This curriculum considers the social history of Illinois during the years of 1836-1861 by studying Abraham Lincoln's legal papers from his time as a lawyer. Nearly 100,000 documents have been discovered in the archives of local, county, state, federal courts, libraries, and other repositories. The documents include detailed information about the daily life of ordinary people in Illinois during the years of Lincoln's legal practice. The curriculum states that using these primary source documents in the study of Illinois history can help teachers and students accomplish three goals: (1) foster the development of history's "habits of mind," which helps students think more critically about the past; (2) learn about the stories of ordinary people operating within the larger contexts of state and national history to illuminate "vital themes and narratives"; and (3) help teachers and students meet the State of Illinois Learning Standards for the Social Sciences. The curriculum is divided into the following sections: "Abraham Lincoln, Attorney at Law"; "The Lincoln Legal Papers Curriculum"; "Key to Transcription Symbols"; "A History Rubric for Performance Assessment"; "Comprehensive Glossary of Terms"; and "Lesson Plans" ("Abraham Lincoln and the Rule of Law"; "Moving People through the Prairie State, 1820-1860"; "Illinois Agriculture and the Marketplace, 1830-1860"; "Material Culture on the Prairie"; "Social Role and Status: Marriage on the Illinois Frontier"; "Canals and Railroads Open Illinois"). (BT)
The Lincoln Legal Papers Curriculum:

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

On-line Edition
February 12, 2001

Made possible by a grant from the
Abraham Lincoln Association

A Publication of the Lincoln Legal Papers
© 2001 by Illinois Historic Preservation Agency
Teachers, public historians, and university historians developed the *Lincoln Legal Papers Curriculum* in the summer and fall of 2000. The curriculum team includes the following individuals:

**Editors**
Lawrence W. McBride
Frederick D. Drake
at
Illinois State University

**Curriculum Specialists**
Shari Hills Conditt
Bartlett High School

Carmen M. Ganser
Illinois State University

Jessica Pilson
Mt. Vernon High School

Lindsay Shaw
Harlem High School

**Lincoln Legal Papers Staff**
Illinois Historic Preservation Agency
Springfield, Illinois

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
Dennis E. Suttles, Assistant Editor
Cullom Davis, Consulting Editor
# Table of Contents

Abraham Lincoln, Attorney at Law ......................................................... 1

The Lincoln Legal Papers Curriculum .................................................. 4

Key to Transcription Symbols .................................................................. 9

A History Rubric for Performance Assessment ........................................... 10

Comprehensive Glossary of Terms .......................................................... 11

Lesson Plans

1. Abraham Lincoln and the Rule of Law .................................................. 19

2. Moving People Through the Prairie State, 1820-1860 .......................... 39

3. Illinois Agriculture and the Marketplace, 1830-1860 ............................ 70

4. Material Culture on the Prairie ............................................................... 97

5. Social Role and Status: Marriage on the Illinois Frontier ....................... 120

6. Canals and Railroads Open Illinois ....................................................... 141
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 Lincoln Legal Papers Curriculum
Introduction and Teachers' Resources

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.
The Lincoln Legal Papers Curriculum
Introduction and Teachers' Resources

• 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

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

underline passages underlined by the author of document

[italic] 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**

<table>
<thead>
<tr>
<th>Component</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Level 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>KNOWLEDGE</strong></td>
<td>Key concepts/Vital Themes and Narratives/issues/ideas are identified, defined, and described</td>
<td>Key concepts/Vital Themes and Narratives/issues/ideas are identified, defined, and described</td>
<td>Key concepts/Vital Themes and Narratives/issues/ideas are partially identified, defined, and described</td>
<td>Key concepts/Vital Themes and Narratives/issues/ideas are not identified, defined, and described</td>
<td>Key concepts/Vital Themes and Narratives/issues/ideas are not identified, defined, and described</td>
</tr>
<tr>
<td></td>
<td>Significant facts/supporting details are included and accurately described</td>
<td>Facts/supporting details are included and accurately described</td>
<td>Facts/supporting details are included and accurately described</td>
<td>Facts/supporting details are not included</td>
<td>Facts/supporting details are not included</td>
</tr>
<tr>
<td></td>
<td>No factual inaccuracies</td>
<td>No factual inaccuracies</td>
<td>Minor factual inaccuracy or irrelevant facts</td>
<td>Major factual inaccuracy or irrelevant facts</td>
<td>Inaccurate or irrelevant facts</td>
</tr>
<tr>
<td><strong>REASONING</strong></td>
<td>Identifies and logically organizes all relevant evidence</td>
<td>Identifies and logically organizes some of the relevant evidence</td>
<td>Identifies some of the relevant evidence but omits other evidence</td>
<td>Identifies only the most relevant evidence but omits most of the evidence</td>
<td>Identifies only the most relevant evidence but omits most of the evidence</td>
</tr>
<tr>
<td></td>
<td>Uses appropriate and comprehensive critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence</td>
<td>Uses appropriate and critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence</td>
<td>Uses multiple critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence</td>
<td>Uses incomplete critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence</td>
<td>Uses incomplete critical thinking skills and Habits of Mind to analyze, evaluate, and synthesize evidence</td>
</tr>
<tr>
<td><strong>COMMUNICATION</strong></td>
<td>All ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>Most ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>No ideas are presented that provide evidence of the student's knowledge and reasoning process</td>
<td>No ideas are presented that provide evidence of the student's knowledge and reasoning process</td>
</tr>
<tr>
<td></td>
<td>The presentation is well focused with a well-defined thesis</td>
<td>The presentation demonstrates a focus and thesis with minimal narrative gaps</td>
<td>The presentation demonstrates adequate evidence of organization</td>
<td>The presentation demonstrates inadequate evidence of organization</td>
<td>The presentation demonstrates inadequate evidence of organization</td>
</tr>
<tr>
<td></td>
<td>Presentation shows sufficient evidence of organization</td>
<td>Presentation shows sufficient evidence of organization</td>
<td>Presentation shows sufficient evidence of organization</td>
<td>Presentation shows sufficient evidence of organization</td>
<td>Presentation shows sufficient evidence of organization</td>
</tr>
<tr>
<td></td>
<td>Presentation has no major flaws in attention to the details of specific performance conventions</td>
<td>Presentation has major flaws in attention to the details of specific performance conventions</td>
<td>Presentation has a focus and thesis with several narrative gaps</td>
<td>Presentation has a focus and thesis with several narrative gaps</td>
<td>Presentation has a focus and thesis with several narrative gaps</td>
</tr>
<tr>
<td></td>
<td>Presentation demonstrates a focus and thesis with several narrative gaps</td>
<td>Presentation demonstrates a focus and thesis with several narrative gaps</td>
<td>Presentation demonstrates a focus and thesis with several narrative gaps</td>
<td>Presentation demonstrates a focus and thesis with several narrative gaps</td>
<td>Presentation demonstrates a focus and thesis with several narrative gaps</td>
</tr>
<tr>
<td></td>
<td>Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
<td>Few ideas in the presentation are expressed in a way that provides evidence of the student's knowledge and reasoning process</td>
</tr>
<tr>
<td></td>
<td>The presentation demonstrates an inadequate focus and thesis</td>
<td>The presentation demonstrates an inadequate focus and thesis</td>
<td>The presentation demonstrates an inadequate focus and thesis</td>
<td>The presentation demonstrates an inadequate focus and thesis</td>
<td>The presentation demonstrates an inadequate focus and thesis</td>
</tr>
<tr>
<td></td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
</tr>
<tr>
<td></td>
<td>Presentation has multiple mistakes in attention to the details of specific performance conventions</td>
<td>Presentation has multiple mistakes in attention to the details of specific performance conventions</td>
<td>Presentation has multiple mistakes in attention to the details of specific performance conventions</td>
<td>Presentation has multiple mistakes in attention to the details of specific performance conventions</td>
<td>Presentation has multiple mistakes in attention to the details of specific performance conventions</td>
</tr>
<tr>
<td></td>
<td>Expression of all ideas in the presentation is unclear</td>
<td>Expression of all ideas in the presentation is unclear</td>
<td>Expression of all ideas in the presentation is unclear</td>
<td>Expression of all ideas in the presentation is unclear</td>
<td>Expression of all ideas in the presentation is unclear</td>
</tr>
<tr>
<td></td>
<td>The presentation demonstrates a lack of focus and a poorly defined thesis</td>
<td>The presentation demonstrates a lack of focus and a poorly defined thesis</td>
<td>The presentation demonstrates a lack of focus and a poorly defined thesis</td>
<td>The presentation demonstrates a lack of focus and a poorly defined thesis</td>
<td>The presentation demonstrates a lack of focus and a poorly defined thesis</td>
</tr>
<tr>
<td></td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
<td>Presentation demonstrates insufficient evidence of organization</td>
</tr>
<tr>
<td></td>
<td>Presentation has no attention to the details of specific performance conventions</td>
<td>Presentation has no attention to the details of specific performance conventions</td>
<td>Presentation has no attention to the details of specific performance conventions</td>
<td>Presentation has no attention to the details of specific performance conventions</td>
<td>Presentation has no attention to the details of specific performance conventions</td>
</tr>
</tbody>
</table>

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.

pied: 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.
Abraham Lincoln and the Rule of Law

Theme: Values, Beliefs, Political Ideas, and Institutions

Habits of Mind: Recognize the importance of individuals who have made a difference in history

Focus: According to the rule of law, which is a fundamental part of the Anglo-American concept of constitutional government, both the government and the governed are subject to the law. Under the principle of the rule of law, no government official, no single private citizen, no single group of people can claim privilege above the law. Rather, rules are set forth in advance, are widely known, and are applied impartially to rulers and ruled alike. The rule of law is essential to limited government, for in a limited government everyone, including all people in positions of authority, must obey the laws. The rule of law, however, means more than having laws or passing legislation; neither is it merely the use of laws to rule a civil society. The “rule of law” opposes arbitrary and capricious “rule of men.” Thus, the rule of law is essential to ordered liberty and prevents individuals from deciding for themselves what the law is and how and when the law is to be enforced. This fundamental value and belief in the rule of law organizes the content of this lesson.

As a practicing attorney, Abraham Lincoln believed in the rule of law. The government and all people, he believed, were obligated to make decisions and take actions based on established law rather than personal whim and desires. This lesson helps students understand the rule of law as an important principle of constitutional government (also called limited government), and it helps students appreciate how the rule of law guided Lincoln’s legal career and his advice as counsel.

When students read the documents from the Lincoln Legal Papers in this lesson, they should think of how an individual can influence the beliefs and actions of others. Throughout Abraham Lincoln’s legal career, new and experienced attorneys alike sought his advice regarding the principles and beliefs that should guide a lawyer’s practice. Lincoln’s belief in the “rule of law” sustained the advice he offered attorneys.

Objectives: Students will be able to:

1. Explain the difference between the rule of law and the rule of men.
2. Explain why the rule of law means more than simply having laws.
3. Explain the relationship between the rule of law and Abraham Lincoln’s advice to lawyers.

Illinois Learning Standards

14.F.3a Analyze historical influences on the development of political ideas and practices as enumerated in the Declaration of Independence, the United States Constitution, the Bill of Rights and the Illinois Constitution.
16.B.2d (US) Identify major political events and leaders within the United States since the adoption of the Constitution, including Abraham Lincoln.

Procedures

1. **Opening Arguments.** Ask students to read John Locke’s statement and explain how the rule of law protects individual rights.

   "Wherever Law ends, Tyranny begins." — John Locke (1690)

2. **Rebuttal.** Ask students to compare John Locke’s statement to Alexander Hamilton’s statement:

   "If individuals enter into a state of society the laws of that society must be the supreme regulator of their conduct." — Alexander Hamilton (1788)

3. **Any Further Questions, Mr. Lincoln?** Ask students these follow-up questions:
   - A. What is meant by "rule of law?"
   - B. What are the consequences if there is an absence of a rule of law?
   - C. What are the alternatives to the rule of law?
   - D. What different varieties of law exist?
   - E. How does the rule of law limit both those who govern and the governed?
   - F. How does the rule of law protect individual rights? the common good?

4. **Abraham Lincoln’s Advice to Law Students.** (Notes for a Law Lecture).
   - A. New and experienced attorneys often consulted Abraham Lincoln for advice on practicing the law. Lincoln’s gift was oral argument rather than legal research.
   - B. Lawyers often argued the law and let the judge decide. Lincoln used the law and argued the facts of a case.
   - C. He contributed to the law by revolutionizing jury participation in case decision-making. Lincoln emphasized jury nullification, based on how a jury perceived evidence. He believed that circumstance rather than the letter of the law should dictate the judgment of a case.
   - D. He suggested to attorneys no less than four sources to prepare for the bar and practice. He recommended Blackstone’s *Commentaries* and knowledge of "black letter" law, that is, a basic recitation of the law prior to being applied to a fact situation. Lincoln also suggested Chitty’s *Pleadings*, which assisted lawyers to know the proper approach in addressing the court, and Greenleaf’s *Evidence*, which advised the proper method to present evidence to the court. Finally, Story’s *Equity* had importance to Lincoln because of its emphasis on fairness.
   - E. Ask students what they think is meant by the phrase “black letter” law? Why is etiquette important in a court of law? Why is proper procedure essential in a court of law? Why would Lincoln think fairness is an important principle in law and an important characteristic of a successful lawyer?
5. **Discovering Abraham Lincoln through Legal Documents.** Three documents provide insight into Lincoln’s legal practice and the rule of law. Have students read each document related to his law practice and complete the guide to primary source analysis, *Analyzing a Lincoln Legal Document: Private Correspondence* (attached). As students read each document ask them to infer how Lincoln’s recommendations to lawyers emphasized the principle of the rule of law.

A. **Read Document 1-A: Letter, Abraham Lincoln to J. M. Brockman, 25 September 1860.** Then discuss these questions:
   1) Summarize the main idea of this document.
   2) What does this document tell us about the way Lincoln prepared to practice law?
   3) How did Lincoln’s suggested readings contribute to the practice of law?
   4) How does this document illustrate that Lincoln believed in the rule of law?

B. **Read Document 1-B: Abraham Lincoln, Notes for a Law Lecture (undated, 1850s).** Then discuss these questions:
   1) Summarize the main idea of this document.
   2) What does this document tell us about the best practices of a lawyer?
   3) How does this document illustrate that Lincoln believed in the rule of law?

C. **Read Document 1-C: Letter, Abraham Lincoln to C. Hoyt, 16 January 1856.** Then discuss these questions:
   1) Summarize the main idea of this document.
   2) What does this document tell us about the way Lincoln prepared to practice law?
   3) How does this document illustrate that Lincoln believed in the rule of law?

6. **You be the Judge:** Instructions to the Jury. Lincoln had an extensive legal practice that made him a noteworthy attorney not only in Illinois, but also around the country. While many of his cases were typical of an attorney’s daily practice in the 1840s and 1850s, he did make contributions to the practice of the law through *jury nullification*. Most attorneys argued the letter of the law and judges instructed juries in the letter of the law. Jury nullification, however, occurs when an attorney pleads with a jury to consider the extenuating circumstances that may have affected the behavior of a plaintiff or defendant in a particular case. Discuss the merits of both of these positions: strict following of the letter of the law or admitting the extenuating circumstances as a defense.

7. **Conclusion and Assessment:** Write to Learn. Think of a situation in which you broke a very important school rule. Imagine Abraham Lincoln was acting as your “attorney” to present your defense at a trial before your peers. Write an expository paragraph describing how Lincoln’s defense strategy in the courtroom would help to clear charges made against you? What would he argue so that a jury of your peers would suspend the strict following of the rules? Or, select a passage from one of Lincoln’s letters to aspiring attorneys. Summarize in your own words the key points of Lincoln’s advice.
Note to Teacher: A rubric for assessing students’ performance in knowledge, reasoning, and communication is included in the Introduction to this Lincoln Legal Papers Curriculum. For a description of performance assessment with History’s Vital Themes and Narratives and its Habits of Mind at the center of students’ knowledge, reasoning, and communication, see Frederick D. Drake and Lawrence W. McBride, “Reinvigorating the Teaching of History through Alternative Assessment,” The History Teacher 30 (February 1997): 145-73.

Additional Activities

Illinois History Day Project Students may develop an historical re-enactment, wherein some students will portray several new lawyers discussing the legal profession in Illinois with Abraham Lincoln, who will be depicted by another student. The student-actors can draw upon the information presented in the introduction to this curriculum, to outside readings about Lincoln’s life, but especially to the primary source documents included in this lesson.

A Handbill for Lawyer’s Best Practices. Create a handbill to inform nineteenth-century attorneys of Abraham Lincoln’s recommendations for a lawyer’s best practices. The handbill should describe how Lincoln’s advice adhered to the rule of law. The assessment of student work on the handbill and their description of Lincoln’s advice will be based on their knowledge and reasoning of the primary source documents, and their ability to communicate clearly.

Sources and Materials

Analyzing a Lincoln Legal Document: Private Correspondence
Document 1-B: Abraham Lincoln, Notes for a Law Lecture (Undated)
Document 1-C: Letter, Abraham Lincoln to C. Hoyt, 16 January 1856
Glossary of Terms
Analyzing a Lincoln Legal Document: Private Correspondence

A. Identify the Document

Author(s) ____________________________________________

Title ________________________________________________

Date ________________________________________________

Type of Document ____________________________________

B. Put the Document in Historical Context

What important events were occurring at this time?

Illinois ______________________________________________

United States _________________________________________

World ______________________________________________

To whom was the document written? ______________________

What was the purpose of this document? __________________

C. Analyze the Document

What are the main ideas or themes of this document? ________

What was the author's motive for writing this document? ________

Write one question you would like to ask the author. __________

What insight into the period did you gain from this document? ________
D. Identify Vital Themes and Narratives

Which Vital Theme and Narrative do you think is best represented?

1) Civilization, cultural diffusion, and innovation
2) Human interaction with the environment
3) Values, beliefs, political ideas, and institutions
4) Conflict and cooperation
5) Comparative history of major developments
6) Patterns of social and political interaction

What evidence in the document can you cite that will support your choice?

E. Habits of Mind

Which Habit of Mind helps you reflect upon Lincoln’s career and the ideas that shaped him as a lawyer, politician, and statesman?

- understand the significance of the past to your life
- distinguish between important and inconsequential
- perceive past events and issues as experienced by people at the time
- acquire a comprehension of diverse cultures and shared humanity
- understand how things happen and change
- comprehend the interplay of change and continuity
- prepare to live with uncertainties
- grasp the complexity of historical causation
- appreciate the often tentative nature of judgments about the past
- recognize the importance of individuals who have made a difference
- appreciate the force of the nonrational, irrational, and accidental in human affairs
- understand the relationship between geography and history
- recognize the difference between fact and conjecture

How does this Habit help us understand the past?
F. Talk to Mr. Lincoln

Use these lines to answer any question you or your teacher may have about this document and Lincoln's law practice.

G. For Further Discussion

Use this space to answer any question you or your teacher may have about this document and Lincoln's law practice.
Springfield, Ill., Sep. 25, 1860

J. M. Brockman, Esq.

Dear Sir,

Yours of the 24th inst.

"the best means of obtaining a thorough knowledge of the law is..."

Jr. The work is very painful, though laborous, and burdensome; but it is only to get the books, to read, to study them carefully. Begin with Blackstone's Commentaries, and, after reading it carefully through, pay your debts, and be a enterprising, pleasing, greenleaf, evidence, and story. Equity is the main thing.

With respect,

A. Lincoln

Document 1-A (transcription)

Springfield, Ills. Sep. 25. 1860

J. M. Brockman, Esq
   Dear Sir
       Yours of the 24th asking "the best mode of obtaining a thorough knowledge of the law" is received. The mode is very simple, though laborious, and tedious. It is only to get the books, and read, and study them carefully. Begin with Blackstone's Commentaries, and after reading it carefully through, say twice, take up Chitty's Pleadings, Greenleaf's Evidence, & Story's Equity &c. in succession. Work, work, work, is the main thing.

       Yours very truly
       A. Lincoln
I am not an accoutant for lawyers. I fear quite as much more
are for a hurt in their point, when I am failure, as in the
section. I have been mercifully merciful
The leading costs the says, as for the same of any other course of
employers, their living for themselves, an, can be more or
Now, let you compare the talk between. What time piece of the
room you have in your before setting, are all the sores nat-
ting in it, which can be home. When you buy nothing
some have waste, yet you have the fair for many if, as in
With all the work of a boy just be careful express the bet,
and not the care those, you can keep after the advance ment
thing, when you are to price at what contires the word
of defense, some point. The reasoning must, in the, to be long
between modern. Some kind of the, in the, some right any
some price, in economic. The comes then a hief in an

Autograph Document, Abraham Lincoln, Notes for a Law Lecture, c. 1850s, Abraham Lincoln Papers,
Series I: General Correspondence, 1833-1916, Library of Congress, Washington, D.C.
The nature of law is important for attorneys. The very

precepts of, are not limited to, the courts. The

law is not always to be trusted in its

absence - the electorate for a number

of reasons. The courts are not

always accurate. It is human nature

that the errors are not always

in the courts, but in the

people. It is important to

understand the

influence of

human error. The

influence is
dominant

and

cannot be

overruled by

logic or

reason. The

court is

subject to

error, and

the

attorney

must

be

prepared

for

such

possibilities.
Notes for a Law Lecture

I am not an accomplished lawyer. I find quite as much material for a lecture, in those points wherein I have failed, as in those wherein I have been moderately successful.

The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for to-morrow, which can be done to-day. Never let your correspondence fall behind. Whatever piece of business you have in hand, before stopping, do all the labor pertaining to it, which can then be done. When you bring a common-law suit, if you have the facts for doing so, write the declaration at once. If a law point be involved, examine the books, and note the authority you rely on, upon the declaration itself, where you are sure to find it when wanted. The same of defences and pleas. In business not likely to be litigated—ordinary collection cases, foreclosures, partitions, and the like,—make all examinations of titles and note them, and even draft orders and decrees in advance. This course has a tripiple advantage; it avoids omissions and neglect, saves you labor when once done; performs the labor out of court when you have leisure, rather than in court, when you have not. Extemporaneous speaking should be practiced and cultivated. It is the lawyer's avenue to the public. However able and faithful he may be in other respects, people are slow to bring him business, if he can not make a speech. And yet there is not a more fatal error to young lawyers, than relying too much on speech-making. If any one, upon his rare powers of speaking, shall claim an exemption from the drudgery of the law, his case is a failure in advance.

Never encourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser, in fees, expenses, and waste of time. As a peace-maker, the lawyer has a superior opportunity of being a good man. There will still be business enough.

Never seek to stir up litigation. A worse man can scarcely be found of than one who does this. Who can be more nearly a fiend than he who habitually overhauls the Register of deeds, in search of defects in titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession, which should drive such men out of it.

The matter of fees is important far beyond the mere question of bread and butter involved. Properly attended to fuller justice is done to both lawyer and client. An exorbitant fee should never be claimed. As a general rule, never take your whole fee in advance, nor any more than a small retainer. When fully paid before hand, you are more than a common mortal if you can feel the same interest in the case, as if something was still in prospect for you, as well as for your client. And when you lack interest in the case, the job will very likely lack skill and diligence in the performance. Settle the amount of fee, and take a note in advance. Then you will feel that you are working for something, and you are sure to do your work faithfully, and well. Never sell a fee-note, at least, not before the consideration service is performed. It leads to negligence and dishonesty—negligence, by losing interest in the case, and dishonesty in refusing to refund, when you have allowed the consideration to fail.

There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence, and honors are reposed in, and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty, is very distinct and vivid. Yet the
expression, is common, almost universal. Let no young man, choosing the law for a calling, for a moment yield to this popular belief. Resolve to be honest at all events; and if, in your own judgment, you can not be an honest-lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave.
Springfield, Jan 16, 1856

C. Hoyt, Esq.

My dear Sir:

Our case is decided against us. The decision was announced this morning—Very sorry, but there is no help. The history of the case and it came here in this. On Friday morning last, Mr. Hoyt filed his paper and entered his motion for a mandamus, and urged me to take up the motion as soon as possible. I already knew the point and authorized the same to be taken up by you. Mr. Hoyt, but had not produced them. I began preparing as fast as possible. The evening of the same day alive. Again refer to take up the case.
I refused, on the ground that I was not ready, and
on which plea I gave up
off over Saturday—But on
Monday (the 14th) I have to
get into it—We occupy
this whole day, I using the
larger part of—I made every
point and read every author
ity sent me by yourself.
My object, however, in
reading all the points I
consider, think of, and all the
authorities I could find my-
self—I have to, but do not
make all out of it that I
could. When I closed the
argument on my part, a large
package was handed to
which I knew to the Plat
you sent me—The county
Cached it of my lots it was.
not different from the Plat
already on the recum—
I do not think I could ever
have argued the case better
than I did— I did nothing
else, but prepare to argue,
and argue the case, from
Friday morning till Monday
evening.
Very sorry for the result,
but I do not think it
could have been prevented.

Yours ever,
A. Lincoln.
Springfield, Jany 16. 1856

C. Hoyt, Esq
My dear Sir:

Our case is decided against us. The decision was announced this morning. Very sorry; but there is no help. The history of the case, since it came here, is this. On friday morning last, Mr. Joy filed his papers, and entered his motion for a mandamus, and urged me to take up the motion as soon as possible. I already had the points and authorities sent me by you, and by Mr. Goodrich, but had not studied them. I began preparing as fast as possible. The evening of the same day I was again urged to take up the case. I refused, one the ground that I was not ready; and on which plea I also got off over saturday. But on monday (the 14th) I had to go into it. We occupied the whole day, I using the larger part. I made every point, and used every authority sent me by yourself & by Mr. Goodrich; and, in addition, all the points I could think of, and all the authorities I could find myself. I had 6. Barr. 70. and made all out of it that I could. When I closed the argument on my part, a large package was handed me, which proved to the Plat you sent me. The court received it of me; but it was not different from the Plat already in the record.

I do not think I could ever have argued the case better than I did. I did nothing else, but prepare to argue, and argue this case, from friday morning till monday evening. Very sorry for the result; but I do not think it could have been prevented.

Your friend as ever
A. Lincoln
Glossary Of Terms

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

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

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.

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.

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.

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

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

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.

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

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

nominal: in name only; small or insignificant.

nullification: to reduce to nothing.
oral argument: a statement made by a lawyer before a court to advocate a client’s position or to answer the judge’s questions.

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

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

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


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' property.¹

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 people
   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?

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

Analyzing a Lincoln Legal Document


Glossary of Terms
Map 2.1: Illinois in 1830
Settlement along the river areas resulted from the migration westward of people along the Ohio River, north and south along the Wabash River, and north along the Mississippi and Illinois Rivers.

Map 2.2: Illinois Highways in 1832

Roads allowed migrants to settle most of southern Illinois and to migrate toward the central and northern regions of the state.

Map 2.3: Proposed State Railroad System, c. 1850

These proposed routes 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.

Map 2.4: Coal Fields in Illinois

The coal fields of Illinois helped to spur industrialization in the southern and central regions of the state.

Map 2.5: Illinois Railroads in 1855
The railroads were becoming a vital means of transportation, trade, and travel.

Chart: The Population of Illinois, 1810-1860

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1810</td>
<td>12,262</td>
</tr>
<tr>
<td>1820</td>
<td>55,211</td>
</tr>
<tr>
<td>1830</td>
<td>157,445</td>
</tr>
<tr>
<td>1840</td>
<td>476,183</td>
</tr>
<tr>
<td>1850</td>
<td>851,470</td>
</tr>
<tr>
<td>1860</td>
<td>1,711,951</td>
</tr>
</tbody>
</table>

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? _______________________________________

_____________________________________________________________________________________

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?

BEST COPY AVAILABLE
If any County Court shall at any time demand
fully payment of all the fees, costs, and
expenses of the said 18 months, and in default of pay-
ment the same shall be a lien on the
property of the said Thomas Robinson, and
shall be a charge against any subsequent
purchase of the said property, and shall be enforce-
able in the said County Court of Jasper County, and the said
promise to said Thomas Robinson, or to any
successor in interest of the said Thomas Robinson, shall
be binding and the said tenant shall be held
liable for the said sum of two hundred dollars,
in addition to all other costs and expenses,
attendant upon the said tenant, and the said
property shall be subject to the said lien and charge
as aforesaid.

The said tenant shall be liable for all
accurate and true accounts of all moneys
received and paid, and all other expenses
incurred in connection with the said
property, and the said tenant shall be
liable for all damages sustained as a
result of the said tenant's use of the
said property, and the said tenant shall
be held liable for all damages caused by
the said tenant in connection with the
said property.
Document 2-A (page 3 of 9)

...
Document 2-A (page 4 of 9)

[Handwritten text with many paragraphs discussing legal matters, references to specific cases, and detailed legal arguments. The text is dense with legal terminology and references to specific legal cases and statutes.]

[The text continues with detailed legal arguments and references to specific cases and statutes, typical of legal documents from the 19th century.]
...
that if the same change of owning of the
same land made a part of it is entirely
peculiar to the owner, it is not subject to
some of the other owners of land.

That this is the same change over the years and across
the same except over the years and

3af7 6d." 4

47aw 4c-C,

"c. ( (4t.
P-L-

4 4

1 e/7/25P4,-

14.4
d(---&-

41 5

74/6,..;a.,L1

149-444.4-

041

9

9

._t,Y

t.t.;_.1r,.......S.J_

--?-)Xip.:-..,1.

---,_,,- - -1

7,

A--4, d-ter;_,

a_e_e

i

141'f:, .1-'

V 6ete .1 c1-

7,

 BEST COPY AVAILABLE
Document 2-A (page 7 of 9)
In true consideration of all which you
contend and that your honor will take
notice of the same, I would respectfully
request that the person who may be 
accused of the above offense be
presented to the Court that proper
steps be taken to secure the arrest and
delivery of the party in question.
Document 2-A (page 9 of 9)

State of Illinois

Circuit Court

2d District of the Circuit Court

In the Matter of the Appellate

Petition of

J. E. Brown

The Bakers, against the

H. J. Baker

Plaintiffs in Equity

Defendants

This is to certify that the

District Court

in the County of

Illinois

have entered their

judgment in the

above

cause

on the 1st day of

November, 1860.

J. E. Brown,

Attorney in Equity

for the

Plaintiffs.

13928

[Signature]
Document 2-A (transcription)

Bean & 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 Samuel 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 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 which 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 most affected by
it; but that said Court refused to consider said Remonstrance & said objections to said change^ & not
withstanding 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 alludes 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
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.
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 by & under the authority of the County & Circuit Courts of Logan County as aforesaid & 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 14th day of September A.D. 1857

Sam'l 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'l 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.
Illinois Agriculture and the Marketplace, 1830-1860

Theme: Comparative History of Major Development

Habits of Mind: Grasp the complexity of historical causation, respect particularity, and avoid excessively abstract generalizations.

Focus: After statehood in 1818, Illinois quickly fulfilled its promise as a major producer of agricultural products. Farmers migrating from the eastern states found that Illinois' rich soil and continental climate (long, hot summers and long, cold winters) were ideal for growing corn, other grains, and for raising livestock. The market for agricultural commodities expanded with the development of the state's transportation network. Improvements in roads, the development of waterways, and the construction of railroads provided the means for getting agricultural commodities to larger markets.

This lesson employs data on the agricultural history of Illinois to help students understand information found in legal documents. The charts that accompany this lesson help students compare the history of major developments in agricultural production, transportation, and population across time. This lesson has excellent potential for integration with the mathematics curriculum, from calculating sums and differences for middle school students to organizing appropriate charts and graphs around statistical data for middle and high school students.

This lesson focuses on a case, Philip Clark v. Bayless Lake (1835), regarding the price of corn in markets in Illinois and New Orleans. Students think about the complexity of historical causation, in this instance, the effect of prices on the economic choices available to both producers and consumers. A second case, B. R. & J. Whitcomb v. Madden (1854), involves a breach of contract stemming from a sudden increase in the market price for hogs.

Objectives: Students will be able to:

1. Identify non-price determinants for demand and supply.
2. Interpret a graph.
3. Use historical concepts to analyze a historical legal document.

Illinois Learning Standards

15.C.5b: Explain how changes in non-price determinants of supply affect producer decisions.

15.D.5a: Explain how transaction costs affect decisions to produce or consume.

15.D.5c: Explain how technology has affected trade in the areas of transportation, communication, finance, and manufacturing.
Procedures

1. Discovery

A. Illinois Agricultural History, 1830 to 1860.

1) From 1830 to 1860, Illinois' population grew from just 25,000 pioneer families to 300,000 families.

2) Illinois promised fertile soil and a new beginning for a person who wanted to pursue an agricultural livelihood. Lincoln once said that in order to get ahead in society one needed, “an open field and a fair chance for your industry, enterprise, and intelligence.” Illinois harbored those qualities, thus making it an attractive location for settlement and farming.

3) By 1830, much of Illinois' population was concentrated along the Mississippi, Wabash, and Ohio Rivers (see Map 1: Illinois in 1830 in the “Moving People through the Prairie State” lesson plan). As settlement continued, newcomers drilled wells to locate water found under the prairie, and settlers migrated into the central part of the state.

4) Advances in transportation (including the completion of the Illinois & Michigan Canal in 1848 and the construction of the Illinois Central Railroad and other railroads in the 1850s), further facilitated the opening of the interior of the state as a producer for agricultural markets and as a consumer of manufactured products.

5) Farmers found the soil, full of nutrients and minerals, ideal for production of crops and for raising livestock. Farmers utilized modern plows and reapers to increase production. Fencing allowed farmers to manage increased herds of animals and other types of livestock, and kept the animals out of the crops.

B. Agricultural Statistics. Review data from the 6th, 7th, and 8th United States Censuses (attached), which shed light on the agricultural boom in Illinois from 1840 and 1850 through 1860. Note: Students should observe the increase in acreage under production, the increase in agricultural produce, including increased crop production, and the introduction of new crops and types of livestock.

2. Going to Court

A. Linking Economic Concepts to Illinois History through Lincoln Legal Documents.

1) Distribute and analyze sections from the Circuit Court Transcript Phillip Clark v. Bayless Lake (December 2, 1835). Students will also read from the August 27, 1834 Declaration and the Ruling In Case.

2) Divide students into groups. Distribute as appropriate the various documents attached to this lesson from Philip Clark v. Bayless Lake, 1835.

Teaching Opportunity: To facilitate the distribution of documents found within the Circuit Court Transcript, the documents could be numbered and identified with “plaintiff” or “defendant” notation so that students may be able to study the adversarial sides of a court case. With the documents distributed in this manner,
students may also be divided into “plaintiff” and “defendant” study groups to argue their respective positions.

3) Students complete Analyzing a Lincoln Legal Document for the document(s) distributed to their group.

4) Solving an economic problem: Students will analyze the economic choices made by Clark and Lake. The documents provide information about bushel prices for corn (12 ½ cents in Illinois and 75 cents in the lower Mississippi). Discuss reasons why prices may vary in different places in the Mississippi River Valley.
   a) Why would the price of corn be different in Illinois than in Natchez or New Orleans?
   b) Who sets the prices for corn?
   c) How are the prices affected if the market is saturated with the product or in a shortage?
   d) How are the producers and consumers affected by the supply and demand of grain?
   e) What action did consumers take to keep the lower price grain in Illinois? What action did the producers take to affect the price of grain in Illinois? How did the court decide to resolve the dispute between producers and consumers?

B. Breach of Contract and the Price of Hogs: B. R. & J. Whitcomb v. Madden (1854). Teacher should use the chalkboard, a transparency, or PowerPoint to present the following case summary.

B. R. & J. Whitcomb v. Madden

Case Summary: In February 1852, the firm of B. R. and J. Whitcomb agreed to purchase from Wright Madden two hundred hogs weighing 180 pounds each for $3.50 per one hundred pounds net. Madden was to deliver the hogs on or before December 25, 1852, and Benjamin R. and John Whitcomb would pay upon delivery. After Madden failed to deliver the hogs, Whitcomb and Whitcomb retained Abraham Lincoln and Ward Hill Lamon to represent them. Whitcomb and Whitcomb sued Madden in May 1853 for breach of contract and requested $1,200 in damages. Madden retained Oliver L. Davis and John N. Drake to represent him. Whitcomb and Whitcomb claimed that the market price for the hogs had increased to $6.50 per one hundred pounds net and that Madden’s failure to deliver the hogs thus cost them substantial profits. The parties reached an agreement, and in May 1854, Judge David Davis ruled for B. R. and J. Whitcomb and awarded $8.33.
3. **You be the Judge.** Questions to ask:
   A. What would cause the price of hogs to increase so rapidly within ten months’ time?
   B. Is it possible that Madden broke his contract with the Whitcombs when he realized the price of hogs was increasing and that he could make a substantial profit by selling his hogs to someone else?
   C. Offer a defense for Madden. Was he merely late delivering the hogs? Why should he not be held liable for a market price that was out of his control?
   D. If Madden broke the contract by failing to deliver the hogs on time, why did the court award such low damages to the plaintiffs?
   E. If the Whitcombs’ case was based upon their speculations about the price of hogs, which may have been accurate, should Madden, in your opinion, have paid higher damages?
   F. If you were hearing this case as an appellate judge, would you have concurred with or overturned the courts’ rulings in *Philip Clark v. Bayless Lake* and *B. R. & J. Whitcomb v. Madden*?

4. **Conclusion and Assessment.** Write to Learn. Write three expository paragraphs that describe and assess the changes in population, technology, and agricultural production in Illinois, 1830-1860. The paragraphs must include data from the Agricultural Censuses and information about steel plows, mechanical reapers, and transportation. Consult the rubric to assess students’ knowledge, reasoning, and communication skills.

**Additional Activities**

**Illinois History Day Research Project.** Students can integrate economics and geography into a History Day project by developing a market simulation where students are assigned as trade negotiators from a specific region of the country during a period in Illinois history. Students will locate the marketable resources and commodities from the region they are researching and negotiate with other regions for necessary goods. Students will need to determine which goods were needed in their region and how people negotiated for the goods. They will need to include the monetary system that was in play, including, perhaps, the barter system. Other economic concepts to include in the finished project might include double coincidence of wants, information costs, and opportunity costs.

**Researching Prices: Yesterday and Today.** Develop a chart comparing the producer’s price for a commodity to the retail price of the commodity. Students can use both historical prices (found through the United States Department of Agriculture) or current day prices. Students can bring this topic into focus by discussing the place of either corn or oil in the market. For example, students can make comparisons between historical supply and demand for corn over time, or investigate recent news concerning oil prices. In completing the latter, students should research why the price of oil today may vary from one region of the nation to another; from one region in Illinois to another; among nearby towns, and indeed, from gas station to gas station in a city town, or neighborhood. Students should draw an informed conclusion regarding why these differences exist.
The Lincoln Legal Papers Curriculum
Illinois Agriculture and the Marketplace, 1830-1860

Sources and Materials
Transparencies of Illinois Agricultural Census Data: 1840, 1850, 1860
How to Analyze a Lincoln Legal Document
Document 3-A: Circuit Court Transcript, Clark vs. Lake, 1835
Glossary of Terms
Illinois Agricultural Census Data: 1840, 1850, 1860

1. 1840 – 6th Census of the United States

199,235 horses and mules
626,274 cattle
395,672 sheep
1,495,254 swine
$309,204 poultry

3,335,393 bushels wheat
82,251 bushels barley
4,988,008 bushels oats
88,197 bushels rye
57,884 bushels buckwheat
22,634,211 bushels Indian corn
650,007 pounds wool
17,742 pounds hops
29,173 pounds wax
2,025,520 bushels Irish and sweet potatoes
164,932 tons hay
1,976 tons hemp and flax
564,326 pounds tobacco
460 pounds rice
200,947 pounds cotton
1,150 pounds silk cocoons
399,813 pounds sugar
134,549 cords of wood
$428,175 dairy products
$126,756 orchard products
474 gallons wine
$993,567 value of family goods
$22,990 nursery products
2. 1850 - 7th Census of the United States

5,039,545 acres improved farm land
6,997,867 acres unimproved farm land

267,653 horses
10,573 asses and mules
294,671 milk cows
76,156 working oxen
541,209 other cattle
894,043 sheep
1,915,907 swine

9,414,575 bushels wheat
83,364 bushels rye
57,646,984 bushels Indian corn
10,087,241 bushels oats
841,394 pounds tobacco
82,814 bushels peas and beans
157,433 bushels sweet potatoes
184,504 bushels buckwheat
10,787 bushels flaxseed
248,904 pounds maple sugar
869,444 pounds beeswax and honey
2,997 gallons wine
12,526,543 pounds butter
1,278,225 pounds cheese
601,952 tons hay
2,150,113 pounds wool
2,514,861 bushels Irish potatoes
110,795 bushels barley
160,063 pounds flax
47 pounds silk cocoons
8,354 gal. Molasses
3. 1860 – 8th Census of the United States

13,096,374 acres improved farm land
7,815,615 acres unimproved farm land

563,736 horses
38,539 asses and mules
522,634 milk cows
90,380 working oxen
970,799 other cattle
769,135 sheep
2,502,308 swine

23,837,023 bushels wheat
951,281 bushels rye
115,174,777 bushels Indian corn
15,220,029 bushels oats
6,885,262 pounds tobacco
1,482 bales of cotton (400 pounds each)
1,989,567 pounds wool
108,028 bushels peas and beans
5,540,390 bushels Irish potatoes
306,154 bushels sweet potatoes
1,036,338 bushels barley
324,117 bushels buckwheat
$1,126,323 orchard products
50,690 gallons wine
28,052,551 pounds butter
1,848,557 pounds cheese
1,774,554 tons hay
18,831 bushels clover seed
7,254 pounds hops
1,502 tons hemp
48,235 pounds flax
8,670 bushels flaxseed
1,545 pounds silk cocoons
134,195 pounds maple sugar
20,048 gallons maple molasses
806,589 gallons sorghum
56,730 pounds beeswax
1,346,803 pounds honey
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? ______________________

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?
The 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?
State of Illinois
Sumner County
This before the Circuit Court in the
said County, etc.

As it is remembered that on the
23rd day of August 1834, the following
process was filed

To the Sheriff of Sumner County, etc.

Sumner County Circuit Court

Philip Clark,
Defendant in the case for destroying
plotts boat and bag of cargo.

E. R. Starbucks, C. C. Court

You are summoned above
returnable to this next term.

Aug. 15, 1834

"E. R. Starbucks, C. C. Court"

And afterwards, forth on the 23rd day of August 1834, the
aforesaid summons was served by

The Sheriff of the County of Illinois,
in the county of Sumner County, etc.

You are commanded to summon David Prickett, his
agents before the Circuit Court in Sumner County
on the first day of the next term, to be held at Havana
on the 22nd Monday in the month of September next,
to answer Philip Clark in a plea of bastardy on the
Case for destroying plotts boat & cargo, damaging $2,000.

And have you there this work. May it please the
 honorable the Judges of this Court, at
Springfield this 23rd day of August 1834

"E. R. Starbucks, C. C. Court"

"Note to Illinois Plaza."

"At the September term,

Tompkins County, etc.

Chas. Brownur. Attorney at Law.

In the case of...

The plaintiff, as follows: Be it known by the

plaintiff, that the...it's propertors, following the same direction...

the last from its natural channel as to

to...the bottom near the present main channel..."
The Lincoln Legal Papers Curriculum

Illinois Agriculture and the Marketplace, 1830-1860

Document 3-A (page 3 of 8)

[Text of document]
Some between its mouth and the third course of
conveyed the said plantation with its flat bottomed
boat ofrapport loaded with the large quantity of corn
grained was shipped delayed hundred and eleven
yard from landing in down the said plantation
thence by the mill dam, with which was a
attachment of the plantation, of same in and upon
and upon the plantation, the same in and upon
which also the plantation, but the advantage of
proceeding to market with the said boat loaded
with Corn tenant on the land 15th day of April
Met the State, County and Circuit of same and
which also the plantation, five boat loaded
with Corn as before has been hurried
delayed and delayed from time up to the
present time and by reason thereof the said
boat of the plantation loaded with Corn as before
and additional boat on the 21st day of April
1834, the State, County and Circuit of same
loaded and was destroyed on the said tenant
same time and the said boat and all the
Corn of the plantation, of same loaded therein
was utterly lost and delayed by reason
of said previous delay and destruction
of same. By means of all which the plan-
tation hath been injured & remained damaged
of 2000 and therefore he has the

S. Stone & S. Logue,

the following order was issued to tenant:

Philip Clark,

Judge of the Case.

Judge (handwritten)

BEST COPY AVAILABLE
By Consent of the parties this cause

is continued until the next term of the Court.

And afterward, to-wit, on the 8th day of July, 1835,
the following proceeding was had, viz:

Philip Clark


of the Special Jury Union of the County

Shall be held for Sangamon County.

And the said defendant comes before
the proper inquiring officer and says he is not guilty
in manner of law as the plaintiff hath showed contrary
in his said declaration complained against him, and
the jury may be required of by the County Court
the said defendant.

Melton.

And afterward, to-wit, on the 8th day of July, 1835, this
following proceeding was had, viz:

Philip Clark

Judge on the case.

Say Hop Clark, this day came the parties by their
attorneys, and it is ordered that

— Jury comes to try the issues joined between the parties.
and thereafter came a Jury sworn: James Sayler, Ajithi
Burns, William Ramsey, Alexander Garnett, Alexander
Ritchie, Joseph Bardon, James Martin, Hugh Mc
Armstrong, Charles Morgan, James Kellogg, Robert
Hobbs, George Lyon, and was being subpoenaed there-
and sworn, well and truly to try the issues joined in
aforesaid, and having heard the evidence adduced
by the parties and partly the argument of Counsel
and it being to take a proper part in the
suit, were required once more to resume moving
right "Belownds",

and afterwards sworn, on the 11th day of July 1835,
its following proceeding was had, to wit:

Philip Clark

Judge on the Case.

Day departed 3. This day again came the parties
by their attorneys, and thence
came the Jury sworn in the case on yesterday
with James Sayler, Ajithi, Dunmore, William Ramsey,
Alexander Garnett, Alexander Ritchie, Joseph Bardon,
James Martin, Hugh Mc Armstrong, Charles Morgan, James Kellogg,
Robert Hobbs, George Lyon, and having heard the argument
of Counsel aforesaid, and afterwards returned unto
Court in the following words, to wit: "By the
pov for the defendant. It is therefore considered
by the Court that the defendant become de
from the plaintiff by this
the bond executed"

"I, Wm. Mc Armstrong, on the 11th day of July 1835,
its
following proceeding was had, to wit:

Philip Clark

Judge on the Case.

Day departed 3. This day again came the parties a
by their attorneys and thence produced the bill of
thing, which was signed and sealed by the Court, and
Paragraph 1:

But of Remembered This and The Time of This Case The Plaintiff from Evidence Testimony to Prove this he build a Mill Private Land what Needed him into 200 Bushels of Grain and with a Percentage then of Cents of the Price and it was determined by Artificial Method that said Plantiff Claimed the Stream (intending to go to the lower Market) and that the Plaintiff did in a Mile of the Defendant's Mill down or Paid him when he went upon Demanding the Price of the Mile and went to close the stream and the Defendant had Ordered to Civil Court to cancel the decision (which Plantiff also paid & the land) and as in follows (trust) be it enacted by the People of the State of Illinois Respecting in the General Openly that the Summons, therefrom its Proper Stating the Plaintiff's Claim to the same for the Plaintiff same the above and of Arrow here to imply a possible stream that none of any description on either obstruction shall be placed in the River as to impede the Navigating things or where the water from its Natural Channel so as through the intention or force, Applicant Parties with any Place the same build down and Mill and was the owner thing which include the Navigating of each River and was between the 1/3 of the land where it was between this which Plaintiff and only in the said River and the extent of the same that owning a Point some within the Navigating of said point Plantiff shall not abound with points boat and land same with that the Plaintiff see, what point the Plaintiff's boat in Breach was from & boat to Bear last by being discharged that part there was worth where it on boat land

Paragraph 2:

[Additional paragraphs cut off due to image cropping]
13% cents per barrel and at the lower princes from 75 00 to 100 cents per barrel.

As the foregoing evidence has been given the defendant's case in behalf of the plaintiff and some of the proceedings in the court on which he was tried the defendant on the Missouri River below the defendant will show some of the proceedings in that case which was higher than the said plaintiff's note and whether said note due was paid and whether said note due would not have been paid if the plaintiff had the same 13 cents per barrel and no other. The same might there was no favors and no other might take place in the river during the twelve years if the plaintiff could have come over the defendant's note due. To which the plaintiff counsel objected, but the court overruled the objection and directed the question to be asked of the defendant to prove that fact to the jury by said

"Note of Illinois, February 10, 1850, by order of the court, as follows:"

"Resolved, that it is hereby resolved that the following acts of the court do hereby certify to be a true transcript of the acts of the court as follows:"

"Philip Clark against Henry Clark, as appear of the record in my office."

BEST COPY AVAILABLE
Document 3-A (transcription)

Clark v. Lake

Case Summary: In 1822, the legislature passed an act declaring the Sangamon River navigable between its mouth and the third principal meridian and prohibiting dams or other obstructions that would impede navigation. On April 15, 1834, Bayless Lake's mill dam impeded Philip Clark's flatboat, which was loaded with 2,500 bushels of corn, en route to Natchez or New Orleans. Five days later, the flatboat sank, destroying the corn. Clark retained Cyrus Walker, Daniel Stone, and Stephen T. Logan to represent him. In September 1834, Clark sued Lake in a common law suit and requested $2,000 in damages, claiming that the corn was worth $0.12 per bushel in Illinois and $0.75 per bushel in the "lower markets." Lake retained John Todd Stuart and Henry Dummer and pleaded not guilty. Lake presented a witness who testified that a second dam, downstream from Lake's, likewise would have impeded the boat. The jury found Lake not guilty in July 1835, and Clark appealed to the Illinois Supreme Court on the grounds that the court should have sustained his objection to Lake's witness. In December 1835, the supreme court agreed and reversed and remanded the case. Justice Samuel D. Lockwood reasoned that the circuit court should only admit such testimony in mitigation of damages, but Clark had not sought to recover damages for an amount greater than the boat and the corn's value. Lockwood wrote that the testimony led the jury to believe "that if the plaintiff could have passed the defendant's dam he would not have been benefitted by it, as he inevitably would have been stopped by the lower dam down the river." However, the law was "well settled" that every person obstructing a public highway was "liable for all the injuries that result from it." The lower court should have rejected the testimony because it failed to prove the issue and was "calculated to lead the jury astray." The parties later reached an agreement at the remanded trial, and in March 1839, the court dismissed the case at Lake's cost. Abraham Lincoln assisted Stuart at the remanded trial.

Circuit Court Transcript (excerpts)

2 December 1835

[Praecipe]
Sangamon County Circuit Court
Philip Clark     vs     Bayless Lake
To C. R. Matheny C[ler]k. C[ircuit]. Court.
Issue Summons as above returnable to the next term.
[Summons]
The People of the State of Illinois
To the Sheriff of Sangamon County, Greeting:
You are commanded to summon Bayless Lake to be & appear before the Circuit Court of
Sangamon County on the first day of the next term, to be holden at Springfield, on the second monday
in the month of September next, to answer Philip Clark in a plea of trespass on the case for destroying
pltffs boat & cargo, damages $2,000.
And have you then there this writ. Witness the Honorable Samuel D Lockwood, Judge of our
said Court at Springfield, this 23rd day of August 1834.
C. R. Matheny clk.

[Sheriff's Return]
Executed August 26th 1834 ac[cor]ding to law. Service 50, travel 12 M[iles]. 75, returning 12 1/2
G. Elkin Sh[erif]f S[angamon]. C[ounty].

[Declaration]
State of Illinois Of September Term 1834.
Sangamon County & Circuit Sc[ilice]t
Philip Clark complains of Bayless Lake in custody &c of a plea of Trespass on the Case. For
that whereas by an act of the people of the State of Illinois represented in the General Assembly entitled
"An act declaring the Sangamon River a navigable stream" "Approved December 26, 1822" it is
enacted as follows towit, "Be it enacted by the people of the State of Illinois represented in the General
Assembly that the Sangamon River from its mouth (following the main channel) to the third principal
meridian be and the same is hereby declared a navigable stream that no dam of any description or other
obstruction shall be placed in the River so as to impede the navigation thereof or drive the the water
from its natural channel so as to overflow the bottoms or produce stagnant waters in any place" and
whereas after the making [and the pa]ssing of the act and by virtue thereof up to and after the time of
committing the several grievances hereinafter mentioned the said Sangamon river from its mouth
following the main channel to the third principal meridian was and of right ought to have been a
navigable stream and was and of right ought to have been a public highway and was and of right ought
to have been free and open for all the good citizens of the State of Illinois and others to navigate the
same at all [times] from any obstruction, with their Canoes, skiffs, pirogues, flat Boats barges and
steam Boats. And whereas neither the said Defendant nor any other person had any right to obstruct
or impede the navigation of the said Sangamon river from its mouth following the main channel to the
third principal meridian by the erection or maintenance of any mill mill dam, mill house, abutment,
but^ress mill wheel or any other thing. and whereas before and at the time of committing the several
grievances hereinafter mention[ed] the said plaintiff had a flat Bottomed boat of Great ^[va]lue towit
of the value of $150 loaded with a large quantity of corn, towit 2500 bushels of corn the prop[erty] [. . . ]
plaintiff of [great]^ [. . . ] of the value of $500 proceeding in and up the said navigable stream
between the mouth thereof and the third principal meridian following the main channel thereof towit
on the 15th day of April 1834 at the state, county, and circuit aforesaid. Yet the said defendant well
knowing the previous but contriving and wrongfully and unjustly intending to injure and prejudice the
said plaintiff in this respect and to deprive him of the use and benefit of the said navigable stream and
to delay hinder [a]nd detain the plaintiff in navigating the said Sangamon River with his said flat
bottomed boat loaded as aforesaid and to sink detain and destroy the said flat bottomed boat and the
corn loaded therein towit on the said 15th day of April 1834 and at the state, county, and circuit
aforesaid did erect and make in upon and across the main channel of the said Sangamon River between
the mouth thereof and the third principal meridian one mill dam, one mill house, one mill wheel with
long arms thereto & two abutments whereby the navigation of the said navigable stream towit was
greatly impeaded & totally obstructed and the same so made and erected did keep and continue from
that day to the commencement of this suit. By reason whereof whilst the said flat bottomed boat of the
plaintiff ^loaded^ with the large quantity of corn aforesaid was decending the navigable stream
aforesaid towit the Sangamon river between its mouth and the third principal meridian the said plaintiff
with his flat bottomed boat aforesaid loaded with the large quantity of corn aforesaid was stopped
delayed hindered and detain[ed] from proceeding on down the said navigable stream by the mill dam,
mill house mill wheel and abutments of the plaintiff aforesaid in and upon and across the navigable
stream aforesaid and whereby also the plaintiff lost the advantage of proceeding to market with his said
boat loaded with corn towit on the said 15th day of April ^1834^ at the state, county and circuit
aforesaid and whereby also the plaintiff's^ said boat loaded with corn as aforesaid has been hind[er]ed
delayed and detained from thence up to the present time and by reason whereof the said boat of the
plaintiff loaded with corn aforesaid afterward towit on the 20th day of April 1834 at the state county
and circuit aforesaid sunk and was destroyed in the said Sangamon River and the said boat and all the
corn of the plaintiff aforesaid loaded thereon was wholly lost and destroyed towit by reason of said
hindrance delay and detention aforesaid. By means of all which the plaintiff hath been injured &
sustained damages to $2000 and therefore he sues &c

D. Stone. & S. T. Logan.

[First Order]
Philip Clark
vs
Bayless Lake
Trespass on the case.

By consent of the parties this cause is continued until the next term of this court.

[Second Order]
Philip Clark
vs
Bayless Lake
T. O. C
Continued.

[Third Order]
Philip Clark
vs
Bayless Lake
In Case.

On motion of the plaintiff by his attorney a rule is awarded him against the defendant to file his
plea herein by tomorrow morning eight O’clock.
[Plea]
Clark
VS
Lake
Of the Special July Term of the
Circuit Court for Sangamon County
And the said defendant comes & defends the wrong & injury when &c. and says he is not guilty
in manner & form as the plaintiff hath above thereof in his said declaration complained against him &
this he prays may be enquired of by the country &c.
Stuart & Dummer P.D

[Similiter]
And plaintiff likewise
Walker p.q.

[Fourth Order]
Philip Clark
VS
Trespass on the case.
Bayless Lake
This day came the parties by their attorneys, and it is commanded that a jury come to try the
issue joined between the parties and thereupon came a Jury towit: James Taylor, Elijah Duncan,
Armstrong, Charles Morgan, James W Keys, Robert Sattley & George Stout, who being impaneled
tried and sworn, well & truly to try the issue joined as aforesaid, and having heard the evidence
adduced by the parties and part of the argument of counsel and it being too late to progress farther with
the trial, were adjourned over until tomorrow morning eight O'clock.

[Fifth Order]
Philip Clark
VS
Trespass on the case.
Bayless Lake
This day again came the parties by their attorneys, and thereupon came the jury sworn in this
cause on yesterday towit: James Taylor, Elijah Duncan, William Ramsey, Alexander Garrett,
Alexander Ritchey, Joseph Bondurant, Jonas Whitney, Charles Morgan, James W Keys, Robert Sattley, and
George Stout, who having heard the argument of counsel retired, and afterwards returned into court
the following verdict towit: "We of the jury find for the defendant." It is therefore considered by the
court that the defendant recover of the plaintiff his costs by him about his defence in this behalf
expended.

[Sixth Order]
Philip Clark
VS
In case.
Bayless Lake
This day came the parties aforesaid by their attorneys and the plaintiff produced his bill of
exceptions which was signed and sealed by the Court, and ordered to be made part of the record.
[Bill of Exceptions]
Clark vs Lake

Be it remembered that on the trial of this case the plaintiff gave evidence conducing to prove that he built a flat bottomed boat and loaded her with 2500 bushels of corn and with a sufficient tide to descend the river (had it not been obstructed by artificial obstructions) that said plaintiff descended the Sangamon River (intending to go to the lower market Natches or Orleans) till within 3 quarters of a mile of the defendants mill dam on said River where he stoped upon hearing the sound of the mill and went to explore the obstruction: that the Defendant had previous to this time & after the passage of the law referred to in [the] plaintiff's declaration (which plaintiff also read to the Jury) and which Law is as follows (towit) "Be it enacted by the people of the State of Illinois represented in the general assembly That the Sangamon River from its mouth (following the main channel) to the third principal meridian be and the same is hereby declared a navigable stream; that no dam of any description or other obstruction shall be placed in the river so as to impede the navigation thereof or drive the water from its natural channel so as to overflow the bottoms or produce stagnant waters in any place" having erected said dam and mill and was the owner thereof which impeded the navigation of said River and was between the 3rd meridian referred to in the said law and the mouth of the river that owing to said dam impeding the navigation of said river plaintiff w^o^uld not descend with said boat and load & was stoped so that the water fell & the plaintiffs boat in consequence was sunk & corn lost by being drowned; that said corn was worth when it was lost 12 ½ cents per bushel and at the lower markets aforesaid about 75 cts per Bushel.

After the foregoing evidence had been given the Defendant asked a witness whether there was not another mill dam across said river below the defendant's mill dam erected in violation of said law which was higher than the defendant's mill dam and whether said lower dam would not have prevented plaintiff from proceeding to the lower markets in Natchez or New Orleans as it was late in the season and no other tide might take place in the river during that season, even if the plaintiff could have gone over the Defendant's mill dam, to which the plaintiff's counsel objected, but the court overruled the objection and permitted the question to be asked & the defendant to prove that fact to the Jury by said witness, to which opinion & Judgement of the court the plaintiff by his counsel exepts & prays that this his bill of exceptions may be sighned sealed and enrolled & which is done accordingly

Richard M Young
Presiding as Judge of the Sangamon Circuit

by exchange &c.
Glossary Of Terms

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

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

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

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 35.24 liters.

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

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

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

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.

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.

execute: to complete a task.

impanel: to choose individuals to serve on a jury.

impede: to obstruct or slow down.

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

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.

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

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

p.d.: pro defendente; representing the defendant.
p.q.: pro querente; representing the plaintiff.

pirogue: any canoe-shaped boat.

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

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.

presiding: to occupy the place of authority.

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

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

scilicet: "to wit"; that is to say.

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.

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

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.

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.

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.

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.
**writ:** a written order from a court forbidding or requiring some action.
Material Culture on the Prairie

Theme: Human Interaction with the Environment

Habits of Mind: Understand the significance of the past to their own lives, both private and public, and to their society.
Perceive past events and issues as they were experienced by people at the time, to develop historical empathy as opposed to present-mindedness.

Focus: The study of material culture provides insight into the overlooked elements of the lives of past peoples. Briefly, the term, "material culture," refers to any object—scholars refer to objects as artifacts—made by people. (See below for a complete definition of material culture.) An artifact may be smaller than a pinhead or larger than a skyscraper. Regardless of size, all artifacts have a story to tell, if you know the proper questions to ask of them. For example, an oil lamp used by a housewife on a farm during the mid-nineteenth century gives us a glimpse into the resources that were available to the people who used them, and helps us understand how people coped with their environment. That same artifact also sheds light on technology, manufacturing, and commerce and opens up for discussion issues related to the quality of life before rural electrification, as well as the role and status of the people who owned or used these objects. In this lesson, students encounter the inventories of two personal estates, one from a rural home and one from an urban household, both of which were located in Sangamon County, Illinois. These rich documents help us to understand how people lived on the prairie and in small cities during the early nineteenth century.

Objectives: Students will be able to:

1. Analyze primary source documents that list items found in both rural and urban households in Illinois.
2. Interpret the documentary evidence of how material culture affected life in early nineteenth century Illinois.

Illinois Learning Standards

16.D.3a Describe characteristics of different kinds of communities in various sections of America during the colonial/frontier periods and the nineteenth century.

16.D.3b Describe characteristics of different kinds of families in America during the colonial and frontier periods.
Procedures

1. Discovery

A. Defining material culture. Material culture is the study of all physical artifacts, which have been designed by people to satisfy needs or wants, or to express an idea. The premise of this investigation is that these objects provide insight into the values, beliefs, and ideas of the people who made and used them. Material culture focuses on the day-to-day lives of average people.
   1) Students bring to class one artifact from home that reflects their interests.
   2) Each student tells the class about their artifact and explains how it reflects their social role and status; the role of technology in making the artifact; and how the artifact might reflect their views on economic choices or political decisions they have made.


A. Background information for a rural case, Bevans v. Brown (1838), and an urban case, McGraw v. Adams, et al. (1843)
   1) John Bevans was born in Maryland. He migrated to Woodford County, Kentucky, and then to Island Grove in Sangamon County, Illinois. After arriving in 1828, Bevans farmed his Sangamon County land until his death in March, 1837.
   2) James Adams was born in Hartford, Connecticut. He migrated to Oswego, New York in 1809, and then to Springfield, Illinois in 1821. He was an attorney and served as Probate Justice of the Peace. He died in Springfield on August 11, 1843.¹

B. Read the two Lincoln Legal Documents. Define estate inventory. An estate inventory and a Bill of Appraisement list all of the objects in a personal estate of an individual who has died. The purpose of the inventory is to assess the value of these objects for the probate court. See the Glossary attached at the end of the lesson to define unfamiliar terms.

Teaching Opportunity: There are some terms in the glossary that are not used today. No doubt these items are colloquial terms that were well known to court officials and local people of the day. What does the loss of these words from everyday usage tell us about these particular objects and the changes that occur in the material culture of succeeding generations?

C. Students complete and review the guide, Analyzing a Lincoln Legal Document: An Estate Inventory/Bill of Appraisement.

3. **You be the Judge:** Finding Evidence of Life on the Prairie and in Springfield.
   
   A. How do the objects listed in the two inventories represent the quality of life on the prairie and in Springfield? Which particular objects attract your attention?
   
   B. Which household appears to have accumulated more wealth? Teaching Opportunity: Ask students to locate on the worldwide web a price equivalency guide for the period. A price equivalency guide allows students to determine what an object from an earlier period would cost if it were purchased at today’s prices. A good website for the nineteenth century is Robert Sahr’s “Inflation Conversion Factors for Dollars, 1800 to Estimated 2010” (http://www.orst.edu/Dept/pol_sci/fac/sahr/sahr.htm). Students can also visit the *Columbia Journalism Review* (http://www.cjr.org/resources/inflater.asp) for a “dollar conversion calculator” that converts historical amounts into 1998 values. For example, $2.00 in 1848 is equivalent to $30.00 in 1998. Students can also use a calculator to add up the value of the objects in the respective inventories.
   
   C. What inferences can you make about the education levels of the two families based on the materials they owned?
   
   D. What do these items tell us about roles of the various people in the two households? Which items might have been used by men? By women? By children?
   
   E. What kinds of objects were found in both households? Why might a rural and an urban household have the same sorts of objects?
   
   F. Review the two case summaries. If these cases came to your court, what decisions would you make in each of the cases to ensure that all of the parties received equitable settlements?

4. **Conclusion and Assessment:** Write to Learn. Students should review the Lincoln Legal documents in this lesson and write a narrative essay that describes a typical day in either a rural or urban household. The essay should have an introduction, make a key point about material culture in each paragraph, and draw a reasonable conclusion. Or, teachers may want to organize a shopping day in which “families” must outfit their new home/farm during the age of Lincoln. Using information in the plan, give students a budget and ask them to explain, as a frontier family, what problems they faced and what items they needed not only to survive but to enjoy life. For both assignments, consult the rubric to assess students’ knowledge, reasoning, and communication skills.

**Additional Activities**

**Illinois History Day Project** Students will select an artifact from the past and describe its form and function. They will also describe how technological innovations may have rendered the artifact obsolete by replacing it with others that perform the same functions. Students might also discuss the value of maintaining older objects in the face of changing technologies.

**An Inventory of My Room** Students choose one room from their home and write an inventory list of the materials found there with their monetary value. They will then describe in writing the form and function of selected objects.
Local Material Culture. Invite a member of a local historical society or museum to bring historical artifacts from their collection to show to the class and to discuss their use. Students should discuss whether particular artifacts would be found in a rural or an urban household or both.

Historical Site Inventory. Visit a local house or farm museum and identify household items or farm implements used in the nineteenth century. Have students look for items listed on the inventories in this lesson plan. Where does the museum display these artifacts (i.e. what room, out building, or area outside)?

Sources and Materials

Analyzing a Lincoln Legal Document: An Estate Inventory/Bill of Appraiser

Glossary of Terms
Analyzing a Lincoln Legal Document: An Estate Inventory

Case Brief

Complete Case Name _____________________________________________

Date of Document: ____________________________________________

Whose names and titles are recorded on the document?
________________________________________________________________

Where is the estate inventory taking place? ____________________________

Synopsis: Summarize the Document

1. Based on the document's contents, what seems to be its purpose?
________________________________________________________________

________________________________________________________________

2. Organize the items listed in the document according to their uses around the home. For example, which items would be found in the living room? In the kitchen? Which items would be kept in a building or place outside the house?

Room: __________ Items: ____________________________________________

Room: __________ Items: ____________________________________________

Room: __________ Items: ____________________________________________

Room: __________ Items: ____________________________________________

Room: __________ Items: ____________________________________________

Outside: _________ Items: __________________________________________

Thinking about Material Culture

1. Imagine that the household includes both parents and several children. List the objects that each family member would use most often for work or leisure.

father: __________________________________________________________

mother: __________________________________________________________
2. Identify objects that were used in farming or with animals.

3. Identify objects in the home that may have been made by hand.

4. Identify objects that were probably purchased in a nearby town or city.

5. List some of the objects that are still in use today in your home.

6. List some objects that are now obsolete, or no longer in use.

7. What objects are used today in the place of those objects?

8. Which objects had the highest monetary value? Which had the least value?
9. Which objects were designed to save labor or make life easier around the home?

10. Select one of the rooms or buildings outside the home (a shed or barn, for example) and describe what the local officials saw there when they conducted the estate inventory.

Synthesis: Material Culture and Illinois History

What evidence in the document helps you better understand issues of role and status regarding men, women, and children during the Age of Lincoln?

What evidence in the document helps you understand the patterns of daily life and the concerns of common people in both rural and urban Illinois households during the Age of Lincoln?

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 values, beliefs, and ideals of people who lived in Illinois when this document was written?
<table>
<thead>
<tr>
<th>Item Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Cot and Kettle</td>
<td>2.00</td>
</tr>
<tr>
<td>One Yarn</td>
<td>3.75</td>
</tr>
<tr>
<td>Three planks</td>
<td>50</td>
</tr>
<tr>
<td>One barrel and one bag</td>
<td>1.00</td>
</tr>
<tr>
<td>One Messenger sheet</td>
<td>1.50</td>
</tr>
<tr>
<td>One flour</td>
<td>50</td>
</tr>
<tr>
<td>One Blanket Sheet</td>
<td>50.00</td>
</tr>
<tr>
<td>One steer three years old</td>
<td>10.00</td>
</tr>
<tr>
<td>One Head of Heifer</td>
<td>8.00</td>
</tr>
<tr>
<td>One speckled corn</td>
<td>8.00</td>
</tr>
<tr>
<td>One Head of Heifer one year old</td>
<td>4.00</td>
</tr>
<tr>
<td>One Bobbing Net for Heifer</td>
<td>1.00</td>
</tr>
<tr>
<td>Twenty-four Heifs in One Lot</td>
<td>32.75</td>
</tr>
<tr>
<td>One Sheep</td>
<td>14.25</td>
</tr>
<tr>
<td>One Kettle</td>
<td>3.00</td>
</tr>
<tr>
<td>One dry hide</td>
<td>1.00</td>
</tr>
<tr>
<td>One Keghead and Four Barrels</td>
<td>1.50</td>
</tr>
<tr>
<td>Two Flaxing hooks and Writing box</td>
<td>1.50</td>
</tr>
<tr>
<td>One Butcher Complete and Clevis</td>
<td>3.00</td>
</tr>
<tr>
<td>One shovel and two handles</td>
<td>1.50</td>
</tr>
<tr>
<td>One Plow and two Bridles</td>
<td>17.00</td>
</tr>
<tr>
<td>One Change Bridle</td>
<td>1.50</td>
</tr>
<tr>
<td>One lot of Old Irons</td>
<td>50</td>
</tr>
<tr>
<td>One pair of Hames</td>
<td>3.25</td>
</tr>
<tr>
<td>One Cutting Box and Scythe</td>
<td>3.00</td>
</tr>
<tr>
<td>One Mowing Scythe</td>
<td>1.50</td>
</tr>
<tr>
<td>One pair of Sheep Shears and Shears</td>
<td>1.00</td>
</tr>
<tr>
<td>One pair of Straw and Axe</td>
<td>50</td>
</tr>
<tr>
<td>One lot of tools</td>
<td>3.00</td>
</tr>
<tr>
<td>One hog and hog</td>
<td>25</td>
</tr>
<tr>
<td>One gold and gold</td>
<td>95</td>
</tr>
<tr>
<td>One can of tar</td>
<td>50</td>
</tr>
<tr>
<td>Two chairs and one bell</td>
<td>1.00</td>
</tr>
<tr>
<td>One half bushel</td>
<td>75</td>
</tr>
</tbody>
</table>
Salt
1.50
One Rifle Gun
12.00
One Lot of Gear
5.00
One Gray Horse
85.00
One Acre of Mark Cattle
75.00
Total
$217.77

Given under our hands and seals the day and
gyear aforesaid
William H. Smith
Jacob Smith
James Barrett

State of Illinois
Macoupin County

These are to certify all whom
it may concern that the foregoing is a true copy
of the inventory and appraisement of the
personal property of John W. Bowers died of said
County as appears from the papers on file
in Macoupin Probate Court.

Notably my house and private deal (elaborate
deal having not yet been provided) the law has
authorized my private deal which is here
substituted this 28th day of December 1838.

[Signature]
Document 4-A (transcription)

Bevans v. Brown et al.

Case Summary: John Bevans died leaving an estate with two hundred acres of land and some personal property. In his will, John Bevans stipulated that his wife Margaret Bevans should receive only a bed and bedding and some food supplies. Margaret Bevans renounced her bequest and asked James N. Brown, the executor of John Bevans’s estate, to assign her dower. Brown refused, and Margaret Bevans retained Stephen A. Douglas and John D. Urquhart to represent her. She sued Brown and the heirs of John Bevans for her dower. John D. Bevans, one of the heirs, retained John Todd Stuart and Abraham Lincoln and argued that Margaret Bevans’s renunciation was insufficient and that his father gave his mother two slaves, which she accepted in lieu of dower. The parties reached an agreement, and Judge Samuel H. Treat dismissed the case.

Estate Inventory

A full and perfect Inventory of the goods chattels and personal estate of John Bevans late of the County of Sangamon as presented to the undersigned James Smith James Barret and William H. McMillan appraisers appointed by the Probate Court of said County by James H. Brown administrator of said Estate, this the 27th day of March 1838.

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>cts</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Table</td>
<td>5</td>
<td>00</td>
</tr>
<tr>
<td>One Trunk and Chest</td>
<td>3</td>
<td>00</td>
</tr>
<tr>
<td>One Bedsted</td>
<td>6</td>
<td>00</td>
</tr>
<tr>
<td>One Bed and Furniture</td>
<td>20</td>
<td>00</td>
</tr>
<tr>
<td>Four Chains</td>
<td>2</td>
<td>00</td>
</tr>
<tr>
<td>Cupboard Ware</td>
<td>2</td>
<td>50</td>
</tr>
<tr>
<td>One Bedsted, Bed and Bedding</td>
<td>15</td>
<td>00</td>
</tr>
<tr>
<td>One Lot of Tin Ware</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>One Table Pan, and Sieve</td>
<td></td>
<td>62</td>
</tr>
<tr>
<td>One Coffee Mill, oven and Lid</td>
<td>2</td>
<td>25</td>
</tr>
<tr>
<td>One Flat Iron, Two pair of Hooks and Tea Kettle</td>
<td>2</td>
<td>00</td>
</tr>
<tr>
<td>One pair of And Irons, Tongs and Potrack</td>
<td>2</td>
<td>50</td>
</tr>
<tr>
<td>One Piece of Domestic Cotton Ten Yards</td>
<td>1</td>
<td>00</td>
</tr>
<tr>
<td>One Plough</td>
<td>4</td>
<td>00</td>
</tr>
<tr>
<td>One Plough</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>One Splitting Wedge, Ring, Wedge and Neb</td>
<td>1</td>
<td>00</td>
</tr>
<tr>
<td>One Lot of Bacon Five hundred and Sixty nine lb</td>
<td>28</td>
<td>45</td>
</tr>
<tr>
<td>One Axe</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>Six Mill Bags</td>
<td>1</td>
<td>00</td>
</tr>
<tr>
<td>Seven Bushels and one half of Wheat</td>
<td>7</td>
<td>00</td>
</tr>
<tr>
<td>Item Description</td>
<td>Quantity</td>
<td>Price</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td>Twenty Six Bushels of Corn pot at home</td>
<td></td>
<td>7 20</td>
</tr>
<tr>
<td>Sixty Bushels of Corn</td>
<td></td>
<td>12 00</td>
</tr>
<tr>
<td>One Wagggon</td>
<td></td>
<td>30 00</td>
</tr>
<tr>
<td>One Steer three years old</td>
<td></td>
<td>10 00</td>
</tr>
<tr>
<td>One Bay Mare</td>
<td></td>
<td>60 00</td>
</tr>
<tr>
<td>One Pied [Pied] Cow</td>
<td></td>
<td>12 00</td>
</tr>
<tr>
<td>One Red Cow and Calf</td>
<td></td>
<td>12 00</td>
</tr>
<tr>
<td>One Lot of Oats in the Shief</td>
<td></td>
<td>2 50</td>
</tr>
<tr>
<td>One Stack and a half of Hay</td>
<td></td>
<td>6 00</td>
</tr>
<tr>
<td>One Pot and Kettle</td>
<td></td>
<td>4 00</td>
</tr>
<tr>
<td>One Spade</td>
<td></td>
<td>37½</td>
</tr>
<tr>
<td>Three Slids [Sleds]</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Five Barrels and one Keg</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td>One Wagggon Sheet</td>
<td></td>
<td>1 50</td>
</tr>
<tr>
<td>One Frow</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>One Black Mare</td>
<td></td>
<td>50 00</td>
</tr>
<tr>
<td>One Steer three years old</td>
<td></td>
<td>10 00</td>
</tr>
<tr>
<td>One Red Heifer</td>
<td></td>
<td>8 00</td>
</tr>
<tr>
<td>One Speckeled Cow</td>
<td></td>
<td>8 00</td>
</tr>
<tr>
<td>One Red Heifer one year old</td>
<td></td>
<td>4 00</td>
</tr>
<tr>
<td>One Red Yearling Heifer</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td>Twenty Seven Hogs in one Lot</td>
<td></td>
<td>32 75</td>
</tr>
<tr>
<td>Six Sheep</td>
<td></td>
<td>14 25</td>
</tr>
<tr>
<td>One Kettle</td>
<td></td>
<td>3 00</td>
</tr>
<tr>
<td>One Dry Hide</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td>One Hogshead and Four Barrels</td>
<td></td>
<td>1 50</td>
</tr>
<tr>
<td>Timothy Seed</td>
<td></td>
<td>1 25</td>
</tr>
<tr>
<td>Two Weeding Hoes and Grubing Hoe</td>
<td></td>
<td>1 50</td>
</tr>
<tr>
<td>One Doubletree Singletree and Clevis [Clevis]</td>
<td></td>
<td>3 00</td>
</tr>
<tr>
<td>One Shovel Plow</td>
<td></td>
<td>1 50</td>
</tr>
<tr>
<td>One Saddle and two Bridles</td>
<td></td>
<td>19 00</td>
</tr>
<tr>
<td>One Blind Bridle</td>
<td></td>
<td>1 50</td>
</tr>
<tr>
<td>One Lot of Old Irons</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>One Pair of Hames</td>
<td></td>
<td>37½</td>
</tr>
<tr>
<td>One Cutting Box and Knife</td>
<td></td>
<td>3 00</td>
</tr>
<tr>
<td>One Weiving Sleigh</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>One pair of Sheep Shears and Shoe Hammer</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td>One Pair of Steelyards and Axe</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>One Lot of Tools</td>
<td></td>
<td>2 25</td>
</tr>
<tr>
<td>One Log Chain</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td>One Galon Jug</td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>One Can of Tar</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Two Chairs and one Bell</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td>One half Bushel</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>Item</td>
<td>Value</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>Salt</td>
<td>1 50</td>
<td></td>
</tr>
<tr>
<td>One Rifle Gun</td>
<td>12 00</td>
<td></td>
</tr>
<tr>
<td>One Lot of Gear</td>
<td>5 00</td>
<td></td>
</tr>
<tr>
<td>One Gray Horse</td>
<td>85 00</td>
<td></td>
</tr>
<tr>
<td>One Span of Work Cattle</td>
<td>75 00</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$617.77</strong></td>
<td></td>
</tr>
</tbody>
</table>

Given under our hands and seals the day and year aforesaid

William H. McMillan  
Ja* D. Smith  
**James Barret**  

State of Illinois  
Sangamon County  
Sc[ilice]t

These are to certify all whom it may concern that the foregoing is a true copy of the Inventory and appraisment of the personal property of John Bevans decd of said County as appears from the papers on file in Sangamon Probate Court.

Witness my hand and private seal (no public seal having yet been provided) the law has authorized my private seal which is here substituted this 26th day of December 1838.

Seal  
S[angamon]. C[ounty]
### Document 4-B (page 2 of 4)

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large chair</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>Stones</td>
<td>3</td>
<td>0.00</td>
</tr>
<tr>
<td>Venetian window blinds</td>
<td>8</td>
<td>0.00</td>
</tr>
<tr>
<td>Saddle</td>
<td>1</td>
<td>5.00</td>
</tr>
<tr>
<td>Pitch forks</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>South Draggon</td>
<td>1</td>
<td>60.00</td>
</tr>
<tr>
<td>Big Horse</td>
<td>1</td>
<td>60.00</td>
</tr>
<tr>
<td>Biggy Draggon</td>
<td>1</td>
<td>50.00</td>
</tr>
<tr>
<td>SingleHarness Pig Drag</td>
<td>1</td>
<td>10.00</td>
</tr>
<tr>
<td>Stirring Bells</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>Cutting Box</td>
<td>1</td>
<td>2.00</td>
</tr>
<tr>
<td>Singing Fork</td>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>Half bucket</td>
<td>1</td>
<td>0.25</td>
</tr>
<tr>
<td>Billiard Serp</td>
<td>1</td>
<td>4.00</td>
</tr>
<tr>
<td>New of Sheets</td>
<td>1</td>
<td>16.00</td>
</tr>
<tr>
<td>Boxes w/1 calf</td>
<td>1</td>
<td>14.00</td>
</tr>
<tr>
<td>500 ruled pages</td>
<td>5</td>
<td>1.75</td>
</tr>
<tr>
<td>blank</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>Lot of Sew &amp; other books</td>
<td>4</td>
<td>40.00</td>
</tr>
<tr>
<td>Trip to American state papers</td>
<td>2</td>
<td>10.00</td>
</tr>
<tr>
<td>Western history 1st edition bible</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>Gemmasso Reports</td>
<td>4</td>
<td>40.00</td>
</tr>
<tr>
<td>Dallas reports</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>Gilbert's Equity</td>
<td>2</td>
<td>2.00</td>
</tr>
<tr>
<td>Grand Laws</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>Jacobs Law dictionary</td>
<td>6</td>
<td>6.00</td>
</tr>
<tr>
<td>Laws of U. States</td>
<td>5</td>
<td>5.00</td>
</tr>
</tbody>
</table>

**TOTAL**: 378.75
State of Illinois

I,

do

swear

that

the

affidavit

is

true

and

correct.

Signed

in

my

office

in

the

court

of

the

county

and

the

state

of

Illinois

on

the

day

of

this

month

and

year.

[Signature]

[Handwritten date]

[Handwritten number]
Document 4-B (transcription)

McGraw v. Adams

Case Summary: In his will, James Adams left his property to his two daughters and one son and appointed his son, Lucian Adams, as the executor of his estate. After both of James Adams's daughters died, James McGraw, the son of one of the daughters, claimed that his uncle Lucian Adams had failed to perform his duties as executor. McGraw wanted an account of Lucian Adams's executorship so that McGraw could receive his inheritance. James McGraw, by his father and guardian Charles McGraw, retained Abraham Lincoln and William H. Herndon and sued Lucian Adams in a chancery action for an accounting of his financial transactions. Lucian Adams retained Stephen T. Logan, John Todd Stuart, and Benjamin S. Edwards to represent him. Adams claimed that the settlement of the estate was more complicated than he had anticipated and was therefore taking more time. Lucian Adams had sold hundreds of acres of land and hundreds of town lots to Thomas Lewis. James McGraw added Lewis as a defendant and requested the court to void the sale. Lewis claimed that Lucian Adams was within his right to sell land as executor and filed a cross-bill against Lucian Adams and James McGraw to validate the sale. Judge Edward Y. Rice dismissed the original suit and cross-bill after Master in Chancery Antrim Campbell made an account of Lucian Adams's executorship and found it accurate.

Inventory

Inventory & Appraisement of the goods chattels & personal estate of James Adams decd. of Sangamon County state of Illinois appraised by A. Y. Ellis Philo Beers & Jacob Divelbiss on this 4th day of September 1843.

<table>
<thead>
<tr>
<th>Description of Property</th>
<th>Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Wooden clock</td>
<td>$ 7.00</td>
</tr>
<tr>
<td>1. Sett chairs</td>
<td>5.00</td>
</tr>
<tr>
<td>1. &quot;</td>
<td>5.00</td>
</tr>
<tr>
<td>1. Writing chair</td>
<td>3.00</td>
</tr>
<tr>
<td>1. Work stand</td>
<td>4.00</td>
</tr>
<tr>
<td>1. Cherry Bureau</td>
<td>15.00</td>
</tr>
<tr>
<td>1. Cherry framed Mirror</td>
<td>1.50</td>
</tr>
<tr>
<td>1. Walnut Dining table</td>
<td>6.00</td>
</tr>
<tr>
<td>1. Doz common chairs</td>
<td>3.00</td>
</tr>
<tr>
<td>2. Office tables</td>
<td>1.50</td>
</tr>
<tr>
<td>1. Small writing desk</td>
<td>1.00</td>
</tr>
<tr>
<td>2. Cherry tables</td>
<td>3.00</td>
</tr>
<tr>
<td>1. Settee</td>
<td>5.00</td>
</tr>
<tr>
<td>1. Kitchen table</td>
<td>3.00</td>
</tr>
<tr>
<td>Item</td>
<td>Quantity</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Safe</td>
<td>1</td>
</tr>
<tr>
<td>Silver watch</td>
<td>1</td>
</tr>
<tr>
<td>Work stand</td>
<td>1</td>
</tr>
<tr>
<td>Bed &amp; Bedding</td>
<td>1</td>
</tr>
<tr>
<td>Work stand at 15 each</td>
<td>1</td>
</tr>
<tr>
<td>Sett Harness</td>
<td>1</td>
</tr>
<tr>
<td>Side Saddle</td>
<td>1</td>
</tr>
<tr>
<td>Box carpenter's tools</td>
<td>1</td>
</tr>
<tr>
<td>Common Bedsteads</td>
<td>2</td>
</tr>
<tr>
<td>Wash stand</td>
<td>1</td>
</tr>
<tr>
<td>Fancy post Bedsteads</td>
<td>1</td>
</tr>
<tr>
<td>Yards rag carpet at 25¢</td>
<td>25</td>
</tr>
<tr>
<td>Yards ingrain carpet at 40</td>
<td>1</td>
</tr>
<tr>
<td>Sett silver table spoons</td>
<td>1</td>
</tr>
<tr>
<td>&quot; Tea &quot;</td>
<td>1</td>
</tr>
<tr>
<td>Lot cupboard ware including Bottles &amp; 2 lamps</td>
<td>1</td>
</tr>
<tr>
<td>Lot Kitchen furniture washing tubs, buckets &amp;c</td>
<td>1</td>
</tr>
<tr>
<td>Lot Barrels jars &amp;c in Seller</td>
<td>1</td>
</tr>
<tr>
<td>Large chair</td>
<td>1</td>
</tr>
<tr>
<td>Stones</td>
<td>2</td>
</tr>
<tr>
<td>Venetian window blinds</td>
<td>2</td>
</tr>
<tr>
<td>Pitch forks</td>
<td>1</td>
</tr>
<tr>
<td>Double waggon</td>
<td>1</td>
</tr>
<tr>
<td>Bay Horse</td>
<td>1</td>
</tr>
<tr>
<td>Buggy waggon</td>
<td>1</td>
</tr>
<tr>
<td>Single Harness &amp; Fly trap</td>
<td>1</td>
</tr>
<tr>
<td>String Bells</td>
<td>1</td>
</tr>
<tr>
<td>Cutting Box</td>
<td>1</td>
</tr>
<tr>
<td>Dung Fork</td>
<td>1</td>
</tr>
<tr>
<td>Half bushel</td>
<td>1</td>
</tr>
<tr>
<td>Berkshir[e] Boar</td>
<td>1</td>
</tr>
<tr>
<td>Sow &amp; 6 shoats</td>
<td>1</td>
</tr>
<tr>
<td>Cows &amp; 1 calf</td>
<td>1</td>
</tr>
<tr>
<td>5 Quarters ruled paper</td>
<td>5</td>
</tr>
<tr>
<td>&quot; blank &quot;</td>
<td>5</td>
</tr>
<tr>
<td>Lot of Law &amp; other books</td>
<td>1</td>
</tr>
</tbody>
</table>

**towit**

9 vols American state papers
2 " Sellons practice 1 vol Chitty on bills
We certify the foregoing to be a true Inventory & appraisement of the personal property of James Adams deceased of Sangamon County as appraised by us on this 4th day of September 1843
Given under our hands & seals the day & year aforesaid

A. Y. Ellis
Jacob Divelbiss
Philo Beers
[Endorsement] State of Illinois
Sangamon County

I Noah W Matheny Clerk of the County Court for said county do Certify that the within is a true copy of the Bill of appraisment of the personal property of James Adams decd as the same appears of on file in my office

Given under my hand and seal of office at Springfield this 26th day of Nov 1853

N W Matheny cr
Glossary Of Terms

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

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

chattel: an item of movable property.

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

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

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.

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.

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.

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

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

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

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

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

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

neb: a projecting end or point.

pied: an animal covered with patches of two or more colors.
qrs.: quartos; paper folded twice to form four leaves or eight pages.

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

scilicet: "to wit"; that is to say.

settee: a small sofa with a back and arms.

shoat: a young, weaned pig.

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.

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.

timothy: a type of grass grown for hay.

urban: characteristic of the city or of city people.

yearling: a one-year-old animal.
Social Role and Status: Marriage on the Illinois Prairie

Theme: Patterns of Social and Political Interaction

Habits of Mind: Understand 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
Appreciating the force of the non-rational, the irrational, the accidental, in history and in human affairs

Focus: The Land Act of 1820 encouraged thousands of small farmers from New England and the upland southern states, as well as immigrant farmers from Europe, to settle the fertile prairie lands of the Old Northwest Territory. The construction of roads, canals, and railroads facilitated their continued migration to Illinois and allowed them to market their harvests and to purchase manufactured goods and services from beyond their communities. Nevertheless, work was strenuous, and strong families were required to keep a small farm at an optimum level of productivity. A husband, wife, and their children working together helped to assure that a family farm would have a fighting chance against the environmental and economic challenges that confronted people on the prairie.

The emotional stress stemming from the intense labor and the loneliness of farm life in isolated communities could, however, easily drive family members apart. Some men succumbed to alcohol as a relief from the pressures of survival. Other men simply abandoned their families and disappeared. Still others believed they could solve their problems by finding financial security elsewhere, particularly in California during and after the famous gold rush of 1849. Members of the family who were left behind when their husbands and fathers departed had either to continue with the farm or seek help from others in the community. Many women sought relief in the courts, claiming desertion status in the hope of obtaining a divorce, thereby enabling them to remarry and keep the family stable and the farm economically viable. In this lesson, students learn that seeking out and securing a divorce was difficult. If a husband was out of state, it was difficult for officers appointed by the court to track him down to serve the divorce papers. But the burden of keeping a family whole was not entirely on the wife. Some men, having sought out their fortunes, returned to Illinois only to find their wives living in adulterous relationships with other men.

This lesson can be integrated easily with writing lessons on narrative, expository, and persuasive topics as conducted by colleagues in the school’s English department. For example, taking a side and demonstrating support for a position are major goals of the writing curriculum in most middle schools and high schools.

Note: Document 5-C contains some sexual language used in court proceedings that may be inappropriate for use in some middle school and high school classrooms.
Objectives: Students will be able to:

1. Describe the social role and status of men, women, and children living on the Illinois prairie between 1840 and 1860.
3. Compare and contrast the responsibilities of children in families of the past with the responsibilities of today’s children.
4. Analyze historical documents.

Illinois Learning Standards

16.D.3b Describe characteristics of different kinds of families in America during the colonial/frontier periods and the nineteenth century.

18.A.5 Compare ways in which social systems are affected by political, environmental, economic, and technological changes.

18.B.1a Compare the roles of individuals in group situations.

18.B.5 Use methods of social science inquiry to study the development and functions of social systems and report conclusions to a larger audience.

Procedures

1. Discovery

A. Adults Remember Their Childhood.

1) Prior to this lesson, students will survey members of an older generation to learn about the responsibilities these adults had when they were children. A guide, *Back in the Old Days*, is attached at the end of this lesson plan to record data from the interview. Students will share their findings either in small groups or with the class. Note: Teachers should make certain that the individuals who are interviewed by the students understand that their responses to the questions on the Interviewing Guide may be kept on file for other students to draw upon for study and research.

2) Drawing on the Interviewing Guide, students can develop a chart showing the kinds of work required of children years ago and the time spent meeting these responsibilities.

3) Identify the current roles and responsibilities of the head of the household and other family members, including brothers and sisters.
B. The Ideal Marriage.
1) Start with a quote. An American writer advised middle class male readers who lived in cities, "If you are in business, get married, for the married man has his mind fixed on his business and his family, and is more likely of success."

2) Discussion notes on Middle Class Family Life in the Nineteenth Century City.
   a) Typically, the husband held what is now called a "white-collar position" or a profession. His role was to work hard to provide the income and thus secure the material goods that would have been necessary to maintain a certain social status in the community.
   b) The wife also played an important role. She stayed at home and was responsible for nurturing the family, both in the development of the children's social behavior and their religious training.
   c) Social historians call these social roles the Victorian spheres of influence and refer specifically to the woman's role as the Cult of Womanhood.
   d) Working together, a husband and wife strove for perfection in their roles, maintaining a fine home filled with well-mannered children and being good neighbors.

3) Rural Family Life: Members of rural families had different roles.
   a) Family members were required to work together to make the land productive. Men, women, and children labored together to pull the agricultural produce from the land.
   b) If one member of the family could not contribute, for example due to an illness or a forced absence, that person's workload would have to be shouldnold by another family member.
   c) If a family had extra financial resources, a laborer could be hired for wages or perhaps in an exchange for parcels of land or profits from the sale of the farm's produce. Like their urban, middle class counterparts, however, rural women of all social classes were also largely responsible for looking after the upbringing of the children.

4) Remembering that rural and urban life at that time was much different for married couples, ask students: Would the writer's advice that opened this lesson nevertheless apply to men who were farmers? Have students discuss reasons why being married and having a family were attractive options for a farmer in Illinois.

2. Going to Court: Lincoln Legal Documents Describe Another Side of Marriage.
   A. Preview each of the legal documents before class. Divide students into groups, giving each group a document. Prepare the groups by explaining that some of the testimony in the documents is of a sexual nature, but that this information was necessary for the parties to assert the legal claims and for the court to reach a decision. Each group will then read one of the documents, identify the main points and discuss the outcome. To complete this assignment, groups will complete and review the student guide, Analyzing a Lincoln Legal Document.
   1) Document 5-A. Bill for Divorce, 13 September 1842, Bancom v. Bancom
2) Document 5-B. Bill for Divorce and Affidavit, 9 January 1855, McCrea v. McCrea
3) Document 5-C. Bill for Divorce, November 1853, Waddell v. Waddell

B. Further questions to ask:
1) What specific passages from the documents illustrate the roles of women in the family, both during a happy marriage and after their spouses deserted them?
2) What specific passages from the documents illustrate some of the emotional and social problems confronting various family members?
3) How were children affected by these problems?
4) What appear to be some of the grounds for seeking a divorce in Illinois?
5) Teaching Opportunity: Ailsey Bancom could not sign her name. What does that fact tell us about issues of social status?

3. You be the Judge: There are Always Two Sides to Every Story.
A. Ask each group of students to provide a plausible rebuttal to the various charges in the case they analyzed. Citing specific parts of the documents, students can then debate the two sides of each bill for divorce, explaining their opinion on why the divorce should or should not be granted.
   1) Whose court documents were the most persuasive?
   2) How would your court rule in these divorce cases?

B. When Young People Fell in Love: Authorizing a Marriage. Create a transparency of Document 5-D, Express Authority (1837). In this legal document, attested to by Abraham Lincoln, Crawford Dalby authorizes the marriage of his daughter. Note: This document addresses what lawyers called a “non-adversarial matter.” That is, there are no plaintiffs or defendants involved in this legal issue. Nevertheless, non-adversarial matters were an important part of most lawyers’ daily work. It was the responsibility of a lawyer to advise a client what to do even in non-adversarial matters. Working in groups:
   1) Ask fellow students to explain why a legal authorization may have been necessary. (In fact, the daughter, Hester, was a minor).
   2) Ask fellow students why Hester was considering marriage at an age that was young enough to warrant her father’s approval. (Perhaps marriage at a young age was not uncommon in the 1840s; perhaps the marriage was necessary for the survival of a family farm; perhaps she was simply in love with Edward Tyler.)
   3) Acting as a judge or lawyer, what advice would you give to a person who was seeking a legal authorization for one of his younger children to marry?

4. Conclusion and Assessment. Write to Learn. Students should imagine they have migrated from the east to rural Illinois around 1840. They should write either a narrative journal entry or letter to a friend or relative “back home” about their family life on the prairie. Students can take on a specific persona, such as a husband, wife, child, laborer, or guest on the farm, but they must include in their assignment information about the roles and status of all the family members. See the rubric provided with the Lincoln Legal Papers Curriculum for the assessment of students’ knowledge, reasoning, and communication skills.
Additional Activities

**Illinois History Day Activity.** Students can conduct research into the changing status of women before the law, investigating such issues as voting rights, ownership of property, the right to bring a lawsuit into court, or taking up the practice of law as a profession.

**Young People and the Law Today.** Neither young people nor women had equal rights with men in many legal matters during this period in history. To gain some perspective on the idea of continuity and change in history, students should discuss their own legal status before the law. For example, what activities that intersect with the law still require the written permission of their parents or other adults?

**A Classroom Data Base for the History of Childhood in Illinois.** Using the interviews of members of older generations, students can collate and then bind their interviews into a book format that will serve as a primary source document for future classes. (See Procedure in Discovery 1A above.)

**Materials**

*Back in the Old Days: An Interviewing Guide*

*Analyzing a Lincoln Legal Document*


Document 5-D: Express Authority, 1837

**Glossary of Terms**
Back in the Old Days: An Interviewing Guide

Date of Interview
Interviewer
Place of Interview

Personal Data
1. What is your full name?
2. What is your date of birth?
3. Where did you live during most of your childhood?
4. How often did you move when you were a child?

Roles and Status in the Family
1. What household chores were you largely responsible for when you were young?
2. How long did it take you to complete these chores?
3. How did your responsibilities and the time commitment to them change as you grew older?
4. What responsibilities, if any, did your brothers or sisters have?
5. Do you remember what jobs your mother and/or father had when you were younger?
6. If they both worked outside the home, who took care of the housework?
7. What is your fondest memory of working side-by-side with the other members of your family?
8. When did you get your first job outside the home that paid a wage? How much did you earn? How many hours did you work each week at this job?

I hereby authorize my interview to be used for educational purposes

__________________________  _________________________
Signature                      Date
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? ________________________________

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?
To the Honorable the Judges of the Sangamon
County Court in Champaign City,

In the name of God, Amen. We, the undersigned, as of our lawful right, do present to you, John Sangamon, the complaint of the plaintiff, in the cause of divorce, against his wife, Catherine Sangamon, the defendant, for the reason that she has deserted him for the

13 September 1842

Prairie, Illinois.

The plaintiff states that he and his wife were married in the year 1830, and that she has since deserted him, leaving him alone and destitute. He requests that you grant him a divorce.

John Hay Library, Brown University, Providence, Rhode Island.
To the County of Illinois, and to the Honorable Board of County Commissioners: I have been informed by the sheriff of this county, that on the 20th day of the last month, a certain person, being a married man, named John Doe, was arrested by the sheriff for the alleged offense of bigamy. In this case, your honor will desire to understand the facts. As a married man, Doe has several children, who are dependent on him for support. Your honor will consider the interests of these children in determining the proper course of action in this case. I am, therefore, forwarding to your office all the necessary documents for a prompt and fair disposition of this matter.
Bancom v. Bancom

Case Summary: In the fall term of 1842, Ailsey Bancom retained Stephen T. Logan and Abraham Lincoln and sued John Bancom for divorce on the grounds of desertion, extreme cruelty, and habitual drunkenness. Ailsey Bancom also sought custody of their seven children. John Bancom failed to appear, and the court granted the divorce and gave Ailsey Bancom custody of the children.

Bill for Divorce

To the Honorable the Judge of the Sangamon Circuit Court in Chancery Sitting.

Humbly Complaining, Sheweth unto your Honor, your Oratrix, Ailsey Bancom, that on the day Feb A.D. about twenty four years ago next February, she was lawfully married to one John Bancom, whom she prays may be made a party to this bill as defendant, & that afterwards to wit, on the day of A.D. 1830 she and her said husband removed to & took up their residence in the County of Wayne where she has ever since resided, & for two years & removed from thence to Alton, Madison County, where they resided six or seven years, & removed from there to Pike County Illinois, where they resided until they your oratrix & her husband separated as hereinafter described until her said deserted her as hereafter described & that on the day of A.D. 18... the [... ] willfully deserted and absented himself from your Oratrix without any reasonable cause, & has ever since remained from her, & she further states, that from the time of her said marriage until the desertion of her said husband as aforesaid, she continued to live with her husband, all the time performing all the duties of an affectionate and obedient wife. She also states that while she & her said husband live together she had seven children by him; to wit, & that from the & that three of said children live with her, towit, Thomas Shelton, Priscilla Jane, & William Crowder. She has supported & maintained said children ever since she had them in possession by her own labor, & that her said Husband never contributed in any way to their support; and your Oratrix also states, that her said Husband, has treated her with extreme & repeated cruelty, for two years next preceding the last said separation as is herein after mentioned, the month of April A.D. 1841 & also that her said husband was addicted to habitual drunkenness for the period of two years next preceding the time last aforesaid; & from that time to the present & your oratrix also states, that since the period last aforesaid, towit on the day of Sept August A.D. 1841 She has removed to the County of Sangamon and State of Illinois, and your Oratrix also states, that during the month of April, A.D. 1841, she separated from her husband, who had repeatedly threatened to take her life, because she was afraid from his extreme & repeated cruelty of her, & from his violent threats, that he would take [her], & he has also repeatedly threatened to take her life since said separation & she is afraid if she were to live with him then.

In tender Consideration whereof, your Oratrix prays that the People's writ of Subpoena issue &c. and that the said defendant to be required to answer on his corporal oath, all & singular the allegations of this bill; & that on a final hearing of this cause, your Honor will decree that the bands of matrimony
heretofore and now existing between said defendant, & your Oratrix be forever dissolved; & that your oratrix be decreed to have the care & custody of her said Children; & that your honor will grant such other & further relief, as equity may require, & as in duty bo[u]nd &

[Signature: Logan & Lincoln for complainant]
[Signature: Baker & Bledsoe solicitors for]
[Signature: Complainant: her]
[Signature: Ailsey X Bancom mark]

Subscribed & Sworn to before me this 13th day of September AD. 1842

J Calhoun clerk
Document 5-B (transcription)

McCrea v. McCrea

Case Summary: Nancy McCrea retained Abraham Lincoln and William H. Herndon and sued Charles McCrea for divorce on the grounds of desertion. Charles McCrea had gone to California in April 1849, apparently to mine for gold. In the spring term of 1856, McCrea defaulted, and the court granted Nancy McCrea a divorce and custody of the two children. The court postponed the alimony hearing.

Bill for Divorce, Affidavit

To The Honorable David Davis Judge of the Sangamon County circuit court in chancery setting.

Humbly complaining your oratrix Nancy McCrea would show unto your Honor that she was intermarried with Charles McCrea on or about the day of April Eighteen hundred and forty six in the said County of Sangamon and State of Illinois, That your oratrix and her said husband lived together as husband and wife in said County for about the period of three years in a reasonably happy matrimonial state, and before the desertion of her said husband as hereinafter stated, your oratrix bore to him two children now living who have been supported by your oratrix since the absence and desertion of her said husband your oratrix further states that her said husband on or about the day of April Eighteen hundred and forty nine willfully and without reasonable or just cause wholly abandoned your oratrix and deserted her, and during the whole time of his said desertion your oratrix has supported herself without aid or assistance from her said husband.

In tender consideration whereof your oratrix prays that a subpoena in chancery may issue for said defendant, That said Charles McCrea be party defendant to this bill of complaint that he be required to answer the allegations herof, fully and particularly as though specially [interrogated] thereto and that your honor would render a decree dissolving the bands of matrimony between her and her said husband and that such other and further relief be granted your oratrix as her case may require.

W. H. Herndon
Sol[icitor]. for Comp[lainan]'.

Nancy McCrea
vs
In chancery for Divorce
Charles McCrea

Nancy McCrea the complainant in the above entitled cause being first duly sworn doth depose and say that the defendant therein named is not a resident of the State of Illinois, but of California so that process cannot be served on him.

Nancy McCrea

Subscribed and sworn to before me this 9. Jany 1855
Jas Matheny Clerk
Of the Supreme Court of the Circuit Court of Sangamon County, A.D. 1853.

Dr. Chas.

Your order to James Marshall, dated and received paper, and for the purpose of due process, I am, by this, to full effect of the same.

I have, therefore, the order of Judge Robinson to this effect. He has been informed that, since the return of W. H. Herndon, and after the return of the same to the above... that the year can never have been his communication, with W. H. Herndon, since his return from California, that the same order or for so long as the same order or for a cause allowing your order, the same

Your order, I now proceed to bring and according to the marriage contract with

W. H. Herndon, and for a cause allowing your order, the same.

This Court of the Supreme Court of

Your order, I have, therefore, the order of Judge Robinson to this effect. He has been informed that, since the return of W. H. Herndon, and after the return of the same to the above...

[Signature]

Document 5-C (transcription)

Waddell v. Waddell

Case Summary: Squire Waddell retained Abraham Lincoln and William H. Herndon and sued Rebecca Waddell for divorce on the grounds of adultery. Squire Waddell claimed that he left for California for two years and, after his return, discovered that his wife had committed adultery. Rebecca Waddell failed to appear, and the court ruled for Squire Waddell and gave him custody of the two children.

Bill for Divorce

Of the November Term of the Circuit Court of Sangamon County A D 1853.

In Chancery.

Your orator Squire Waddell would most respectfully show unto your Honor that on or about the first of April A D 1847 he was intermarried to one Rebecca Johnson, now Rebecca Waddell and which said marriage was in Sangamon County and State of Illinois. Your orator would further shew that he went a trip or Tour to California in 1851 and returned about the first of Sept 1853 and that said trip was with the consent of said Rebecca; that your orator left said Rebecca enough to support well herself and two children. Your orator would shew that since he has returned home he has been informed and so charges that said Rebecca has committed adultery or fornication with William Welles and others and verily believes the same to be true; that he your orator has never had communication with said Rebecca since his return from California; that the same charge of adultery or fornication has been told your orator by various person of undoubted truth and veracity.

Your orator would shew that he has had by said Rebecca Waddell two children one Jane Waddell about six years of age, and Francis Waddell aged about four years.

Wherefore your orator prays a divorce and dissolution of the marriage contract with said Rebecca and for a decree allowing your orator the said children

Prays for the said Rebecca Waddell be made defendant; that the People's writ of subpoena to issue and that said Rebecca be compelled to answer this bill and for such other relief as may or shall be meet or just in the premises and as in duty bound your orator will ever pray &c.

Squire Waddell by
Lincoln & Herndon Sols.
Document 5-D

I hereby authorize the Clerk of the County Commissary Court of Sangamon County to issue a license authorizing any legally qualified person to marry Edward McFay to my daughter, Nancy Ann Dally.

Oct 30. 1837

[Signature]

[Signature]

Document 5-D (transcription)

Express Authority

I hereby authorize the clerk of the County Commissioner's Court of Sangamon County to issue a license authorizing any legally qualified person to marry Edward H. Tyler to my daughter Hester Ann Dalby.

Oct. 30 1837

Attest

A. Lincoln

Crawford B Dalby
Glossary Of Terms

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

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.

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

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.

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

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.

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.

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

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

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.

writ: a written order from a court forbidding or requiring some action.
Canals and Railroads Open Illinois

Theme: Human Interaction with the Environment

Habit of Mind: Understand the Relationship between Geography and History as a Matrix of Time and Place, and as Context for Events

Focus: Illinois, with its rolling prairies and rich soil, had the potential to become an agricultural leader. The early French explorers recognized the need for a canal that would connect the Great Lakes to the Illinois and Mississippi Rivers, but it was not until early in the nineteenth century, after Illinois had become a state, that entrepreneurs actively promoted a transportation system for Illinois. The state government responded in 1837 with the Internal Improvement Act, which appropriated $10,000,000 for a network of roads, canals, and railroads. The Illinois and Michigan (I&M) Canal was the first important link in the state’s inland waterway system, connecting the Chicago region to LaSalle and the Illinois River by the late 1840s. The I&M Canal soon faced intense competition from railroads, which were more expensive for shipping freight, but much faster. By 1850, about 110 miles of railroad track were in place in Illinois, largely in the northern region of the state. The boom in railroad construction began in earnest when the state government granted public lands to the Illinois Central Railroad to use or to sell to raise capital for the construction of a railroad from Galena to Cairo with a branch extending to Chicago. The construction was completed in five years. By the time of the Civil War, 2,867 miles of track crisscrossed the state.

As the canals and railroads expanded, however, residents filed lawsuits stemming from allegations of damage to the environment and broken promises regarding safety. The railroads retained several lawyers, including Abraham Lincoln, to represent their interests. The prairie lawyer was also engaged in legal issues surrounding the Illinois and Michigan Canal Company. In this lesson students will analyze documents to evaluate the impact of new modes of transportation in Illinois, which simultaneously increased prosperity and caused environmental problems affecting the lives of individual citizens.

Note: The legal document, “Report of the Commissioners,” includes geographic terms related to specific places and to relative locations that may challenge less experienced students. Teachers may wish to edit this document to help students successfully complete the activities in part 2 of section C, “You be the Judge.”

Objectives: The students will be able to:

1. Analyze a poem.
2. Analyze a historical legal document.
3. Compare and contrast the impact of two forms of transportation on the environment.

Illinois Learning Standards

16.E.5a Analyze positive and negative aspects of human effects on the environment in the United States including damming rivers, fencing prairies and building cities.
15.A.5b Analyze the impact of economic growth.

17.D. Understand the historical significance of geography.

Procedures

1. Discovery

A. A Prominent Poet Praises Progress: "I like to see it lap the miles," by Emily Dickinson (1830-1886). Students read the poem and analyze each stanza. The comparison of the train to a horse can be used to frame the discussion of technological progress.

B. Illinois Requires A Better Transportation Network. Create a classroom chart, "A Better Transportation Network for Illinois, 1820-1850." The chart will identify the need for a network of canals and railroads, problems to overcome in finance and construction, and predict the environmental impact of a canal and railroad system in Illinois during this period. (See attached model).

1) The chart might include in its "Need" section the movement of goods and people within the state and spread of information between places.

2) The "Problems to Overcome" section might include capital formation, management and labor issues, and property rights issues.

3) The "Predictions" section might include the potential for increased pollution and damage to the physical features of the land and waterways.

4) Teaching Opportunity: Refer to the series of maps and charts contained in the following lessons in the Lincoln Legal Papers Curriculum: Moving People through the Prairie State, 1820-1860 and Illinois Agriculture and the Marketplace, 1830-1860. These maps and charts should stimulate student thinking as they complete the chart. In addition, call attention to the population figures below that might affect the court’s decisions in litigation over expanded transportation in Illinois:

a) Peru, Illinois in 1842 was nearly wiped out by a cholera epidemic that left less than 200 people alive. In 1850, however, the population stood at approximately 3,000 people.

b) LaSalle County had 9,340 people in 1840; 17,815 in 1850; and 48,332 in 1860.

c) Meanwhile, Chicago’s population exploded. In 1820, there were about 200 people in the area. In 1840, the figure stood at 4,479. In 1845, there were 12,088 people and in 1850, there were 29,968 people in Chicago. In 1855, the population stood at 80,023; and in 1860, some 109,263 people lived in the burgeoning “Metropolis of the Mid-Continent.”

C. Ask students to look at the map of the route of the Illinois and Michigan Canal. Which towns and cities are located along the route of the canal? Note: The I&M Canal route has been designated as a National Historic Corridor by the United States Department of the Interior. Ask students why this designation is significant.
2. **Going to Court.** Lincoln Legal Documents Describe the Conflict between Modernization and the Local Environment.

A. Review case summary. Distribute copies of Document 6-A: Declaration from *Allen v. Illinois Central Railroad* and the student guide, *Analyzing a Lincoln Legal Document*. In *Allen v. Illinois Central Railroad* (1855), the railroad retained Abraham Lincoln. As the railroad’s attorney he argued that the railroad had an agreement with Allen for a right of way through his land. Yet after completing two months of work, Allen refused to allow the Illinois Central to proceed further on the construction of the road. The railroad disregarded his requests and continued with their work. The jury found the railroad guilty and awarded Allen $762.50 in damages.

B. Distribute excerpts from Document 6-B: Report of Commissioners (1853). The Commissioners were appointed to take evidence for the state government relative to certain claims laid against the Illinois and Michigan Canal. Several individuals alleged that the Canal Company’s modification to Fox River, which was a feeder waterway for the canal, caused environmental damage and created financial hardships for local landowners. Abraham Lincoln served as one of the Commissioners.

3. **You be the Judge.** Use *Analyzing a Lincoln Legal Document* to review the information provided in Document 6-A: Declaration. Review the testimony in Document 6-B: Report of Commissioners.

A. Questions the judge might ask: Mr. Allen filed several cases against the railroad during the 1850s. Does this fact make his claims of broken promises and broken oral contracts less meaningful?

1) Why did the railroad think it had the right to take soil from Mr. Allen’s property without his permission? How might Mr. Lincoln have answered this question?

2) Allen claims that the damage to his property caused him to lose the benefit and enjoyment of the land, and that the actions of the railroad caused a great deal of damage as well. Why was the enjoyment of his property so important to him?

3) The railroad obviously had a need to take a great volume of soil from Allen’s property, probably to construct the roadbed or for some other construction or engineering purpose. What would have happened to the railroad’s plans to build its network of tracks in Illinois if Mr. Allen, and other citizens like him, completely refused to cooperate with the railroad?

4) Ordinary individuals are not different from powerful corporations when it comes to enforcing the Rule of Law. Mr. Allen asked for $5,000 but was awarded $762.50. Nevertheless, how does this case bear out that fundamental concept, which lies at the heart of the spirit of the law in the United States?

B. Questions the judge might ask. Read the testimony that the citizens of LaSalle presented to the Commissioners in support of their neighbor, Mr. R. D. Lyman.

1) Why do references to maps seem to play such an important part in the testimony?

2) Lyman and his witnesses testified about the value of his property: it has in fact increased, but he claimed it could be worth more if only he were able to exploit the coal resources under the waters of the feeder waterway. Do you think the
Canal Company should pay Lyman some money for his alleged loss of potential revenue? No one knew the full extent of the coal resources in this area until the feeder was constructed. In other words, why should the Canal Company have to pay damages for what Lyman did not know he had until his land was disturbed?

3) Should the company pay him money for damages to his flooded property, which he claimed was now worthless?

4) Were Lyman’s claims about the high value of the coal be a way for him to demand a higher amount in damages to his farmland on account of the flooding?

5) How would your court rule? Was Lyman simply a victim of progress with no redress for his grievance? The Canal Company pointed out that the town of Ottawa had profited from the canal, and that all the property in its hinterland had also increased in value, including Lyman’s. At what point does the economic benefit of the larger community take precedence over the loss of gain of one individual?

4. Conclusion and Assessment. Write to Learn. Return to the chart created at the beginning of the lesson. Ask students to make a judgment in a persuasive essay whether the long-term benefits of the canals and railroads outweighed the environmental and quality of life problems associated with the building of the railroads and waterways. See the rubric for assessing students’ performance in knowledge, reasoning, and communication.

Additional Activities

Illinois History Day Project. Using a railroad map, topographical maps of Illinois, printed documents and images, students should conduct research into the number and types of natural areas (for example, wetlands, rivers, farmland, hills, and forests) which were disturbed during the building of the canals and railroads in their region of the state.

Conduct a Classroom Debate. The resolution to be debated might be: “The need for increased industrial development in the local community is more important than the preservation of the natural environment and the property rights of individual citizens who are dislocated by expansion.”

The Poet, Mr. Allen, and the Illinois Central Railroad. Ask students to write an expository essay responding to these questions. How would Mr. Allen and the officials of the Illinois Central Railroad react to the poem by Emily Dickinson? What do you think they would have said to the poet?
Sources and Materials

Emily Dickinson, *I like to see it lap the miles* (1891)
*A Better Transportation Network for Illinois, 1820-1850*

Analyzing a Lincoln Legal Document
Document 6-B: *Report of Commissioners*, excerpt from *Canal Claims* (1853)

Maps
  6.1: Location & Course of the Illinois & Michigan Canal
  6.2: Fall River and southern part of Rutland townships (1870)
  6.3: Ottawa township (1876)

Glossary of Terms
I like to see it lap the miles
(1891)

Emily Dickinson

I like to see it lap the miles,
And lick the valleys up,
And stop to feed itself at tanks;
And then, prodigious, step

Around a pile of mountains,
And, supercilious, peer
In shanties by the side of roads;
And then a quarry pare

To fit its sides, and crawl between,
Complaining all the while
In horrid, hooting stanza;
Then chase itself down hill

And neigh like Boanerges;
Then, punctual as a star,
Stop - docile and omnipotent -
At its own stable door.

### A Better Transportation Network for Illinois, 1820-1850

<table>
<thead>
<tr>
<th>Canals</th>
<th>Railroads</th>
</tr>
</thead>
</table>

#### Need

#### Problems to Overcome

- Finance
- Construction

#### Predictions
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? ______________________________

______________________________________________

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?
The Lincoln Legal Papers Curriculum
Canals and Railroads Open Illinois

Document 6-A (page 1 of 6)


The Illinois Central Railroad Company (a corporation created under and by virtue of the laws of the State of Illinois) McKenney, Ellis M., Andrew Purcell, John B. Clark, William Thomson, Defendants in the suit wherein attached.

To answer William Allen, the Plaintiff in the suit, of a bill of complaint and

answer, the said Plaintiff by E. R. Ryan, his attorney, complains.

That on the first day of May, in the year of our Lord one thousand eight hundred and fifty three and on the day following the same day and the day of the commencement of this suit, with force and arms broke and entered the Plaintiff's close court at the county of Macon and state of Illinois and committed during the said

night without of the north west point of section one hundred and twenty acres in township number one north of range two east of the third principal meridian, and then and there with Andrew F. Murphy, plasterer and other iron instruments.
DISTINCTLY and bound the tract
the line abutting on the west on a certain
Close of the possession of the Illinois
Central Railroad Company on the west on
a certain Close in the possession of
Wilson Allen. The the said Close abutting
on the east on a certain Close called the
Illinois Central Railroad - on the west
on a certain Close in the possession of
Wilson Allen on the North on a certain
Close in the possession of John Dyer on
the south on a certain Close in the
possession of Wilson Allen and then add
them with streets frontage and
plows some
feet to other iron instruments - day of
April 25th and submitted the earth into
the socket for the
socketting over of all the east and west of
the said Close of the said plantation and
then made and sunk
divisions times pits shafted holes
twenty four times four pits from the
end and ten holes in each from each of said
Close of said depth breadth length
and the front east of the depth of said

BEST COPY AVAILABLE
it-cc-, ce-e-f-/-- of.

4.0
reL-
7-P
ce-v
cc-9

BEST COPY AVAILABLE
The Lincoln Legal Papers Currkulum
Canals and Railroads Open Illinois

Document 6-A (page 5 of 6)

...
and then go to there with them to pick up plans, saws, and other iron instruments and lay up 100 feet at the nearest of the north and south and then to mention were the said close of the said plaintiffs, and there to true mark and strike down mines into shafts a hole to cut from mines from feet from the shaft and ten holes in and where the said Close of great depth is described, the to wit, cause of the length of feet of the breadth of forty rods and of the length of fifty rods in one of the said Close of the said plaintiff's from and one of the said mines from the shaft a hole.

So long as the defendant, its heirs, or assigns shall, in the name of the said plaintiff or his order, take more than is charged, to the amount of thirty thousand dollars, the said plaintiff and the defendant shall be responsible for the payment of the sum of thirty thousand dollars, or the amount of thirty thousand dollars, or the amount of thirty thousand dollars.

David B. McKinley
attty. for plaintiff
Case Summary: Wilson Allen claimed that the Illinois Central Railroad excavated fifty thousand cubic feet of earth and soil from his property for their own use in building the railroad and left unfilled mines and pits. Allen sued the railroad in a Common Law action and requested $5,000 in damages. The railroad retained Abraham Lincoln and Clifton H. Moore and pleaded not guilty. The jury found the railroad guilty and awarded $762.50 in damages. Lincoln received $150 for his legal services in this case and fourteen other cases for the Illinois Central Railroad.

Declaration

State of Illinois
Of the May term A.D. 1854 of the DeWitt County Circuit
County of DeWitt
Court

The Illinois Central Rail Road Company (a corporation created under and by virtue of the laws of the state of Illinois) William L. Perce Samuel Keith Silas Clark & Willard P Naramore Defendants in this suit [were] attached to answer Wilson Allen the Plaintiff in this suit of a plea of trespass and thereupon the said Plaintiff by J. B. McKinly his attorney complains

For that the said Defendant on the first day of May in the year of our Lord one thousand eight hundred and fifty three and on divers ^other^ days & times between that day and the day of the commencement of this suit with force and arms broke and entered the Plaintiff's close towit at the County of DeWitt and State of Illinois and bounded being the South West quarter of the North west quarter of section N° fourteen in Township N° Nineteen North of Range two east of the 3d Principal Meridian and there and then with Shovels Pickaxes plows scrapers and other iron instruments dug up turned and subverted the earth & soil towit twenty acres of earth and soil of the said close of the said plaintiff and then and there dug made and sunk divers mines pits shafts and holes of great depth and breadth towit of the depth of twelve feet and the breadth of fifty rods and of the length of one hundred rods in the said close of the said Plaintiff there and from and out of the said holes and pits so dug as aforesaid got out and took divers large quantities of earth & soil of great value towit of [------] ^five^ thousand dollars and the same so [raised] dug and got from and out of the said pits & holes they the said defendants then & there seized took and carried away and converted to their use towit of the county of state aforesaid

And for that the said defendants on the day and year first aforesaid and on divers [other] days and times between that day and the ^day^ of the commencement of this suit with force and arms broke and entered the ^[two] certain^ closes of the said plaintiff towit at the County of DeWitt aforesaid and bounded towit the one abutting on the east on a certain close in the possession of the Illinois Central Railroad Company - on the west on a certain close called the Illinois Central Railroad - on the north on a certain close in the Possession of John S. Barger - on the South [on] a certain close in the Possession of Wilson Allen the other said close abutting on the East on a certain close called the Illinois Central Railroad - on the west on a certain close in the possession of Wilson Allen on the north on a certain close in the Possession of John S. Barger on the south on a certain close in the Possession of Wilson Allen and then and there with shovels pick-axes plows scrapers & other iron instruments dug
up turned and subverted the earth & soil to wit twenty ^ten^ acres ^on the one certain c[ ]lose aforesaid & ten acres on the other close aforesaid^ of earth and soil of of the said close of of the said Plaintiff and others and there made and sunk divers to wit mines pits shafts & holes to wit four mines four pits four shafts and ten holes in and upon each of said closes of great depth breadth length width to wit each of the depth of twelve feet and of the breadth of fifty rods and of the length of fifty rods in each of the said closes of the said plaintiff [then] ^[and]^ [from] and out of the said mines pits shafts & holes so dug made and sunk as aforesaid ^raised^ got & took divers large quantities of earth & soil of great value to wit of the value of $5000/100 and the same so raised dug got from and out of the said mines pits shafts and holes they the said defendants then & there seized took and carried away and converted to their the defendants own use to wit on the said several days & times aforesaid at the state & county aforesaid &c

And also for that the said defendants on the same day and year first aforesaid with force and arms &c to wit at the county & state aforesaid seized took & carried away certain goods chattels & effects to wit fifty thousand cubic yards of earth and said there & then found and being of great value to wit of the value of $ of lawful money of the united states there then found and and being and converted and disposed of the same to their own use and other wrongs to the said Plaintiff then and there did to the great damage of the said Plaintiff and against the peace & dignity of the People of the State of Illinois whereof the said Plaintiff with that he is injured and hath sustained damages to the amount of $5000/100— and therefore he brings suit &c

Swett & McKinly
Plff's atty

And for that the said defendant on the day and year first aforesaid and on divers other days and times between that day and the day of the commencement of this suit with force arms broke and entered the close of the said plaintiff to wit at the County DeWitt aforesaid and bounded to wit The South West quarter of the North west quarter of section numbered fourteen and fifteen acres off of the east side of the south east quarter of the north east quarter of section number fifteen and three acres off of the north end of the north west quarter of the south west quarter of section fourteen all in township number nineteen north in Range number two east and known as the Wilson Allen lower mill property and in the aforesaid county and state and then and there with shovels pick axes plows scrapers and other iron instruments dug up turned and subverted the [ea]rth and soil to wit ten acres of earth and soil of the said close of the said Plaintiff and then & there made and sunk divers mines pits shafts & holes to wit four mines four pits four shafts and ten holes in and upon the said close of great depth breadth length to wit each of the depth of ten feet of the breadth of forty rods and of the length of fifty rods in and upon said close of the said Plaintiff there and from and out of the said mines pits shafts & holes so dug made & sunk as aforesaid raised got & took [divers] large quantities of earth and soil of great value to wit of the value of 5000$ and the same so raised dug got from and out of the said mines pits shafts & holes they the said defendants then & there seized took & carried away and converted to their the defendants own use to wit at the County of Dewitt aforesaid and [..] the days & dates aforesaid and other wrongs to the said plaintiffs then & there did to the great Damage of the plaintiff and against the peace & dignity of the people of the state &c whereof the said Plaintiff saith he is damaged to the amount of 5000$ & therefore brings suit &c

attys for Plff

BEST COPY AVAILABLE
Document 6-B (page 1 of 12)

TRANSMITTING THE REPORT OF THE COMMISSIONERS APPOINTED TO INVESTIGATE CANAL CLAIMS; ALSO, THE ATTORNEYS' REPORTS ON SAME.

EXECUTIVE DEPARTMENT,
Springfield, Jan. 8, 1853.

To the House of Representatives:

I herewith transmit to the house of representatives the report of the commissioners, appointed by act of the general assembly, 1852, to investigate and report upon canal claims; also the attorneys' reports on the same.

AUG. C. FRENCH.


BEST COPY AVAILABLE
To His Excellency,

The Governor of the State of Illinois:

We, the undersigned, two of the commissioners appointed by the act of the general assembly of the state of Illinois, entitled “An act to constitute a commission to take evidence in relation to certain claims,” approved June 22, 1852, report that the Hon. Hugh T. Dickey, the other commissioner named in said act, having declined to act, we caused a notice to be published in more than one newspaper in Chicago, in one at Joliet, and in one at Ottawa, more than thirty days before the 3d day of December, 1852, that on said third day of December, we would meet at Ottawa, for the purpose of taking evidence according to said act, an exact copy of which publication is as follows, to wit:

Notice to claimants against the state, on account of the Illinois and Michigan canal. All claimants within the provisions of an act of the general assembly of the state of Illinois, entitled “An act to constitute a commission to take evidence in relation to certain claims,” approved June 22, 1852, are hereby notified that the undersigned, two of the commissioners named in said act, will meet on the third day of December next at Ottawa, on the line of said canal, for the purpose of taking evidence according to said act.

November 2, 1852.

That, accordingly, we did, on said third day of December, 1852, at Ottawa, take the oaths prescribed in said act, which was administered to us by the Hon. Edwin S. Leland, judge of the ninth judicial circuit of the state of Illinois, and did proceed at once to the taking of said evidence.

On motion of counsel for claimants, and against the objection of Mr. Edwards, counsel for the state, it was ordered by the board that the original papers filed at the seat of government, and then in the control of the board, should be subject to the inspection of the counsel for the claimants as well as the counsel for the state, but that said papers were not to be taken from the room where the board might be sitting, nor to be inspected by witnesses.

Mr. Edwards, counsel for the state, gave notice to claimants for damages to real estate, that titles papers must be produced.

[See Plat A.]

REPORT OF COMMISSIONERS.

Joseph H. Wagner, being duly sworn, says he is acquainted with sec. 12, T. 33 N., R. 4 E., that the plat marked “R. D. Lyman, No. 1,” fairly represents said section, that witness is county surveyor, and made the plat from filed survey and the original field notes of the United States survey. Notes at the bottom of the plat are correct, there are coal beds between the river and the feeder on the northwestern subdivision of the section, east of those beds from S. W. to N. E. about forty rods, and from the river to and under the feeder; so much of the coal as lies under the feeder, and also to such an extent near adjacent to the feeder, cannot be worked without injury to the feeder, and the breakage of the feeder is some detriment to the working of the remainder; the state of coal is about two feet thick; all the subdivisions of said section which are marked “Lyman” are enclosed and the greater part cultivated as farm lands; Lyman’s residence is on said land at the point where the word “house” is written on the plat. To travel from Lyman’s residence to the coal bed he must go six miles and one half further than he would if the feeder were not there, unless he should ford the feeder which is impracticable, and the same distance to reach that part of his farm lying south of the feeder, the residence of Lyman’s net, and a quarter from Ottawa, and the rail land one and three quarters. From S to 12, north of where the east and west line passing through the middle of said section crosses said feeder, there is a waste water or place for surplus water to escape. The water runs a distance of about twelve rods over another coal bed into the river. The last mentioned coal bed has a stratum of about two feet, it is opened about four rods one way and thirty or forty feet the other. Doubtless extends farther, but how far is not known. So far, witness thinks, the waste water stored but facilitated the raising of coal from the bed, but thinks it will ultimately be an injury to it. Witness Lyman’s farm at, at this time, worth from twenty to twenty-five dollars per acre.

Cross-examination.—In the winter of 1842-3 thinks the land was worth eight dollars per acre. The town of Ottawa was laid out on state canal land, part on a donation by the state to the county, and part as a state’s addition to the town; the proximity of Lyman’s land to Ottawa has something to do with its enhanced value. The construction of the canal has enhanced the value of all lands on the line, and Lyman’s with the rest, and witness thinks if Lyman’s land had been his, would have preferred having the canal, without compensation, to not having it at all.

He recommends—Lyman’s land derives no particular advantage from the canal, but only the common advantage with other lands on the line. Witness thinks the lands lying along the Illinois river are as much benefitted by the canal as those immediately on the line. The feeder, witness thinks, indispensably necessary to the canal, but that it might have been constructed at less expense, just as beneficial for the canal and less injurious to Lyman’s land.
George H. Norris, by Mr. Edwards, for the state, says he has and is prosecuting a claim against the state, for damage done by the canal on one track and by a feeder on another.

**Lyman's location:** Lyman's land is not cut by the main canal, it is a half mile distant, and Fox river is between at the nearest point.

Witness thinks Lyman's farm is now worth twenty-five dollars per acre; Lyman has acquired and patented said farm for near fifty years. Witness knew Downey Hulmose, who testified for Lyman on his original application, and knows that he is now dead, and with good opportunity for knowing, he does not believe he had any interest in this or any similar claim. Witness thinks that Lyman's coal beds, taken separately from the other land, is worth five dollars per acre. It is a half mile distant, and Fox river is between at the nearest point. Witness thinks Lyman's farm is now worth twenty-five dollars per acre; Lyman has acquired and patented said farm for near fifty years.

**Cross-examination:** The feeder mentioned was constructed in 1833, 1838 and 1849. Does not know whether Lyman made any objection to the construction of feeder. Witness knew there was coal on Lyman's land before feeder was located; 1833 was when coal was dug there in the fall of 1834. Boats can pass on the feeder now and take coal from the bank. Thinks Lyman's whole farm now worth from twenty to twenty-five dollars per acre. Known of contiguous coal lands being appraised at one hundred dollars per acre; thinks this coal land mentioned, worth more than Lyman's by ten dollars per acre. Has no interest in this or any similar question.

**Re-examination:** Witness thinks the appraisement of the canal lands as above stated was very much above the true value; thinks thirty dollars per acre about the true value. Witness thinks that coal lands were more valuable than Lyman's, because it is not cut by the feeder, the quality of the land is very similar, the coal lands are also nearer the town of Ottawa. Before the construction of the feeder Lyman's land was all dry and fit for cultivation; about nine acres of that part of the land marked on the plat as "Lyman and Cushman," is flooded by the feeder, this being the same mentioned in the direct examination. On reflection, witness does not remember to have ever seen a common canal boat on said feeder, and it is sure the feeder is navigable for such boats.

**Re-examination:** Witness thinks the lands marked "Lyman's" on the plat, is not so much damaged by the feeder as that marked "Lyman and Cushman." Thinks this land was worth about twenty dollars per acre as early as 1820.

**Re-examination:** Thinks that while the feeder injures Lyman's land, as before stated, it does not benefit it in any particular. Thinks the canal is of benefit to the state generally, and also supposes it may be of some greater benefit to the lands now contiguous to it.

**Restrict W. fr. S. E. 3 sec. 6, 3d, 4. Allen H. Hoeyland and Henry Green, W. fr. X. E. 4 6, 3d.
   4. Filed October 21, 1835. A. 000 Henry Green, etx. Henry L. Brush, deed, und. 4 came.
   March 3, 1835. C. 118 United States patent, Henry Green, W. fr. S. E. 3 sec. 6, 3d.
   March 24, 1840. 4. 5.109
   Henry Green, etx. deed, W. H. W. Cushman, und. 4 W. fr. S. E. 3 sec. 3d.
   March 17, 1841. 7.116
   Henry L. Brush, etx. deed, H. D. Lyman, und. 4 W. fr. as above.
   May 15, 1841. 7.300
   Henry Green, etx. deed, W. H. W. Cushman, und. 4 W. fr. as above.
   March 26, 1842. 8.93
   March 23, 1842. 9.07

Note: Witness objected to all the goods, in the case of H. N. Lyman, in relation to coal and coal lands, as being an increase of a claim.
The Fox river feeder of the Illinois and Michigan Canal enters said tract on the north line of said tract, and following the principal meridian.

The lands up the feeder, and crossing the feeder from one portion of the land to the other, is worth twenty-five dollars per acre.

Cross-Examination.—In answer to the question, what is it now worth as market value, he says, from fifteen to twenty dollars per acre.

P. LINDLEY, Clerk and ex officio Recorder.

The construction of the feeder injures the land for farming purposes, and makes it a great deal more difficult to get the coal to market. Affiant agrees in his opinion in relation to these last matters with the statements of J. H. Wagner, this day made in this case.

Cross-Examination.—This land is immediately above and corners with section six. From 1838 to 1840 the land was worth from ten to fifteen dollars per acre. This land is not so valuable as that on Mr. Lyman's. This land is, from 1848 till now, worth from fifteen to twenty dollars per acre. The general value of the lands for four or five miles up the feeder, and up the canal, is from fifteen to twenty-five dollars per acre.

Re-examination.—The piece of land adjoining Norris, on the west, was in 1839 worth twelve dollars per acre, and in witness' estimation it is now worth more per acre than Norris'. In estimating Norris' land at from ten to twelve dollars per acre from 1838 to 1840 witnesses did not intend to estimate the coal upon it at that time. Witnesses knew there was some coal there, but did not know the extent of it. Witnesses now regard the coal as of more value than the land would be independent of it.

Re-examination.—In answer to the question, what was the market value of Norris' land from 1838 to 1840, witnesses say, that land had been put up for sale and should not have given more than ten dollars per acre. In answer to the question, what is it now worth as market value, he says, from fifteen to twenty dollars per acre.

J. H. Wagner, being duly sworn, deposes and says, that he is acquainted with the situation of the W. fraction of S. W. 4. That the feeder of the Illinois and Michigan Canal runs through said tract from the north to the south end, rendering it almost valueless for farming purposes; that there is a belt of coal to the extent of several acres on said land, part of which is covered by said feeder and its banks, that the coal land is materially injured in value by the leakage from the feeder rendering it more difficult and expensive excavating the coal; the only way to haul coal from that portion of the land lying east of the feeder is by hauling it either on the bank of the feeder, or across Fox river, which in the winter season is difficult and sometimes dangerous; there is no bridge by which a team can cross from one portion of the land to the other, without traveling at least two and a half miles. Aside from the advantages done the land for farming purposes, in my opinion the value of the land lessens by the construction of the feeder, one thousand dollars.

Cross-Examination.—This land was worth in 1842, from eight to ten dollars per acre, and was not in the country before 1842. The lands up the feeder its whole length, four miles, excepting sections one and two, which are now worth from twenty-five to thirty dollars per acre were in 1838 supposed they were worth from six to ten dollars per acre, though was not so well acquainted then; sections one and two are now valuable; section one is canal land and section two is not. Witness is county surveyor.

Re-examination.—If the feeder was not there the coal bed would be worth a cent and a half per square foot as it is; that which is excavable is not worth more than half as much, to say nothing of that which is covered by the feeder and banks. That part of the land
Canals and Railroads Open Illinois

said that the tract is mostly in such a situation in reference to the

as to render the same entirely valueless for farming purposes, and

in the bed; between three and four acres on the west half of said

inches thick, so far as opened, and is worth at least one cent per bushel

to Fox river; the strata of coal on that land is from eighteen to twenty

itself nearly the whole width of the feeder and on both sides of the

nortnheast quarter, said canal is one hundred feet wide, except about

teen years.

with sec. 12, town. 33 north, range 3 west, and has known it for nine-

prietors from removing said earth.

by the spoils banks is worthless, rendered so by the occupation of this

each side of the canal ninety feet in width; that the ground near the

flat boats drawing ten inches water, in transporting flour and bran from the

dayton mills.

boats drawing ten inches water, in transporting flour and bran from the

inure than the rate of the land.

of a bridge to reach the land between the feeder and river, would be

no convenient even with a bridge, the land between the feeder and

consequence of the feeder, but would still be good meadow land if it

worth only fifty dollars per acre; said ten acres lies in the south-west

lier acre, the north forty acres, two hundred and fifty dollars per ricre.

William Powers, assistant engineer, and is acquainted with the land, and

assistant engineer, and is acquainted with the land, and it has been for

Henry Green, being first duly sworn, saith that he is the

of the title to all the tract in this claim.

Note.—The first clause, as to the first tract, applies equally to the claim of Mr. Reddick.
Springfield, December, 1862.

R. E. Goodell states on oath, that he has resided in the town of Ottawa eighteen years last past, during which time the Fox river feeder of the Illinois and Michigan canal was constructed; that since the construction of said feeder he has been well acquainted with the value of real estate in the state's additions to Ottawa and the adjoining lands; that in his opinion the state's additions to said town have increased so much in value, since the construction of said feeder, as any part of section number two, adjoining the same. The town of Ottawa is situated on section eleven, and most of the part I refer to, to wit, the state's additions to Ottawa, is nearer the court house than any part of section two. The increased value of section eleven has been caused, in my opinion, by the nearer location it has to the business part of the town, and the completion of the canal. I think that the valuation of section two in a body has been increased by the completion of the canal. At the time the canal was completed, I think I would rather have the land in section two with the canal than without it. The land which is used on the W. I. E. R. R. for the feeder, I consider worth at least six hundred dollars per acre. The land overflowed by the feeder and the canal I think in a body valuable. The injury done by the overflowing the eighty acres with the feeder I consider not less than eight thousand dollars. By the construction of the canal without the feeder, unless the state built a culvert so as to let the water pass off, there would have been nearly the same amount of land overflowed; this would have been in consequence of the construction of the canal. The plat herewith marked "Plat of land near Ottawa," is a correct map.

The following plat, proved to be correct, was introduced by counsel for the state, and filed for reference in all cases to which it applies:

[Xerox Plat R.]

The trustees of the United States Bank, whose claim had been presented to the legislature, offered the exhibit herewith, marked "U. S. Bank, No. 1," which, together with explanatory patrol testimony, was received, as follows, on the condition stated: Samuel S. Taylor, produced by the attorney of the United States Bank, and sworn. The witness, stipulating to hand the account herewith filed, marked "U. S. Bank, No. 1," offered to give explanatory evidence, when Mr. Edwards objected to the tiling of the paper; and, as it was proved ex parte, without opportunity of cross-examination, and even absolutely necessary, for the saving of time; to take a larger portion of the testimony under the head of 'general evidence.' Interpreted with this are occasional explanatory notes. The general evidence is as follows, to wit:

General evidence taken at Ottawa, Chicago, and Springfield before Hon. N. Johnston and Hon. A. Lincoln, December, 1862.

William M. Tracy, on behalf of the state, sworn, says—During the time the contractors were to work on the canal, he received canal scrip at par, as a merchant at Ottawa. Witness does not know that he received scrip of contractors at par; thinks merchants generally received it at par.

Cross-examination.—Witness thinks he did not receive and pay out scrip as low as twenty-five cents on the dollar; thinks it was at one time received as low as twenty cents; there was a time when it rated fifteen and twenty cents on the dollar, and business men generally refuse to deal in it at that time. Do not recollect whether the work on the canal was in progress or not. Cannot recollect that at any time after July, 1862, scrip was received by merchants at par. There was a time while the canal was in progress, that scrip was received by the merchants as low as seventy-five cents on the dollar—no positive recollection of taking it lower than that.

Interrogation.—Cannot state that at any time from 1842 to 1843, it was received at par.

Continuation of general evidence taken at Chicago.

Alexander Brand, on behalf of plaintiffs, sworn, says—that he has been engaged in the exchange business since 1839, in the city of Chicago. His deal in canal indebtedness. The first was the old 1840 interest scrip. Second class was certificates given for large balances due the contractors. Third class was what is now called indebtedness, and printed on the back of an engraved plate. March 4, 1840. Exchange between here and New York on State Bank of Illinois, was 10 and 144 per cent.

April 5, 1840. Some merchants in this city took scrip at par; George Smith, dealer in exchange and bankers, bought it at 60 and 68 cents.

April 16, 1840. Scrip was taken by many merchants at par, for most goods. The merchants contrived generally to increase the price of their goods. Some goods they would not sell for scrip; at par. Some had attempted to scale down scrip to 75 and 80 cents, selling goods at their cash price; but that was not liked by purchasers. [Note.—The testimony of this witness, so far as it may tend to lay the basis of a new claim, or to increase the original claim, is objected to, and is not received, as far as it may tend to explain the original claim.
was bought at 68 and 75 cents on the dollar, in Illinois money. When
bought or sold for specie the price was different.
May 9, 1840. Scrip was getting more languid, at 70 cents. Many
merchants were selling goods for it at par, adding something, I pre-
bought or sold for specie the price was different.
June 1, 1840. On this date, witness bought eleven hundred dol-
lars at 731 cents.
June 13, 1840. Scrip, at this date, from 70 to 72 cents.
June 28, 1840. Offered for a quantity of scrip 65 cents, but the
nominal price was 65 cents.
July 5, 1840. Sold 31,000 for 70 cents, but purchasing at 65 cents.
The above sale was on account of a St. Louis broker.
Aug. 21, 1840. Sixty-five cents was no more than was given at
this date. It had fallen suddenly, and was suspected that workmen
would not take it any longer at par from the contractors. Exchange
at this date on New York, 8 per cent.
Aug. 27, 1840. Witness bought at 60 cents; other brokers ref-
fused to give more than 69 cents.
Sept. 3, 1840. Canal scrip is quoted at 621 cents.
Sept. 25, 1840. Canal scrip is quoted at 65 cents, and exchange
on New York 7 per cent.
Nov. 6, 1840. Exchanged on New York 7 per cent, scrip 70 to
78 cents.
May 13, 1841. Scrip, at this date, from 70 to 72 cents, and inden-
tedness from 18 to 25 cents, for currency.
June 28, 1840. Sold $1,052 for 70 cents, but purchasing at 65 cents.
June 28, 1840. June 13, 1840. June 1, 1840.
May 13, 1840. May 6, 1840. May 18, 1840. May 29, 1840.
Dec. 17, 1840. Exchange on New York 3 per cent. This reduc-
tion of exchange was in consequence of the bank having bought part
of the contractors' loan.
Dec. 1, 1840. Scrip was not selling for less than 70 cents upon
and after the receipt of the governor's message.
Dec. 11, 1840. The "Branch Bank" at Chicago resumed specie
payment on its own notes.
Dec. 17, 1840. Exchange on New York 3 per cent. Scrip,
nominal, at 70 cents. The reduction of exchange spoken of was
an important measure to the bank in facilitating the resumption of spe-
cie payments, in the opinion of the witness.
Dec. 29, 1840. Scrip quoted at 60 to 68, dull, for State Bank
bills. Exchange on New York 3 per cent premium.
Dec. 13, 1841. Scrip dull—no fixed quotations—say 65 to 68.
Feb. 15, 1841. Bank fare ceased to draw to-day.
Feb. 15, 1841. Exchange on New York from 8 to 104 in State
Bank paper. Specie was worth from 9 to 11 discount on State Bank
paper. The value of specie had changed, owing to the greater or
less demand for land sales. At this time, witness' impression is that
the bank had again extended specie payment.
Nov. 15, 1841. Exchange on New York 10 per cent. About
this date scrip sold for 681 cents.
canal indebtedness as security for borrowed money, and he afterwards
lend to sell it to reimburse himself. The amount of indebtedness was
twenty-five hundred dollars. It was sold in June, July, and August,
1842, for about 20 cents on the dollar. The indebtedness belonged to
Mr. Stricker. Witness bought of E. W. Herrick, one of the con-
tractors, in the months of November and December, 1845, nearly
9,000 of scrip and indebtedness, at from 32 to 33 cents on the
dollar. May have bought from other contractors, but does not recol-
lect the particulars of any purchase.

June 20, 1844. Witness bought in New York city $500 of scrip
on the face, for $320; and bought, in Chicago, in the same month, in-
debtedness, for 32 cents. During July, August and September, that
was about the rate it sold for here.

Oct. 3, 1844. Witness bought $1200 on the face, for $44, being a
little over 33 cents on the dollar.

Nov. 20, 1844. Bought $500 of indebtedness at 32 cents. In De-
cember bought again at the same rate.

May 22, 1845. Bought indebtedness at 30 cents. In July bought
$1,000 at same rate.

Oct. 1845. Bought indebtedness at from 30 to 32 cents, and scrip,
computing interest, about the same.

Feb. 20, 1846. Bought Scrip at 30 cents, computing interest.
In the summer bought scrip at 28 and 30, and in September bought at
30 cents, on the face.

January, 1847. Bought, from January to March, for 26 and 28
cents.

In September, 1847, it ran up to 35 cents. Governor's scrip was
sold, during 1846 and 1847, generally at about the same rates.

Cross-Examined.—The legislature afterwards allowed interest
to contractors on the indebtedness, from the time it was issued, but
the contractors having parted with their indebtedness, in many in-
estances, derived only a partial benefit from this provision.

For all canal lots and lands sold previous to and including the year
1841 it was 10 per cent. After 1841 was engaged in the mercantile business,
He knows of the goods having been received.

He says he has re-
ceived in Chicago since 1838. Prior to 1841 was engaged in carrying
out a contract on the canal. Has no interest in any claim against the
state. After 1841 was engaged in the mercantile business, and as a
dealer in real estate. In 1842 William G. Ogden received some
$10,000 or $20,000 in canal bonds from an association of contractors,
to dispose of at New York city. Ogden exchanged some bonds for
goods. Witness made the settlement between Ogden and the con-
tractors. He knows of the goods having been received. These bonds
were disposed of as to not about twenty per cent, of their face; and
witness believes that was the best disposition that could have been
made of them, and was a higher rate than they could have been sold for
cash. Witness knows that the same goods were paid out to lands at
the Chicago market price in payment for their labor. Witness has
heard the testimony of Alexander Braid. At the time referred to by
him, I had more or less scrip and indebtedness passing through his

Edward J. Tuckham, on behalf of claimants, sworn, says. Has been
in the banking and broker business in the city of Chicago since 1839.
His impression that the per centage on State Bank of Illinois between
Chicago and New York, in 1845, was from 6 to 7 per cent. Cannot
say what the per centage between New York and London was at that
time.

Thinks that the exchange for State Bank of Illinois, in the fall of
1849 and spring of 1841, was gradually rising; that in the spring of
1841 it was 10 per cent.

He bought from 1840, and for a year or two afterwards, consider-
able scrip.

When the interest scrip was first issued, in March, 1840, the price
varied in the market of Chicago, from 60 to 70 cents.

The canal indebtedness, when first issued, was worth, in this market,
from 30 to 35 cents, but subsequently sold, and the bonds in which
witness was engaged bought it, as low as 26 cents, and known of rates
at that rate; that the canal bonds were quoted at about the same rate;
that at the time state indebtedness scrip had depreciated, and was
worth about the same, including interest, to wit, 30 to 35 cents on the
dollar. When witness speaks of scrip, he alludes to the scrip
issued in 1840 bearing interest; and when he speaks of indebtedness,
he alludes to an issue, made in '41 or '42, which did not bear interest.
When witness speaks of the value of scrip and indebtedness being
equal, he means the indebtedness on its face, and the scrip with the
interest added in.

Cross-Examined.—From 1840 to 1845, the custom was, in sales of
scrip at Chicago, that if he bought one hundred dollars of scrip with
one year's interest upon it, at fifty cents on the dollar, he gave fifty-
cents of their face; and when he speaks of scrip, he alludes to an issue,
made in '41 or '42, which did not bear interest.

Witness knows that the same goods were paid out to lands at
the Chicago market price in payment for their labor. Witness has
heard the testimony of Alexander Braid. At the time referred to by
him, I had more or less scrip and indebtedness passing through his
lands. Canals and Railroads Open Illinois

or indebtedness was paid to laborers, except when at par, or discount-

ways fixed ou the intended payment of current par funds. Only were used in payment; and the price per day or month was al-

the cash value. The price was made to cover the depreciation su as to approximate to materials, or provisions for the canal, at par. It was acquainte-d with numy of the contractors, and their connection

of all the cases which fell within his observation or knowledge. He knows where scrip or indebtedness was

Concurs in his general statement in regard to their value at

witness, sworn. Says witness was a contractor and one of the claimants. He knows of contractors buy-

the market. The men received nearly all of their pay in

Joel Manning, on behalf of claimants, sworn. "Says he was a contractor, and one of the claimants. Witness has heard the testimon-

sions. The prices of provisions and labor was about the same in 1841 and 1842 as in 1839. Labor had fallen, and was very low in the win-

witness of 1837 and 1838. He knew of contractors—Mr. Negan, Mr. Armstrong, Mr. Harvey, as well as himself—who bought a few lots at

selves at the sale of 1843. They had not the scrip to buy with, having hypothec-

James R. Bishop, on behalf of the state, sworn. Says, knows of

Arms-Rrained.--In the winter of 1838 and 1839 provisions fell

best copy available
Witnesses, as such secretaries, some time since, gave certificates to various contractors upon the canal, to be used in presenting their claims to the legislature, which certificates are true in all matters of which they certify. These certificates are on file with the papers of the respective claims, and are now here in the hands and control of W. Edward, counsel for the state. A list of the names of the claimants to whose claims these certificates apply, is on a sheet herewith filed, marked "General Evidence—A." Witness has examined the contract filed in the case of Stephens, Douglas, Norton, and all the other contracts were given in the same form, except the contract made under the Morris letting. Witness has examined the originals of the documents reported on pages 17, 18, 19, 20, 21 and 22 of the Reports of the session of 1840 and 1841. To the best of his knowledge they are true copies of the originals.

...
At the “Morrison lettings” the following order was made and posted up in a public place, and was so understood, in the opinion of the witnesses, by the contractors under that letting:

"Ordered, That the following be the conditions of letting the forty-six sections assigned for contract this day:

"1st. If no more acceptable arrangement can be made, the governor has promised to place in the hands of the commissioners state bonds, to be paid out to contractors at par, from time to time, as they are earned."—Made Sep. 30, 1841.

From the spring of 1841 to the winter following, we received orders from the contractors in favor of laborers and others, registered the orders, and, when requested, gave the bearer written acceptances; and during the winter of 1841 and 1842 we received what was called canal indebtedness, with which the orders and acceptances were redeemed when called for. Most of them were called for.

Re-examined.—Does not know what amount of these orders was presented by the laborers. Thinks considerable proportion were so presented. Does not know at what rate these orders were received from the contractors. They were drawn for so many dollars and cents. Knows that some contracts were completed after the work was generally abandoned in 1841. Among them were Steele and Ayres, Blanchard & Co., Roberts & Co., and others.

Mr. Edwards, attorney for the state, offered the journals of the legislators, messages of the governor, reports of the commissioners, engineers, contractors, as evidence, to save copying, and extracts of which are in the report of our belief that the state would make reasonable compensation for the same; that we so ordered said office three days; and that the sheriff's name is —Thorn.

The undersigned further report, that during their sitting at Ottawa, C. L. Starbuck presented a claim for and on behalf of Andrew Kinney, which the board refused to receive evidence upon, because of no sufficient evidence that it had been ever before presented.

That George Armour, Andrew Loom and Thomas Williams, for the use of John and George Armour, presented a claim, founded on a decree of the Cook county circuit court, rendered June 5, 1855, and offered to prove the same, which was rejected by the board as a new claim.

That Alonzo Walbridge and Mary, his wife, William Johnson and Sarah, his wife, and Elias Keyes, for the use of Alonzo Walbridge, presented a claim, founded on a decree of the Cook county circuit court, rendered June 5, 1855, and offered to prove the same, which was rejected by the board as a new claim.

The undersigned further report, that all the witnesses who testified before us were duly sworn, and gave their testimony under their oaths respectively.

All which is respectfully submitted.

A. LINCOLN, NOAH JOHNSON.

January 7, 1855.
We also state that on the 6th day of December, 1852, at Ottawa, we engaged Mr. R. E. Goodell, as clerk of our board; that he accompanied us to Chicago and thence to Springfield, and has been with us constantly up to the time of making this report.

We also state, that when we advertised the notice of our meeting, as mentioned in our report, we sent the same to the Ottawa Free Trader, Joliet Signal, and the Chicago Journal, with a note to the latter to request the other Chicago papers to copy; we mentioned that we supposed the state would foot the bill. None of the proprietors of the papers to whom we directly sent said notice, have presented a bill to us, but Alfred Dutch, proprietor of the Commercial Advertiser, who published under the request to copy, has presented us a bill of $3.00, which we suppose ought to be paid.

At the instance of the counsel for the state, Isaac N. Morris traveled from Quincy to Springfield, and appeared before us one day as a witness, for which we suppose he should be compensated.

As to ourselves, we state, that from the time we left our respective homes till we returned to Springfield, we were constantly engaged in this business; that we went to Chicago because we were satisfied we could save time by so doing. The bills below are correct in point of fact, and, as we suppose, are in accordance with the law:

**State of Illinois to Noah Johnston, Jr.**

To travel from Mount Vernon, by way of St. Louis, to Chicago, and back to Mount Vernon, by way of Naples, Springfield and St. Louis, 1,025 miles,

- To 44 days service, $67 50
- Total, $278.00

**State of Illinois to A. Lincoln, Jr.**

To travel from Springfield, by way of Naples to Chicago, and back the same way, 650 miles,

- To 21 days service, $84.00

Note.—The difference in the number days charged by one and the other of us, arises from the fact, that a large part of the time Mr. Lincoln was at home attending to his own business, while Mr. Johnston was necessarily away from his home, and was also engaged a good deal of the time in this business.

**State of Illinois to R. E. Goodell, Jr.**

To travel from Ottawa to Chicago, thence to Springfield and back to Ottawa, 600 miles,

- To 32 days service, $86.00

Respectfully submitted, this 7th of January, 1753.

A. LINCOLN.

N. JOHNSTON.
Document 6-B (Excerpt Transcription)

Summary: On June 22, 1852, the Illinois General Assembly appointed Hugh T. Dickey of Chicago, Abraham Lincoln of Springfield, and Noah Johnston of Jefferson County as commissioners to take evidence in relation to claims against the state for damages for right of way and injury to property resulting from the construction of the Illinois and Michigan Canal. When Dickey declined to take action, Lincoln and Johnston, after placing notices in the Chicago, Joliet, and Ottawa papers of their investigation, met in Ottawa, Illinois, to take evidence and testimony from witnesses to the complaints. Roswell D. Lyman presented his claim before the legislature and later appeared before the two commissioners. His evidence and the cross-examination by state's counsel, appeared in a report from the commissioners submitted to Governor Augustus C. French for his report to the 18th General Assembly in 1853.

Report of Commissioners

CANAL CLAIMS.

COMMUNICATION FROM THE GOVERNOR,

Transmitting the Report of the Commissioners appointed to investigate Canal Claims; also, the Attorneys’ reports on same.

Joseph H. Wagner, being duly sworn, says he is acquainted with sec. 6, T. 33 N., R. 4 E., that the plat marked "R. D. Lyman, No. 1," fairly represents said section, that witness is county surveyor, and made the plat from actual survey and the original field notes of the United States survey. Notes at the bottom of the plat are correct, there are coal beds between the river and the feeder on the north eastern subdivision of the section; extent of these beds from S.W. to N.E. about forty rods, and from the river to and under the feeder; so much of the coal as lies under the feeder, and also so much as lies near adjacent to the feeder, cannot be worked without injury to the feeder, and the breakage of the feeder is some detriment to the working of the remainder; the strata of coal is about two feet thick; all the subdivisions of said section which are marked "Lyman" are inclosed and the greater part cultivated as farm land; Lyman's residence is on said land at the point where the word "house" is written on the plat. To travel from Lyman's residence to the coal bed he must go a mile and a half further than he would if the feeder were not there, unless he should ford the feeder, which is impracticable, and the same distance to reach that part of his farm lying south of the feeder; the residence of Lyman a mile and a quarter from Ottawa, and the coal land one and three quarters. From 8 to 12, south of where the east and west line passing through the middle of said section crosses said feeder, there is a waste weir or place for surplus water to escape. The water runs a distance of about twelve rods over another coal bed into the river. This last mentioned coal bed has a stratum of about two feet, it is opened about four rods one way and thirty or forty feet the other, doubtless extends further, but how far is not known. So far, witness thinks, the waste water aforesaid has facilitated the raising of coal from the bed, but thinks it will ultimately be an injury to it. Thinks Lyman's farm is, at this time, worth from twenty to twenty-five dollars per acre.
Cross-Examination.—In the winter of 1842-3 thinks the land was worth eight dollars per acre. The town of Ottawa was laid out on state canal land, part on a donation by the state to the county, and part as a state's addition to the town; the proximity of Lyman's land to Ottawa has something to do with its enhanced value. The construction of the canal has enhanced the value of all lands on the line, and Lyman's with the rest, and witness thinks if Lyman's land had been his, would have preferred having the canal, without compensation, to not having it at all.

Re-examined.—Lyman's land derives no particular advantage from the canal, but only the common advantage with other lands on the line. The feeder, witness considers a decided disadvantage to Lyman's farm, on the whole, though it gives a small advantage of bringing stock water more convenient to him. Witness thinks the lands lying along the Illinois river are as much benefited by the canal as those immediately on the line. The feeder, witness thinks, indispensably necessary to the canal, but that it might have been constructed at less expense, just as beneficial for the canal and less injurious to Lyman's land.

George H. Norris, by Mr. Edwards, for the state, says he has and is prosecuting a claim against the state, for damage done by the canal on one track and by a feeder on another.

By Lyman's counsel.—Lyman's land is not cut by the main canal, it is a half mile distant, and Fox river is between at the nearest point. Witness thinks Lyman's farm is now worth twenty-five dollars per acre; Lyman has occupied and possessed said farm for near fifteen years. Witness knew Downey Buchanan, who testified for Lyman on his original application, and knows that he is now dead, and with good opportunities for knowing, he does not believe he had any interest in this or any similar claim. Witness thinks that Lyman's coal beds, taken separately from the other land, is worth four or five hundred dollars per acre. Feeder is not navigable with canal boats freighted; tried it several times and failed.

State of Illinois
La Salle county, ss.

Henry J. Reed, being first duly sworn, says that he is well acquainted with the farm of R. D. Lyman on the west fraction of the north-east quarter of sec. six (6,) town. 33, range 4, east of the third principal meridian; that he has been acquainted with said land about eighteen years; that Roswell D. Lyman has been in possession of the same since about 1839, claiming title; that said land is an improved and cultivated farm; that there is on said tract of land a valuable coal bed on the north-east corner of the fraction. Said feeder runs across said coal bed for forty rods or more; said coal bed is of a good quality and the strata of coal about two feet thick. I think the coal on that land is worth two cents a bushel. The coal bed cannot be worked nearer than almost twelve feet of the base of the feeder bank. To get to this coal bed or to that part of his land which is across the feeder from his house, Lyman has to travel at least one mile and a half further than he would have to do if the feeder was not there. On that piece of land which is marked "Cashman and Lyman," on the plat, there is a bank on each side of the feeder 75 feet wide, making 150 feet in width, exclusive of the bed of the feeder, which is rendered utterly useless by reason of the deposit of earth and sand excavated from the feeder. On the same land, on the north side of the feeder, about three acres are overflowed by water setting back from the feeder. On the south side of the feeder about six acres of land is rendered useless, by reason of the drainage from the feeder. On the same land is a coal bed of a good quality, about two feet thick, over which the feeder runs. I believe there is coal under the bed of the feeder in its whole length on section six aforesaid.
Joseph H. Wagner, being duly sworn, deposes and says, that he is acquainted with the situation of the W. fraction of S. W. ¼ sec. 32, T. 34, R. 4 E. That the feeder of the Illinois and Michigan canal runs through said tract from the north to the south end, rendering it almost valueless for farming purposes; that there is a bed of coal to the extent of several acres on said land, part of which is covered by said feeder and its banks, that the coal land is materially injured in value by the leakage from the feeder rendering it more difficult and expensive excavating the coal; the only way to haul coal from that portion of the land lying east of the feeder is by hauling it either on the bank of the feeder, or across Fox river, which in the winter season is difficult and sometimes dangerous; there is no bridge by which a team can cross from one portion of the land to the other, without traveling at least two and a half miles. Aside from the damage done the land for farming purposes, in my opinion the value of the land lessens by the construction of the feeder, one thousand dollars.

Cross-Examination.—This land was worth in 1842, from eight to ten dollars; was not in the country before 1842. The lands up the feeder its whole length, four miles, excepting sections one and two, which are now worth from twenty-five to thirty dollars per acre in 1842 suppose they were worth from six to ten dollars per acre, though was not so well acquainted then; sections one and two are now valuable; section one is canal land and section two is not. Witness is county surveyor.

Re-examination.—If the feeder was not there the coal bed would be worth a cent and a half per square foot as it is; that which is accessible is not worth more than half as much, to say nothing of that which is covered by the feeder and banks. That part of the land west of the feeder is, for farming purposes, worth twenty-five dollars per acre; that between the feeder and river is, for farming purposes, worthless; the land between the feeder and river is some wetter in consequence of the feeder, but would still be good meadow land if it were accessible; as it is not, without a bridge, and it would not be so convenient even with a bridge, the land between the feeder and river, including the coal bed, is worth ten dollars per acre. The cost of a bridge to reach the land between the feeder and river, would be more than the value of the land. The feeder is not navigable for ordinary canal boats, but witness has seen it navigated by small flat boats drawing ten inches water, in transporting flour and bran from the Dayton mills...

R. E. Goodell states on oath, that he has resided in the town of Ottawa eighteen years last past, during which time the Fox river feeder of the Illinois and Michigan canal was constructed; that since the construction of said feeder he has been well acquainted with the value of real estate in the state's addition to Ottawa and the adjoining lands; that in his opinion the state's addition to said town has increased as much in value, since the construction of said feeder, as any part of section number two, adjoining the same. The town of Ottawa is situated on section eleven, and most of the part I refer to, to wit, the state's addition to Ottawa, is nearer the court house than any part of section two. The increased value of section eleven has been caused, in my opinion, by the nearer location it has to the business part of the town, and the completion of the canal. I think that the valuation of section two in a body has been increased by the completion of the canal. At the time the canal was completed, I think I would rather have the land in section two with the canal than without it. The land which is used on the W. ½ S.E. ¼ for the feeder, I consider worth at least six hundred dollars per acre. The land overflowed by the feeder and the canal I think in a body valueless. The injury done by the overflowing the eighty acres with the feeder I consider not less than eight thousand dollars. By the construction of the canal without the feeder, unless the state built a culvert so as to let the water pass off, there would have been nearly the same amount of land overflowed; this would have been in consequence of the construction of the canal. The plat herewith filed, marked "Plat of lands near Ottawa," is a correct map...
Map 6.1: Location & Course of the Illinois & Michigan Canal

Map 6.2: Fall River and Southern Part of Rutland Townships (1870)
Township 33, Range 4 East

Map of LaSalle County (1870), 16.

BEST COPY AVAILABLE
Map 6.3: Ottawa Township (1876)

Alas of La Salle County, Illinois (Chicago: Warner & Beers, 1876), 77.
Glossary Of Terms

abutting: to touch on one end or side; border.

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

Boanerges: a powerful and blunt orator or speaker.

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

chattel: an item of movable property.

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.

commencement: the start of an action.

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

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.

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.

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.

effects: movable property; goods or personal belongings.

feeder: a waterway that supplies, replenishes, or connects one body of water with another.
license: a right or permission granted by a government or business to engage in some activity or to do some act.

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

omnipotent: all powerful.

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.

prodigious: extraordinary.

proximity: very near; closeness.

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

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

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

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.

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

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.
I. DOCUMENT IDENTIFICATION:

Title: The Lincoln Legal Papers Curriculum: Understanding Illinois Social History through Documents from The Law Practice of Abraham Lincoln, 1836-1861

Author(s): Fred Drake and Lawrence McBride

Corporate Source: The Papers of Abraham Lincoln Series I: The Lincoln Legal Papers

Publication Date: 2001

II. REPRODUCTION RELEASE:

In order to disseminate as widely as possible timely and significant materials of interest to the educational community, documents announced in the monthly abstract journal of the ERIC system, Resources in Education (RIE), are usually made available to users in microfiche, reproduced paper copy, and electronic media, and sold through the ERIC Document Reproduction Service (EDRS). Credit is given to the source of each document, and, if reproduction release is granted, one of the following notices is affixed to the document.

If permission is granted to reproduce and disseminate the identified document, please CHECK ONE of the following three options and sign at the bottom of the page.

The sample sticker shown below will be affixed to all Level 1 documents

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

Sample

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

Level 1

[ ]

Check here for Level 1 release, permitting reproduction and dissemination in microfiche or other ERIC archival media (e.g., electronic) and paper copy.

The sample sticker shown below will be affixed to all Level 2A documents

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE, AND IN ELECTRONIC MEDIA, FOR ERIC COLLECTION SUBSCRIBERS ONLY, HAS BEEN GRANTED BY

Sample

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

Level 2A

[ ]

Check here for Level 2A release, permitting reproduction and dissemination in microfiche and in electronic media for ERIC archival collection subscribers only.

The sample sticker shown below will be affixed to all Level 2B documents

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

Sample

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

Level 2B

[ ]

Check here for Level 2B release, permitting reproduction and dissemination in microfiche only.

Documents will be processed as indicated provided reproduction quality permits.

If permission to reproduce is granted, but no box is checked, documents will be processed at Level 1.

I hereby grant to the Educational Resources Information Center (ERIC) nonexclusive permission to reproduce and disseminate this document as indicated above. Reproduction from the ERIC microfiche or electronic media by persons other than ERIC employees and its system contractors requires permission from the copyright holder. Exception is made for non-profit reproduction by libraries and other service agencies to satisfy information needs of educators in response to discrete inquiries.

Signature: Daniel W. Stowell

Printed Name/Position/Title: Daniel W. Stowell Director/Editor

Organization/Address: The Papers of Abraham Lincoln

#1 Old State Capitol Plaza Springfield, IL 62701

Telephone: 217-785-9130

E-Mail Address: dostowell@papersonabraham.org

Date: December 19, 2001

(over)
III. DOCUMENT AVAILABILITY INFORMATION (FROM NON-ERIC SOURCE):

If permission to reproduce is not granted to ERIC, or, if you wish ERIC to cite the availability of the document from another source, please provide the following information regarding the availability of the document. (ERIC will not announce a document unless it is publicly available, and a dependable source can be specified. Contributors should also be aware that ERIC selection criteria are significantly more stringent for documents that cannot be made available through EDRS.)

Publisher/Distributor:

Address:

Price:

IV. REFERRAL OF ERIC TO COPYRIGHT/REPRODUCTION RIGHTS HOLDER:

If the right to grant this reproduction release is held by someone other than the addressee, please provide the appropriate name and address:

Name:

Address:

V. WHERE TO SEND THIS FORM:

Send this form to the following ERIC Clearinghouse:

ERIC/CHESS
2805 E. Tenth Street, #120
Bloomington, IN 47408

However, if solicited by the ERIC Facility, or if making an unsolicited contribution to ERIC, return this form (and the document being contributed) to:

ERIC Processing and Reference Facility
4483-A Forbes Boulevard
Lanham, Maryland 20706

Telephone: 301-552-4200
Toll Free: 800-799-3742
FAX: 301-552-4700
e-mail: ericfac@inet.ed.gov
WWW: http://ericfac.piccard.csc.com

EFF-088 (Rev. 2/2000)