

LINCOLN LORE

Bulletin of the Lincoln National Life Foundation - - - - - Dr. Louis A. Warren, Editor.
Published each week by The Lincoln National Life Insurance Company, of Fort Wayne, Indiana.

No. 390

FORT WAYNE, INDIANA

September 28, 1936

TEN LINCOLN LAW CASES

One hundred years ago this month, Abraham Lincoln obtained a license to practice law. This anniversary occasion should not pass without some recognition of the initial step which led to a successful career in his chosen profession. It appears that an appropriate memorial of his legal efforts might be the compilation of some of the most important and interesting cases in which he participated.

HAWTHORN vs. WOOLRIDGE

A Compromise Effected

The first case in which Abraham Lincoln is said to have been engaged seems to have received Lincoln's attention while he resided at New Salem, as the "Praeceptum" he wrote was dated October 8, 1836, six months before he moved to Springfield and became associated with Stuart. It appears that this suit, a trespass case, damage \$500, never came to trial but was compromised. Lincoln undoubtedly encouraged this procedure.

BAILEY vs. CROMWELL

The Illinois Slave Girl

A man by the name of Cromwell living in Illinois had in his possession a negro servant girl named Nance. A neighbor named Bailey bought the girl with a promissory note with the agreement that papers guaranteeing his right of possession would be forthcoming. Cromwell died and his heirs sued for collection of note. Bailey retained Lincoln who proved Nance was over twenty-one, had declared herself to be free, and that the sale of a free person was illegal.

PEOPLE vs. HARRISON

The Preacher's Grandson

Two young men belonging to well-known families of Sangamon County engaged in a quarrel over politics, and one of them was stabbed and three days later died from the wounds. Lincoln was called to defend the alleged murderer who was a grandson of his old political opponent, Rev. Peter Cartwright. The old minister had visited the dying boy whom his grandson was said to have attacked. Lincoln used the testimony of the grandfather of the defendant with reference to this visit to free the accused young man.

ISAAC SMITH vs. JOHN H. SMITH

An Election Bet

A bet was made two days after the presidential election in November, 1856—one hundred and ten dollars against a buggy that Filmore's vote in New York State was not less than the other candidates. Suit was brought to recover the buggy and the Circuit Court held the wagering contract void but the Illinois Supreme Court reversed the decision.

HURD vs. ROCK ISLAND BRIDGE CO.

River and Rails in Conflict

A river steamer "The Effie Afton" ran against a pier of the Rock Island Bridge over the Mississippi, and was destroyed. The contest in the courts over the right to obstruct a navigable stream was finally won by the rail-

road interests with Abraham Lincoln as the chief counsel. The decision paved the way for the developing of coast to coast railroads.

BANET vs. THE ALTON AND SANGAMON R. R. CO.

A Changed Route

Banet thought by preliminary announcements that the railroad intended building their road through a small town where he owned some land. The route was changed and missed his property by twelve miles. He attempted to be released from his subscription on the grounds that the change in route relieved him from his liability, but the court found against him.

McCORMICK vs. MANNY

An Unused Brief

Although Lincoln was retained as one of the counsel in the McCormick Reaper Case, he had no active participation in the pleadings. He prepared a long brief, but after arriving at Cincinnati, where the case was to be tried, it was decided that but two of the three attorneys should speak and Lincoln was left out and his brief unused. The importance of this case in Lincoln's life was his reaction towards the highly trained lawyers which he observed in the trial. He went home to more fully equip himself for future legal battles.

ILLINOIS CENTRAL R. R. vs. COUNTY OF McLEAN

A Railroad's Gross Earnings Tax

Among all the cases tried by Lincoln none has been so often cited by other courts as the agitation over the right of the Illinois Legislature to exempt railroad property from taxation or to commute the rate of taxes for a fixed sum. This case won by Lincoln for the railroad interests brought him his first large fee, although he was obliged to sue the company to collect it.

PEOPLE vs. ARMSTRONG

The Almanac Evidence

The son of Jack and Hannah Armstrong, old friends of Lincoln at New Salem, became involved in the murder of a companion named Metzker. Lincoln wrote to Mrs. Armstrong, then a widow, that he would undertake the defense of her son without charge. In the course of the trial an almanac was introduced as evidence that the testimony of one of the principal witnesses against Armstrong was in error. It helped materially to free Armstrong.

JOHNSON vs. JONES

Lots on a Sandbar

The "Sandbar Case," as it is usually called, involved the question of ownership in newly-made land caused by sand being washed in from Lake Michigan at the mouth of Chicago River. This was a hard-fought case and had already been heard twice, the jury having disagreed on the second trial. Lincoln was called into the case and, largely through his efforts, a decision was reached. It was the last real important trial in which he participated.