

LINCOLN LORE

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

Number 1060

FORT WAYNE, INDIANA

August 1, 1949

A. LINCOLN—APPRAISER

The first official commission which Abraham Lincoln was assigned, thus far brought to light, was his appointment by a Justice of the Peace to appraise a stray horse. The interesting document revealing this public service was discovered by a grandson of Judge David Davis who bears the name of Edwin David Davis. Mr. Davis has discovered many documents in Illinois relating to the Lincoln story not known to be in existence.

The manuscript in question bears the date of December 16, 1830 and is preserved in the Macon County (Ill.) Court House. It is in reality a document of two separate writings. The more important one is the appraisal signed by A. Lincoln and John W. Reed, with the signatures of each appraiser appearing on it. Underneath this report is a copy of the appraisal and a certification of Philip D. Williams, a Justice of the Peace for Macon County, who signed the document. The affirmation by Williams follows:

"Taken up by Jonathan B. Brown resident Macon County Ill. on Monday the 12th day of Dec. 1830 one bright bay Mare four years old next spring 14 hands high a small blaze and snip in her face right hind foot white right fore foot with a white stripe down the hoof and white hairs around the edge of the hoof no brands perceivable black mane and tail appraised to Thirty Dollars by Abram Lincoln and John W. Reed before Me this 16th day of Dec. 1830 Macon County State of Illinois Given under my hand and seal this 16th day Dec. 1830 Philip D. Williams J. P."

The fact that Lincoln signed his name A. Lincoln as early as 1830 is important. It is also of interest to note that he signed it with a flourish. It would also appear that his name was pronounced by his early contemporaries, who did not call him "Abe," as "Abram." This latter spelling he took occasion to correct in 1860, in a note in which he wrote: "It seems as if the question whether my first name is 'Abraham' or 'Abram' will never be settled. It is 'Abraham'." The confusion apparently had bothered him for thirty years.

In a country where there was very little fencing and where a free range privilege was more or less in vogue, the estray laws became of great importance in facilitating the return of stock which had strayed away from the vicinity of the owner's home. The necessity of branding and its importance for identification is evident.

An excerpt from "An Act Concerning Estrays" found in *Laws of the State of Illinois* for that early day reveals the part Lincoln played in this first assignment for which the law allowed him to collect twenty-five cents for serving as an appraiser.

"That every person who shall take up any estray horse, . . . shall, within ten days, take the same before some justice of the peace of the county where such estray shall be taken up, and make oath before such justice, that the same was taken up at his or her plantation, or place of residence in said county, and that the marks or brands have not been altered since the taking up. The said justice shall then issue his warrant to three disinterested housekeepers in the neighborhood, unless they can otherwise be had, causing them to come before him to appraise said estray, after they or any two of them being sworn to appraise such estray, without partiality, favor or affection, which appraise-

ment, together with the marks, brands, stature, color, and age of such horse, . . . shall be entered in a book to be kept by such justice, and certified under his hand, and transmitted to the clerk of the county commissioners' court of such county, within fifteen days after the same is taken up."

The law also required that the estray notice should be published so that a copy might be sent to each of the county commissioners' courts of the several counties of the state where it could be available to those who had lost stock.

Inasmuch as the 25 cent fee was supposed to have been paid by the neighbor who found the estray, it cannot be certain whether or not the small fee due Lincoln was forthcoming. This is the law on the payment of fees, with respect to estray notice procedure:

"The following fees or compensation shall be allowed, to wit: To the justice of the peace for administering oath to the taker up or finder, making an entry thereof, with the report of the appraisers, and making and transmitting a certificate thereof to the clerk of the county commissioners' court, fifty cents; to the clerk or justice for taking proof of the ownership of, and granting a certificate of the same, twenty-five cents; for registering each certificate transmitted to him by any justice as aforesaid, twelve and a half cents; for advertisements, including the newspaper publications, fifty cents in addition to the cost of such publication; to the constable for each warrant so served on appraisers, twenty-five cents; and to each appraiser the sum of twenty-five cents; which said fees shall be paid by the taker up to the person entitled thereto, whenever said services shall be rendered. All which costs and charges shall be reimbursed to the taker up or finder, in all cases where restitution of the property shall be made to the owner, in addition to the reward to which such persons may be entitled for taking up as aforesaid."

The service of Abraham Lincoln as an appraiser of an estray horse reminds the editor of *Lincoln Lore* of an estray notice which he discovered in the Hardin County Court House at Elizabethtown, Kentucky. In this instance Thomas Lincoln, the father of the President, was the "taker up" and the generally accepted residence of the Lincoln family at the birthplace farm was shortened two years by the finding of this record. The opening lines of the instrument in question follows:

"11th of May 1811 Taken up by Thomas Lincoln in Hardin County on Knob Creek on road leading from Bardstown to Nolin a gray mare 8 years old. . . ."

It was thought, until this record became available, that Thomas Lincoln continued to live on the birthplace farm until his son Abraham was four years old. The record establishes his home, on Knob Creek, as early as May 11, 1811.

Estray notices have been largely overlooked as historical sources of first importance by those interested in documentary research. The notice gives a concise address of where the finder lived so that the owner of the estray animal might easily locate the finder. Deeds may show ownership to lands but possession is no evidence of residence on the property. The estray notice seems to be our best medium of exact location of the pioneer's home.