would allow new settlers to establish communities throughout the state, and would speed agricultural produce and manufactured goods to markets throughout Illinois and to regions beyond the state.

Teaching Opportunity: Locate an historical atlas that shows early railroad lines in Illinois. Were any of these proposed state railroads ever constructed?

*Map 2.4: Coal Fields in Illinois:* The bountiful coal fields of Illinois helped to spur industrialization in the southern and central regions of the state.

Teaching Opportunity: Use map 4 in conjunction with maps 2, 3, and 5 to explain why Illinois' rich bituminous coal fields and mines spurred industrial growth in Illinois.

*Map 2.5: Illinois Railroads in 1855:* The railroads were becoming a vital means of transportation, facilitating commerce, trade, and travel. Within a few years the city of Chicago became the nation's railway hub.

Teaching Opportunity: Compare the data in map 5 to the data in maps 2 and 3.

*Chart: The Population of Illinois, 1810-1860.* The population of the state increased at an astonishing rate, from a mere 12,200 in 1810 to 1,712,000 in 1860.

Teaching Opportunity: Convert the data in this chart into a bar graph format.

**C. Additional Teaching Opportunities:** Using Contemporary Maps to Identify Old Routes.

- 1) Ask students to use a current map of Illinois to identify important towns and cities along the course of its large rivers and to identify on the maps of the roads and railroads from the 1830s and 1850s the important towns and cities along those routes.
- 2) Ask students to identify on either a map from 1855 or on a current map the transportation points where roads and railroads intersected in 1855.
- 3) Ask students to compare and contrast the road network and railway network as depicted on the maps of the 1830s and 1850s with the current routes of the interstate highways and key U.S. highways that cross Illinois. Students might also locate a current map of Amtrak routes in Illinois or other major railway routes.

## 2. Going to Court

A. Lincoln Legal Documents Describe Conflict on the Prairie. Legal battles unfold over the control of land and roads. Document 2-A: Bill for Injunction, *Beam & Skinner v. Buckles* (1857)

- 1) Who is in court?
  - a) John Buckles (1822-1909) was born in White County, Illinois, and while he was still an infant, his parents became some of the earliest settlers of Logan County. In 1843, Buckles purchased land southeast of Mt. Pulaski, and he married Esther J. Scroggin in 1847. He owned the largest farm in the region, shipping cattle and hogs to various markets, and became one of the largest cattle dealers in central Illinois.

- b) Samuel C. Beam (1824-1880) was born in New Jersey, and moved to Mt. Pulaski, Illinois, in 1845. Beam built the largest residence in Logan County, Illinois. He was the Supervisor of the Road District, a miller, and a grain dealer.
  - c) Permelia Skinner (b. 1815) was the widow of Thomas R. Skinner (1801-1857), a county surveyor and county judge. Skinner owned property adjacent to a county road that traversed Buckles's property.<sup>1</sup>
- 2) What was at issue between the litigants? Read Document 2-A: Bill for Injunction from *Beam & Skinner v. Buckles* (1857). (See Glossary at the end of the lesson plan for unfamiliar terms.) Note the following population statistics to set the context:
- a) Mt. Pulaski had only a handful of people when the town was laid out in 1836.

1850	360 people
1860	634
  - b) Springfield was growing rapidly.

1835	1,419
1840	2,579
1845	4,533
1855	7,250
1860	9,320
- 3) Students complete and then review the guide, *Analyzing a Lincoln Legal Document*.
- B. Asking Informed Questions about *Beam & Skinner v. Buckles*. Refer to the Plat Map in the Bill for Injunction, as well as the population figures, maps and charts in Procedures 1-A and 1-B, above.
- 1) How does the map of the land around Mt. Pulaski help orient you to the conflict between Samuel Beam, Supervisor of the Road District, and Mr. Buckles?
  - 2) Which came first: Mr. Buckles' ownership of the farm or the road to Springfield? In your opinion, did Mr. Buckles have the right to build a fence across the road that went through his property?
  - 3) What would motivate Mr. Buckles to build a fence on his property? Why might he wish to change the route of the road?
  - 4) How do the other maps and the population figures help to explain why access to roads was becoming more important to people in the area?
  - 5) Why might so many people be uninformed about Mr. Buckles' petition? Note: the document refers to both voters and others who have not signed the petition. Why was it important for the court documents to identify some of the individuals who had signed petitions as "voters"? Did voters have special legal status or property rights that were denied to the others who did not have the right to vote?
  - 6) Why did Mrs. Skinner come forward with the Supervisor of the Road District to request an Injunction against Mr. Buckles? How do Mr. Buckles' plans affect the value of her property?

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<sup>1</sup>*History of Logan County, Illinois* (Chicago: Chicago Interstate Publishing, 1886), 218-19; Lawrence B. Stringer, *History of Logan County, Illinois* (Chicago: Pioneer Publishing, 1911), 2:21-25.

### 3. You be the Judge

- A. How could this dispute have been settled out of court?
- B. As the judge in this case, which of the court documents is the most persuasive to you? Why?
- C. Which witnesses are the most believable? Why?
- D. What instructions would you give to the members of the jury?
- E. How would you rule in this case?

4. **Conclusion and Assessment.** Write to Learn. Students should write one to three narrative paragraphs describing a family's experiences as they migrated from an eastern state into Illinois. As the students write their essays, they need to demonstrate that transportation and farming developments, combined with the overwhelming desire for land, led thousands of migrants to settle new homes beyond the Appalachian Mountains. Their essays should also note that during westward expansion disputes over land arose, creating situations that sometimes were settled peacefully in courts through the application of the rule of law. At other times, individuals employed physical force to try to achieve their aims. See the rubric for assessing students' performance in knowledge, reasoning, and communication skills in the Introduction to this *Lincoln Legal Papers Curriculum*.

### Additional Activities

Illinois History Day Project. Students can trace the history of the major road that connects their community to the state capital in Springfield. Students should research the history of the route, including printed documents and images. Issues addressed in the research may include construction, overcoming physical features like rivers or wetlands, competition from other means of travel, and sites travelers would see as they made their journey. Students should also determine how road improvements changed the time it took to travel from their town to Springfield.

Property Rights and the Common Good. Students are to imagine that they own a parcel of land with a home on it. The county has told them that they are going to take half of their yard to make way for a new road. The students will write a persuasive letter to their state representative to present their argument. They will choose to either argue that the road will damage their land, and that the seizure will violate their property rights, or they will agree to support the growth of the state highway system, perhaps with due compensation. Students might develop this scenario into an historical reenactment by writing a script using the key legal arguments and language in the Lincoln Legal documents as a model to follow.

### Sources and Materials

#### Maps

- 2.1: Illinois in 1830.
- 2.2: Illinois Highways in 1832.
- 2.3: Proposed State Railroad System, c. 1850.
- 2.4: Coal Fields in Illinois.
- 2.5: Illinois Railroads in 1855

Chart: The Population of Illinois, 1810-1860.

*Analyzing a Lincoln Legal Document*

Document 2-A: Bill for Injunction, *Beam & Skinner v. Buckles*, 1857.

Glossary of Terms

**Chart: The Population of Illinois, 1810-1860**

<b>1810</b>	<b>12,262</b>
<b>1820</b>	<b>55,211</b>
<b>1830</b>	<b>157,445</b>
<b>1840</b>	<b>476,183</b>
<b>1850</b>	<b>851,470</b>
<b>1860</b>	<b>1,711,951</b>

*Illinois Blue Book, 1997-1998* (Springfield: State of Illinois, 1998).

## Analyzing a Lincoln Legal Document

### Case Brief

Complete Case Name \_\_\_\_\_

\_\_\_\_\_

Date of Document: \_\_\_\_\_

Court(s):

- Justice of the Peace Court
- County Circuit Court
- U.S. District Court
- U.S. Circuit Court
- U.S. Supreme Court
- Illinois Supreme Court

Term of Court \_\_\_\_\_

Division (check one):

- Chancery
- Common Law
- Criminal
- Probate
- Appellate

Action (check one):

- Debt
- Divorce
- Ejectment
- Injunction
- Trespass
- Trespass on the Case
- Other \_\_\_\_\_

### **Open the File: Interrogate the Document**

Parties to the case. Who is going to court?

Plaintiff(s) \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Legal Counsel:

attorney(s) for the plaintiff(s) \_\_\_\_\_

attorney(s) for the defendant(s) \_\_\_\_\_

Who else was in court or is mentioned in the document? \_\_\_\_\_

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### **Synopsis: Summarize the Contents of the Document**

Type of document

What is the plaintiff's allegation?

What is the defendant's position?

What, if any, other information is provided in this legal document?

Why is this issue in the hands of attorneys and other officers of the law?

### **Lincoln and the Rule of Law.**

Why would Lincoln agree to serve as an attorney in this case?

What does this case reveal about Lincoln's law practice?

If you could ask Lincoln or his partner a question about this case, what would it be?

How might you determine the outcome of this case?

### **Synthesis: Illinois History and the Rule of Law**

What evidence in the document helps you understand more about the major historical trends that shaped the history of Illinois?

What evidence in the document helps you understand the relationship between *where* something happened and *what* happened?

Does this document include any "quotable-quotes," or examples of a regional speech or period expressions?

What evidence in the document helps you understand the values, beliefs, and ideals of people who lived in Illinois when this document was written?

What evidence in the document helps you understand how conflict among individuals and/or businesses would be resolved through the rule of law?

What evidence in the document helps you understand the patterns of daily life and the concerns of the common people in Illinois?

**Document 2-A (transcription)**

***Beam & Skinner v. Buckles***

**Case Summary:** In 1854 or 1855, Logan County officials built a county road from Mt. Pulaski, Illinois, in the direction of Springfield, Illinois, but Barton Robinson refused to give the county a right of way through his property. Robinson sold the land to John Buckles, who also objected to the road. Buckles won a judgment to remove the road or to change the route, and he built a fence across the road. Samuel C. Beam, the district road supervisor, and Permelia Skinner, who owned adjoining land, retained Samuel C. Parks and Wilford D. Wyatt to represent them. Beam and Skinner petitioned for an injunction in the chancery division of court to stop Buckles from obstructing the road. Buckles retained Abraham Lincoln, William H. Herndon, and Lionel P. Lacey. Judge David Davis granted the injunction, but the parties apparently reached a settlement, and Beam and Skinner dismissed the case in the March 1858 term.

**Bill for Injunction**

State of Illinois  
Logan County

Of the September Term of the County Court A.D.  
1857

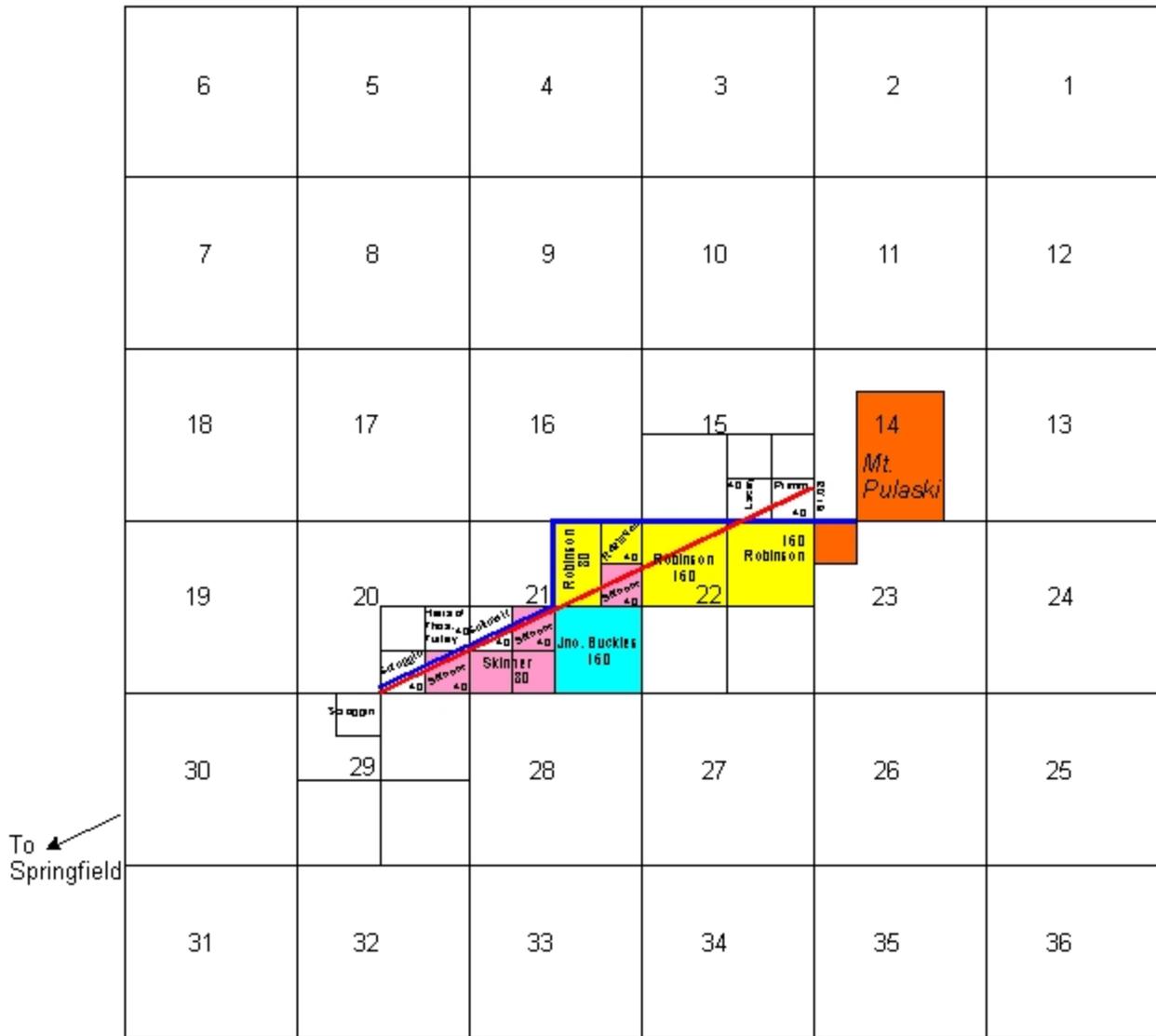
Humbly complaining sheweth unto your Honor your Orators Sam<sup>l</sup> C. Beam ^& Permelia Skinner^ that he ^the said^ Beam is a citizen & legal voter of Mount Pulaski in Logan County Illinois; that about two or three years since ^or more^ a County Road from the said Town of Mount Pulaski in said County to the Logan County line in the direction of Springfield was regularly & legally petitioned for viewed located & opened ^after great labor trouble & expense^ ; that said Road has been worked & used as a public legal County Road for near two years or more that he is the Supervisor of the Road District in which lies the town of Mount Pulaski & in which the first three miles of said Road [:-] after it leaves Mount Pulaski lies; that said Road as originally located & opened ran diagonally across ^part of ^ the North half of Sections 21 & 22 Town 18 N Range 2W that in said County; that Barton Robinson was the owner of said Land when said Road was located through the said that the [-:-] he refused to give the right of way for the same through said land that the damages & compensation therefor were regularly assessed & fixed for him by Commissioners regularly appointed by the Circuit Court of Logan County; that after this & with a full knowledge of all these facts John Buckles of Logan County Ills bought said tract of Land from the said Robinson & you[r] Orator is informed and believes that the said Robinson made a deduction of a large sum of money from the price of said land on account of said Road running diagonally through it to wit about \$500,00 & that rather compensation for damages aforesaid were offered to said Robinson by Order of the County Court of Logan County but that he refused to accept [. . .] That at the June term of the Logan County Court the above named John Buckles presented to the County Court of Logan County what purported to be a “Petition” “praying for the removal of the presented Road leading from Mt. Pulaski to Springfield to change said Route from where it strikes the South line of Section (15) in Town (18) Range (2) [to run] thence due West on said Section line to the half section line of Section 21 same Town & Range thence South on said half Section line to intersect the present line of said Road.” That although a large majority of the inhabitants

of Logan County living within five miles of said Road were opposed to any change therein ~~the great~~ & a majority of the qualified voters ~~living immediately~~ of each Road district through whi[ch] said Road passed did not sign said petition nor did a majority of the voters living immediately in the vicinity of such Road the great [...] of them knew nothing of said Petition till after it had been presented to the Court & the viewers appointed which was done at the June Term of said Court A.D. 1857 That John Bigger Theodore Lorence & John Shoup were said viewers; that at the September Term of said County Court they presented a Report in favor of the change prayed for & you[r] Orator & others by their atty S C Parks presented a Remonstrance signed by nearly or quite double the number of legal voters who had signed the petition of the said Buckles & moved the Court to reject said Report & dismiss the case because the Petition & Report & all the proceedings therein were irregular informal insufficient & not according to law & because said change or alteration in said Road is against the remonstrances wishes & interests of a large majority of the Citizens of Logan County whose interests are mosts affected by it; but that said Court refused to consider said Remonstrance & said objections to said change & notwithstanding or due & that their report be received & approved that before said Court adjourned you[r] Orator appeared before the same & claimed an appeal to the Circuit Court of Logan County that the ~~day of the~~ same day the said Buckles was notified thereof & the day after that he proceeded to fence up said Road that your orator has perfected his appeal but is informed & believe[s] that the said Buckles will not respect the same but, intends to proceed to fence up said Road as if no such appeal had been taken & has so stated; that the fencing up of the same will be a serious injury to your Orator both as supervisor of said Road & as one of the Citizens of Mt Pulaski & the County of Logan & a great inconvenience to very many of the citizens of said County; that the road is longer & not so good as the former route & c; that the ~~for~~ right of way was a part of said road was given upon condition that the road should run straight through said lands & that there is danger if the said change is made that said road may be closed up at other points; that all the proceedings of the said Buckles & of the County Court above described furnish no authority to said Buckles to fence up said road that said proceedings are all irregular insufficient & illegal; that the petition does not describe correctly the road said Buckles is fencing up & is in other respects vague uncertain & insufficient that the Report is [...] objectional for the same reasons & that the Court erred in not considering & heading said remonstrance & that the order of said Court does not direct the opening of said road as petitioned to be changed or direct the old route to be closed up He hereby makes said Petition Remonstrance Order & Record of said Court Report of Viewers & c parts of this Bill

And your Oratrix Permelia Skinner in addition to the facts set forth above by Your Orator Samuel C Beam in all which she concerns & all which she avers to be true & which also she charges as part of her complaint alledges that she is the widow & one of the heirs of Thomas R Skinner late of Logan County deceased the said Skinner departed this life that in the winter of the year 1856 & 1857 & at the time of his death was the ow[n]er in fee simple of the South East quarter of the North East quarter of Section Twenty One (21) in Township Eighteen (18) North Range Two (2) West that there is no incumbrance of any sort upon said tract of Land; that the said Skinner left at his death no children & no will that your Oratrix as widow & one of the heirs of the said Thomas R Skinner is part owner of the said tract of Land that the said Road as originally located ran diagonally through said tract that the said Skinner gave the right of way through the said tract to the County of Logan upon condition that said Road should run straight through all the Lands between Mount Pulaski & then north of John Scroggin's land as set forth in the foregoing part of this Bill that by the removing & fencing up of the said Road [...] by the said Buckles as above set forth said tract of Land is materially diminished

tha that by the said change & fencing up of the said Road said tract of land is entirely fenced up by the said Buckles and you Oratrix & the other owner of said Land towitt the brothers & sisters of the said Thomas R. Skinner have now no access to the same except over the fences and Lands of the said Buckles & that if the said Road is allowed to be permanently changed & said fence to permanently remain said tract of Land will be almost if not entirely worthless to your Oratrix & the other heirs of the said Thomas R Skinner & that neither the said Thomas R Skinner in his lifetime nor your Oratrix nor any of the heirs of the said Skinner since his death have ever consented to the change of the said Road by Buckles or his fencing up the same [at] said tract of Land but that they all have been uniformly opposed to it Your Oraters further aver that there has been a Road substantially the same or running over about the same ground as the one fenced up by Buckles for more than twenty years by which all the different owne[r]s of the above described 40 acres have had ^uninterrupted^ access to it but that since said fencing up they have no access at all Your Oraters file herewith a plat of said Road & the lands over which it ran before the change by Buckles & the sale to him by Robinson

**Enhanced Transcription of Plat Map**



- Property of John Buckles
- Property of Barton Robinson purchased by John Buckles in 1855
- Property of Heirs of Thomas R. Skinner
- Disputed 1857-58 Route
- 1862 Route

~~And your Oratrix Permelia Skinner in addition to the facts set forth above by Samuel C Beam~~  
 In tender consideration of all which your Orators asks that You[r] Honor will take cognizance of this matter that the said John Buckles may be made party defendant to this Bill that process may issue for him directed &c commanding &c returnable &c & that he may be required to answer all the allegations of this Bill fully & particularly & especially that a writ of Injunction may issue for the said John Buckles ordering & restraining him his servants agents & employees from fencing up stopping

up ^said tract of land belonging to the heirs of Thomas R. Skinner & from^ obstructing plowing up or in any way damaging injuring or changing said road from Mount Pulaski to the County line in the direction of Springfield as said road was originally located opened and worked & used by & under the authority of the County & Circuit Courts of Logan County as aforesaid ~~and as [:-:]~~ ^& that said writ may be made perpetual^ & grant such other relief as the case demands and as in duty bound &c Said Beam further saith that he is informed & believes that ~~Subscribed & sworn to~~ the Circuit Judge of Logan County is nowhere in said County & he therefore asks that the Master in Chancery issue the writ or order the issuing of [:-:] writ prayed for above

[*Endorsements*] Samuel C Beam being first duly sworn says that the above statement is true to the best of his knowledge information & belief

Samuel C Beam

Sworn to & subscribed before me this 14<sup>th</sup> day of September A.D. 1857  
Sam<sup>l</sup> Emmitt M. C.

State of Illinois  
Logan County

The Clerk of the Circuit Court will please issue the Writ prayed for above ~~setting the penalty of the Bond at \$500,00~~

Sam<sup>l</sup> Emmitt  
Master in Chancery in & for Logan County

## Glossary Of Terms

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

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

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

**cognizance:** knowledge or notice.

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

**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.

**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.

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

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

**injunction:** see writ of injunction.

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

**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.

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

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

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

**remonstrance:** a formal protest against a court ruling.

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

**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.