

## MOUNT PULASKI 175<sup>th</sup>

### “QUARTOSECENTENNIAL”



## Mount Pulaski & the Lincoln Court in Mount Pulaski 1836 – 1855

by Phil Bertoni (Mount Pulaski, 2010)

The hill that became the site of the town of Mount Pulaski was noticed by a traveling medical practitioner, Dr. Alexander Shields, who passed on this information to Jabez Capps of Springfield in early, 1836. Soon afterwards, Capps, Dr. Barton Robinson of Springfield along with George W. Turley of the Lake Fork area proceeded to this mound and agreed that this would be the place for their new settlement – located 20 miles NE of Springfield (3½ miles NE of Lake Fork and 2½ miles south of Salt Creek) in a vast raised region or plateau...” vast extent of the prairies or natural meadows.” It was rich prairie land ideal for farming and raising cattle – with its “black mucky soil penetrating below yellow clay at a depth of 16 or 18 feet.” [Springer, p. 24] Rising above this plateau would be the hill town of Mount Pulaski, “a city set upon a hill, whose light cannot be hid.” [Stringer, p. 587] It was immediately obvious to Capps and his friends that, during the heavy rains, this new town would not become the muddy, smelly and mosquito-ridden bog of Springfield. The township of Mount Pulaski extends 10 miles north and south, and 8 miles east and west - 60 square miles in area. The highest point on the hill rises 65 feet above the level at the bottom of the

hill. This highest point where the courthouse stands is 703 feet above sea level.

O.C. Stafford in the *Mt. Pulaski News* wrote:

In the fall before the winter of the deep snow, 1832, about one hundred and fifty Indians passed over this hill, coming from Kickapoo Creek and Mackinaw River, on their way to Lake Fork, where they camped and hunted for a couple of weeks. They called Grandfather Turley "Bostona." I think John and Andy Bowles, L.K. and Russell Scroggin, and my wife and a few more of the old settlers that yet live will remember the Indians. At that time, this was called "Blue Hill" – it looked so on account of the grass on it. There wasn't a tree or stick on it, or a house or fence, north, east, south and west. Nothing but a dim road led in each direction, shaded by grass and rosin weeds, in which many wild animals and fowls could be found, such as deer, wolves, wild geese, ducks, cranes and prairie chickens. The pioneers will remember these things. Scores of our old friends and neighbors have passed to the great beyond that helped to build the roads and break the crust for the following generations. I hope the young appreciate the labor of those noble souls whose bodies are bleaching in the dust. [reprinted by *The Lincoln Herald*, Lincoln, Illinois August 13, 1903]

Dr. Barton Robinson was born in 1819 in New Malton, Yorkshire, England, and in due course graduated from a medical school in London. He came to America, joining his brother, James T., at Buffalo Hart Grove in Sangamon County in December of 1831. He married Mahala Barber and moved to Mount Pulaski in 1836, where he practiced medicine for many years. In 1858, Robinson moved his family, including his four sons, to Farlinville, Linn County, Kansas. [History of Logan County, 1878, p. 286]

George W. Turley was born in 1798 near Mount Sterling, Kentucky. He moved with his father and family to Sangamon County in 1824. He became Justice of the Piece from the beginning of the creation of Logan County in 1839 to the time of his death on February 28, 1865. He actually served in this office in Sangamon County prior to 1839, as well as teaching school for a time. He was the local authority on legal matters for the early settlers before lawyers began to trickle into the Logan County area. George W. married Margaret Scott and had three children. [Stringer, p. 61, p. 120]

George Washington Turley's father, James Turley, moved to Lake Fork in 1820 and was the first white settler in the area. It was James Turley who developed all of Lake Fork, established the first organized religion of the area, consulted for all legal matters by local settlers, and the only white settler that could negotiate with the local Indians in the area. Historical documents have stated that he alone prevented an "Indian massacre" from happening. There was no land office for Sangamon County in 1820, so James Turley was unable to record his land purchases. He continued to purchase land and in 1824 the new land office opened in Springfield for the county. He continued to purchase land and one of his sons, George W. Turley, followed in his father's footsteps purchasing large amounts of land throughout his young life.

George W. Turley felt there needed to be a town between Decatur and Springfield, so he allocated

several hundred acres of his land to this plan. He had the area surveyed, platted and named as the town "Georgetown" (Georgetown is shown on original maps of George W. Turley's land including the mound where Mount Pulaski now stands). George had named it Georgetown, not after himself but rather after a close family friend whom his father, James, had served with during the Revolutionary War: General George Washington.

Two doctors, Barton Robinson and Alexander Shields, had been boarding at Jabez Capps' residence in Springfield. Dr. Shields had made his country rounds and was returning to Springfield going through George W. Turley's land. Along the way, he noticed the "mound" and thought it would make a beautiful setting for a town. Upon returning to Capps' boarding house he discussed this with Dr. Robinson, who made inquiries to Mr. Capps as to who owned the "mound" land. Jabez (as with anyone who lived on or purchased property owned by a Turley in the area) knew it was George W. Turley's land and offered to take him out and introduce the two of them.

George Washington Turley was reluctant to scrap the plan of his already platted out and named town; however, Dr. Robinson convinced Turley that the new location would be a better decision for a new town as the mound could be seen from a great distance. Turley then stopped his progress on Georgetown and agreed to use his land on the mound for the new venture. Dr. Robinson and George W. Turley entered into an agreement for the development of a land management company, with Turley entering his personal land and the value therein as well as money to develop a mercantile business and church, and Dr. Robinson entering his financial support. There has been nothing of record where Capps entered anything into the agreement other than his expertise as a mercantile manager nor has any records been found indicating any Capps' financial support for the new town nor did Capps purchase any land in Pulaski until many years later. Records and books on Logan County history, in the Sangamon Valley Collection, stated that George W. Turley put up a "small building for storage of goods for the mercantile store" and that he had given Capps initial capital to go to ST. Louis and purchase goods. Capps bought a small log cabin and had it moved to Pulaski so that he could move his new family (he had just remarried) to the new town and start business as soon as possible. George W. Turley went about selling off the platted lots to the new founded town of "Pulaski". The Capps' log cabin was placed on the land George W. Turley had set aside for the mercantile store.

Another stipulation George W. Turley insisted upon was that since he was the primary partner (the

town was being developed on his land, and he would be giving up the initial start-up capital for this venture) he would have proprietary to naming this town. He decided he would name his second town, Pulaski, after yet another friend of the family, who also served with his father in the Revolutionary War, Count Casimir Pulaski. [\[Stone-Cook Interview\]](#)

George W. Turley was a very close and personal friend of Abraham Lincoln, as documented by several articles in the "*Times-News, Mount Pulaski, IL, Thursday July 13, 1961*". When George W. Turley felt it was time for a new county and county seat, he again put his money on the vision and enlisted his friend, Abraham Lincoln (who was now serving in the legislature and just happened to be Chair of the committee for just such a task). It is well documented that Lincoln was able to redistrict boundary lines and form a new county from an edge of Sangamon County. This occurred in 1839 and Mr. Lincoln named it Logan County after a personal friend of his (Dr. John Logan, a fellow member of the state legislature). When the County Seat was established, it put Mount Pulaski 'on the map' and it began to prosper. In 1853, a group began pushing to have the county seat relocated to the town of Lincoln, which had been so named in Abraham Lincoln's honor by friends of his during that same year. Turley, again, put his money on the line and sued the county. The lawyer for the parties for relocation was Abraham Lincoln. As a businessman, Turley knew that relocation would have financial impact on the continued growth of Mount Pulaski. The relocation of the Logan County Seat was voted upon and passed in the election of 1853—the Logan County population center had shifted more to its center, where the city of Lincoln had been established that year. Also, the Chicago-Bloomington-Springfield-St. Louis train line had been recently completed, which now ran through the new town of Lincoln. [\[Beaver, 47\]](#) George Turley and others of Mount Pulaski filed a bill in the Logan County Court to "restrain the county officers from erecting county buildings on the new location..." due to discrepancies, they reasoned, that had been made during the Illinois House of Representatives' decision for passing the legislative bill to have the county seat relocation appear on the 1853 election ballot. In February of 1854, the Illinois State Supreme Court rendered its decision of this Mount Pulaski bill in favor of the relocation to the city of Lincoln. [\[Beaver, 47-49\]](#) It is said that George W. Turley lost both of his suits to substantial personal financial loss.

Jabez Capps, Springfield's "...first regular shoemaker...", with his first wife [Prudence Stafford] and family lived near a "... log-cabin courthouse, the first county seat of Sangamon county..." near the north side of Jefferson Street between First and Second, where he had "... located his shop and store". [\[Sandburg, Vol 1, 299\]](#) Jabez disposed of his own valuable property in Springfield before moving to Mt. Pulaski --

including two significant Springfield landmarks: the property upon which the present state capitol is located, which he traded for a cook stove, and the lot on the public square, which he traded for a side-saddle! This land involved Jabez in a lawsuit and Abraham Lincoln was his attorney. [Roger Capps' family history, Portland, Or., 2009]

Jabez was from a large English family, born on Sept. 9, 1796, in London, England. Charles, his father, was a clothier. He tailored for government and Royalty officials. Upon his retirement, he handed over this business to his son, Thomas (younger brother of Jabez), who eventually retired a multi-millionaire. The London Thomas house is now a hotel, with TC etched in stone above a doorway. This tailor business was in Westminster on a street named "Threadneedle". Eventually, all but one of Jabez's brothers and sisters, along with his mother following her husband's passing, moved to America and settled in central Illinois. [Roger Capps' family history, Portland, Or., 2009]

Jabez continued the family tradition of excelling in merchandizing, when he set up one of the first trading posts in Springfield in 1824. He also became the first postmaster of Springfield at this time. He taught school for a short time as well. [Stringer, 588]

Shortly after the passing of his first wife, Jabez married Elizabeth Baker and moved his family to Mount Pulaski in 1836, where he had ten more children. "Sept. 5, 1836; Jabez Capps came into court this day and applied for a license to retail goods, wares and merchandise in the town of Pulaski, in Sangamon County, and states the amount of his stock in trade; it is therefore ordered by the court he have license therefore, by paying the treasurer the sum of five dollars for one year from date and it is further ordered that the said Jabez Capps have license to keep a tavern in the town of Pulaski for the term of one year, upon his producing to the clerk the treasurer's receipt for five dollars and entering into bond as required by law." [Stringer, p. 590]

From a shuttered town site nearby [Albany, "... as surveyed by me. A. Lincoln, for T. M. Neale, S.S.C.; Surveyor of Sangamon County Jan. 16, 1836"], [Stringer, p. 213] Capps moved a structure to his purchased lot in Pulaski: "lot 10, block 14, on the west side of the square. It is not known whether Capps purchased this structure or simply claimed it as an abandoned edifice. In 1838, this building was enlarged and made full two stories, Mr. Capps and family moving into the upper story and the store being conducted in the lower story. The stone for the foundation came from Rocky Ford, 16 miles away. The building was 30 feet square, with attic and cellar. For many years, it was known as 'Capps Headquarters'. It was torn down in

1867 to make room for a more pretentious structure.” Settlers from miles around came to Capp’s store to purchase their goods, often with “peltry of various kinds which Mr. Capps took to Springfield and exchanged for goods”. However, most of Jabez’s purchases were in St. Louis. These were shipped up the Mississippi and Illinois Rivers to Pekin, where he hauled them onto Mount Pulaski in wagons. [Stringer, p. 590-591]

Jabez was elected Recorder of Logan County in 1839 when it was organized and separated from Sangamon County that year, a position he held for eight years. He was also appointed postmaster of Mt. Pulaski on March 2, 1838, serving in that capacity until January 7, 1854. Capps continued his mercantile business until 1858, when he retired and went into a nursery venture with his son, Charles C. [Stringer, p. 591]

It is evident, therefore, that more than one person was responsible for the founding of the township and town of Mt. Pulaski. George W. Turley was the one that had the original recorded land claim in this area. Actually, Turley relinquished his venture for a nearby town named Georgetown to join in with the Pulaski enterprise. Dr. Robinson evidently had some ready cash as he is the one who traveled to the Sangamon County Land Recording Office to take care of the business of recording Mt. Pulaski. Yet, Jabez appears to be the prime mover - the catalyst - the one who corralled his yearning for a new town together with similar restless hankerings of his associates. Jabez apparently inspired his two acquaintances to go along with him in this new venture. And, he outlasted both of them - spending much of his remaining sixty years serving Mount Pulaski in various capacities. He died on April 1, 1896, in his beloved and now sprawling town of Mount Pulaski, lacking just five months of being a century old.

Other men joined in this new undertaking: George McDaniel, James Scott, J. F. Davis, William L. Hatch, W.A. Knight and later, Jabez’s brother Ebenezer Capps and Ringrose D. Watson. Indisputably, then, Mt. Pulaski would not have taken off so quickly and so successfully without the help of Turley, Robinson and the other associates that joined Jabez in this new pursuit. Nevertheless, perhaps due to vision or to simply outlasting his founding friends and associates, Jabez Capps has become known as the principal "Founding Father" of Mount Pulaski.

Logan County was at the very center of the state and therefore was established as one of the Illinois Eight Judicial Circuit venues. The Logan County Court was initially established in the town of Camden (Postville Court), by a General Assembly committee vote 2-1, upon the break-up of the large Sangamon

County. The population of Logan County had been growing nicely – from an 1840 census of 2,333 to the 1850 census of 5,128. The only town population given in the census of 1850 is that of Mount Pulaski, which was reported to be 360, [Springer, p. 19] which did not include the surrounding Mount Pulaski Township farming population.

Since the town of Mount Pulaski had outgrown the population of Camden, a state assembly bill was passed in 1846 to allow voting in the next election for a possible re-location of the Logan County seat. “In addition, there was considerable talk of organizing a new county out of the territory from Logan, Sangamon and Macon Counties, with Mount Pulaski as the center, and it was thought the removal of the county seat of Logan to Mount Pulaski would help along this plan.” Unfortunately, the new state constitution of 1848, “...with its provision prohibiting the organization of new counties, until a certain number of inhabitants were in the prescribed limits, put a quietus to this movement, but this came too late to be of assistance to Postville in retaining the county seat.” Moreover, it was noted that “...the proprietors of Mount Pulaski were active and energetic pioneers. Postville had never secured the county seat by popular vote. It was located by commissioners, and one of those was opposed to the Postville location.” [Stringer, p. 157]

O.C. Stafford in the *Mt. Pulaski News* says of the old court house on the hill: This country had developed into wealth. This “Blue Hill” or Mt. Pulaski has developed into a city with a public square surrounded with good buildings, good business men and women. In the center of the square, the crown of the hill, from which a grand view can be had of the beautiful prairie, is located the building which was originally the Logan County court house. We had a struggle with old Postville for the county seat. We first started a frame court house on the west side of the square in 1833 or 1834 and it was occupied until 1848, when the present building was constructed. I remember when horses and cattle afterwards used to seek the shelter of the building to get out of the hot sun. Jabez Capps finally bought it and used the lumber in building a packing house. In 1848, the brick court house was erected, and I think the work was done by Henry Vonderlieth and Hiram Wilson. John Baker and Brower Bunn carried the mortar. After the Civil War, Bower Bunn became one of Illinois’ greatest orators. He said in the Fourth of July speech here once that he was the architect of the building. It was used as a court house until the middle 50’s, when Lincoln captured the prize. If that old building could talk, it could tell of one of the greatest men the United States ever had opening court within its walls. It was Abraham Lincoln, who afterwards held the highest office in the gift of the people of this great nation. After the county seat was changed, the building was used for that purpose [school house] until 1879, when the large school building [school house for grades 1-12] in the east part of the city was completed. [reprinted by *The Lincoln Herald*, Lincoln, Illinois August 13, 1903]

This removal to Mount Pulaski, if passed, was contingent upon the construction of a courthouse by the citizens of Mount Pulaski. The vote was carried by the Pulaskians together with their southern Logan County constituents in the voting of April 1847 and efforts were started immediately for the construction of a new courthouse. The local townspeople of Mount Pulaski whole-heartedly supported the venture. Local citizens, craftsmen, and merchants donated materials, labor, and \$2,700 toward the

construction of the building. [Springer, p. 594]

Beam and Kennis of Springfield designed and built the courthouse. Henry W. Vonderlieth of Mount Pulaski had the brick contract; A. E. Turley and Leonard K. Scroggin hauled the brick; and Adolf Weckel made the mortar and did the hod carrying. Dietrick Suedmeier and Henry Horn molded the brick in George W. Turley's brickyard. [Miers, Earl s., ed. Lincoln Day by Day: A Chronology, Lincoln Sesquicentennial Commission, 3 Vols., 1960. Vol. 1, p. 288]

An additional \$300 was supplemented by a county appropriation, which met with much litigation. The county commissioners, on July 1, 1848, had sold the vacated Postville Courthouse to Solomon Kahn for \$300, which was the amount appropriated as supplemental aid in the new courthouse construction. However, the original proprietors of the Camden Village grounds had donated this acreage for the Postville Courthouse and thereby "sued the county for the value of the lots and the courthouse, alleging that on their abandonment by the county for county purposes, the property reverted to the donors. Judge Davis held otherwise, however, and on appeal to the Supreme Court [Illinois], he was sustained. Abraham Lincoln was attorney for the county in this dispute", which was one of the first cases to be heard at the new Mount Pulaski venue, and no doubt one of many cases that Mr. Lincoln won at Mount Pulaski. [Stringer, p. 159, p. 348]

This magnificent edifice, a solid two-story brick building – an example of early Greek Revival Architecture - still stands proudly today in the center of the Mount Pulaski town square overlooking the surrounding countryside. The Mount Pulaski courthouse is one of only two original Illinois eighth Judicial Circuit courthouses that remain on their original sites. It has a large double door with a half-octagonal set of oaken steps leading up to it, five double-hung 12-pane windows on the front, and six on each side and five on the back. It has six chimneys that once supported a flue system connecting the six offices on the first floor with three additional stoves on the second floor. These offices are: County Clerk, Circuit Clerk, Sheriff, Surveyor, Treasurer, and School Commissioner. Each of these offices are restored with period furniture and period office items (artifacts), such as antique clocks, a set of unique filing drawers, reusable rat traps, a surveyor's wheel, desks, chairs, many metal wall candle holders (sconces), slate tablets, a teacher's hand bell, many candle boxes, a hand press for making copies of documents, spittoons, wall hangings of old county surveys, copies of old newspapers, many original late 19<sup>th</sup> century court documents from other courthouses, and an original 1848 map enclosed in a glass frame that shows in detail the fourteen counties of the Eighth Judicial Circuit. There are many other items too numerous to



mention. The courtroom is on the second floor divided by the “bar” that runs the width of the room. This railing, while removed for a school room in 1857, has been reconstructed and restored to its original position, which was discovered when the original square holes were revealed upon removing worn overlaid flooring during the restoration process of 1936. This additional flooring had covered the original wooden tongue and groove floor with the original square holes reaching the entire width of the room, in a curved “bar” fashion. Visitors proudly kneel to touch this floor realizing that they are standing where Abraham Lincoln once stood and paced as he practiced the law here.



The judge’s raised bench and the raised flooring for the 12-man jury box [a jurist had to be male, Caucasian, twenty-one, a merchant or land-owner, a local citizen, and free from felony conviction] has been restored, along with the six-seat counsel table [both the plaintiff and defense attorneys along with their witnesses all sat at the same table], and the circuit clerk’s table, which is directly in front of the judge’s bench. The witness stand is next to the judge’s bench on the side of the jury box. The public seating is, of course, on the other side of the bar. These benches [pews] were taken from an old shuttered country church. This was suggested by an old man, in his 90’s during the 1936 restoration, who had remembered this courtroom from his youth. Some of the townspeople believe that these benches were the original ones that had been removed in 1857 to this new church [French’s Chapel] less than three miles to the north of town alongside Salt Creek. Two wood-burning stoves are in place on either side of the courtroom. There are seven large double-hung 12-pane windows, two on each side of the courtroom and three on the front side. Four wrought-iron tapered 8-candle chandeliers hang from the tall ceiling, with several candle wall sconces positioned along the walls. An 1848 United States Flag proudly hangs high on the front wall behind the witness stand. In the rear of the courtroom is a small jury room on one side and a small judge’s chamber on the other side. Each of these rooms has two double-hung 12-pane

windows. Between these two rooms is a set of large double doors which lead to divided stairs that descend to a small landing from which one larger stair case continues down to the main floor. A large double-hung 12-pane window in this landing area provides ample light for the stairwell by day and has its own wrought-iron tapered-candle chandelier, but this one is a double-tiered 14-candle fixture. During the restoration of 1936, a full-sized concrete basement with several rooms was added, which include restrooms, a furnace room and two storage rooms, one much larger than the other. The large storage room and furnace room have steps that lead further down into the courthouse cavity. “The comparison between the framed Postville courthouse and this stately brick building is testimony to the evolving civilization of Central Illinois during this period.” [Stringer, p. 158]



The only judge who ever presided at the Mount Pulaski court was Judge David Davis, who replaced Judge Samuel H. Treat in 1848. Treat got his start as a young lawyer in the state of New York, moved to Illinois in 1834, settled in his law practice in Springfield and was appointed to replace Stephen T. Logan in 1839. Lincoln went into partnership with Logan in 1841, being Logan’s apprentice – “...from him, Lincoln learned...”, how to be “thorough” like Logan, who “...was one of the most neat, scrupulous, particular, and exact Lawyers in Illinois when it came time to presenting cases, writing letters, and filing documents.” [Sandburg, Vol. I, p. 286]

Two years later, Treat was elected as one of the associate Justices of the Illinois Supreme Court. As a Supreme Justice, as stipulated by the 1841 General Assembly, he was assigned one of the circuit courts – that being the Eight Judicial Circuit where he had been temporarily serving in Logan’s place. “He was regarded as an able lawyer and devoted himself exclusively to his judicial duties, to the detriment of his private business which was found at his death to be in great confusion.” [Stringer, p. 314]

This new Logan County Courthouse was ready for occupancy in the spring of 1848, when county

records were loaded into wagons at Postville and moved 11 miles to their new quarters. “In many respects, the old court house at Mount Pulaski is as historic as the old original Postville building [purchased and removed by Henry Ford to Michigan in 1920’s]. Abraham Lincoln was present ‘oftener’ in this building [Mount Pulaski venue] than in any other in the county and during the existence of the county seat in Mount Pulaski, he was on one side or the other of every important case upon the docket. Stephen A. Douglas, who never appeared at the Postville temple of justice, was a frequent advocate at the Mount Pulaski bar as also was U. F. Linder, Josiah Lamborn, O. H. Browning, Lyman Trumbell, Leonard Swett [famous Chicago Criminal lawyer] and others. Every plank in the structure is therefore sacred with historical significance.” [Stringer, p. 158]

After the Mount Pulaski courthouse was built, a necessary jail was constructed as well. It was a two-story brick building, a much improved jail over the “Postville bastille”. The windows were enclosed with iron grating. “This jail contained a debtor’s cell, now no longer an adjunct to our civilization. The jail cost about \$1,000.” [Stringer, p. 159]

During this Mount Pulaski Logan County Seat years, many businesses and residences were built around the town square and down each side of the hill. In addition, a brick yard, flour mill, saw mill, livery stable and several churches were built. Carpenters, blacksmiths, merchants, and masons moved to Mount Pulaski. The first brick building in town was the Mount Pulaski House Hotel, built on the NW corner of the square in 1843 by Alexander Morgan. This is the place where the traveling Illinois Eight Judicial Circuit lawyers relaxed, dined and slept on their visits to the Mount Pulaski Court. Judge David Davis and Abraham Lincoln were among them. [Stringer, [100 years of Mount Pulaski 1836-1936](#)] It is to be noted that Mr. Lincoln was still occupied in Washington during his 1847 – 1848 tour of duty as congressional representative from Illinois. Upon his election as a representative to the United States Congress, Lincoln penned this poem, the opening lines of which are:

A wild bear chase didst never see?	When first my father settled here,
Then hast thou lived in vain -	’Twas then the frontier line;
thy richest bump of glorious glee	The panther’s scream filled night with fear
Lies desert in thy brain.	and bears preyed on the swine.

“Lincoln was 37 years old when he wrote this poem – barely 20 years were to elapse before he produced his Second Inaugural.” [Beveridge: [Abraham Lincoln 1809-1858, Vol. I, p. 385](#)]

Mr. Lincoln did not re-join the circuit until the spring of 1849, one year after the Mount Pulaski court was convened. Upon his return to Illinois and his law practice, he told his friend, O. H. Browning of Quincy, when Browning wanted to know how he could keep out of politics, “Nothing going on in politics that I care about. I’m trying to become a lawyer.” Browning remarked to some friends that “Lincoln is always a learner. If he keeps out of politics, he will in ten years stand at the head of the profession in this state.” [Bernhardt Wall: [Following Abraham Lincoln 1809 – 1865](#), Wise-Parslow Co., New York, 1943, pp. 143-148]

In 1848, three Illinois State judicial changes were brought about: the adoption of a new state constitution, a judicial re-apportionment, and a change of the presiding judge in the eighth Judicial Circuit. The new constitution provided for nine Illinois judicial circuits, with one judge to be elected in each district for a term of six years. The Eight Judicial Circuit still included the fourteen counties of: Logan, Sangamon, McLean, DeWitt, Macon, Christian, Shelby, Tazewell, Woodford, Champaign, Vermilion, Edgar, Piatt, and Moultrie. With no opposition, Lawyer David Davis was elected to the bench as Judge of the Eight Judicial Circuit in 1848, succeeding Judge Treat. Davis was re-elected in 1855 and again in 1861 – again both times without opposition. By 1853, the Eight District had grown in population. Thus, it was reduced in size by the removal of the counties of: Shelby, Edgar, Piatt, Moultrie, Macon and Christian. By 1862, the Eight Circuit had been reduced to three counties: McLean, Logan and DeWitt, and “the business of these three counties is nearly if not quite, equal to that of the whole fourteen in 1848”. [Stringer, pp. 321-322]

“Of Judge Davis, Senator Palmer said: In 1848, the soil of the circuit had not been broken, by the survey of a railroad and his duties required Judge Davis to hold two sessions of the court [circuit] in each year, in fourteen of the largest counties of the state. The clearness and quickness of his intellect, his preparatory education, and his practice had fully capacitated him to discharge with promptness the various duties of his position. In some of the qualities of a judge, he had few superiors, in the long line of judicial ability, with which our history, as a people, has been graced.” [Stringer, pp. 321-322]

Also, in 1848, David B. Campbell was elected Prosecuting Attorney for the 8<sup>th</sup> Judicial Circuit and retained this post until his death in 1855. [Stringer, p 325] The shifting of the county seat to Mount Pulaski and the election of Davis and Campbell “really marked the beginning of a distinctive Logan County residential bar. Prior to that, Logan County had been one of the legal ‘stakes of Zion’, Zion, in this case, meaning Springfield.” The first group of Logan County Lawyers were: Lionel P. Lacey, Samuel C. Parks and

William H. Young, all three of whom settled for a time in the county seat town of Mount Pulaski, and later moved with the court to the town of Lincoln. [\[Stringer, p. 323\]](#)

Logan County finally had a resident bar in the late 1840's when William Young moved from his teaching position at Postville to Mount Pulaski and became an attorney. Also, at that time, Lionel Lacy came to Mount Pulaski to practice law. The most distinguished lawyer on the Mt. Pulaski scene would be Samuel C. Parks. His father, Beaumont Parks, was one of the first educators in the city of Springfield. Samuel was born in Vermont in 1820, educated at Indiana State University and came to Springfield with his parents in 1840. He associated himself with the law firm of Stuart and Edwards in Springfield, where he was admitted to the bar and re-located in Postville in 1846. "He located in Mount Pulaski in 1848, the year the county seat was removed from Postville to that place, and in 1856, followed the county seat to Lincoln." [\[Stringer, p. 324\]](#)

"Parks began a successful career in Mt. Pulaski. He associated with Lincoln more frequently than any other Logan County attorney. On occasion he also opposed Lincoln. Lincoln used Parks' office in Mt. Pulaski as his base there. A Whig, Parks was a long-time avid supporter of Lincoln's. When the Whig's convened in 1846 to select a congressional candidate to succeed Lincoln, they chose Stephen T. Logan, primarily due to Lincoln's unpopular stand opposing the Mexican war. Only two delegates voted for his re-nomination. "His partner William Herndon was not one of them, but Parks was. " [\[Lincoln: Prelude to the Presidency, WILL-TV, Guy C. Fracker, 2009\]](#)

Throughout most of these years, covering the Illinois 8<sup>th</sup> Judicial Circuit required traveling approximately 450 miles by horseback or horse and buggy through fourteen counties [reduced to eight counties in 1853 and further reduced to five counties in 1857], including Mount Pulaski, the Logan County Seat from the spring of 1848 through the fall of 1855. The court visited all the county seats twice each year, spending three months in the spring and three months in the fall to make the rounds. The circuit was nearly 140 miles north by south and 110 miles east by west, "nearly one-fifth of the entire area of the state." [\[Beveridge: Abraham Lincoln 1809-1858, Vol. I, p. 513\]](#)

Mr. Lincoln immensely enjoyed his days traveling on the judicial circuit, meeting and talking with many people, friends, and other lawyers. 90 percent of his cases, over 25 years, were on the 8<sup>th</sup> Judicial Circuit. "When Lincoln first began to ride the circuit, he was too poor to own horseflesh or vehicle and was compelled to borrow from his friends. In due time, however, he became proprietor of a horse, [Old

Buck], which he fed and groomed himself, and to which he was much attached. On this animal, he would set out from his home, to be gone for weeks, with no baggage but a pair of saddle bags containing a change of linen, and an old cotton umbrella to shield him from the sun and rain [and some books to read].” [Stringer, p.215]

Joshua Speed reported, “Lincoln read Shakespeare, Burns, and Byron assiduously, although without steadiness or system... and often carried with him a Euclid geometry book, an algebra book and often pored over a treatise on astronomy.” [Beveridge Vol. 1, p. 299, pp. 518-519]

In Herndon’s library, Lincoln read as he chose, from volumes by Locke, Kant, Fichte, Herbert Spence; the sermons and essays of Theodore Parker and Ralph Waldo Emerson; Thomas Paine’s “The Age of Reason” and “Common Sense”; Gregg’s “Creed of Christendom”, Volney’s “The Ruins of Empires”; Feuerbach’s “Essence of Christianity”, McNaught on “Inspiration”. [Sandburg, Vol. I, p. 414]

And, as we know, “Lincoln read the Bible closely, knew it from cover to cover, was familiar with its stories and its poetry, quoted from it in his talks to juries, in political campaigns, in his speeches, and in his letters. There were evangelical Christian church members who felt he was a solemn, earnest, religious man.” [Sandburg, Vol. I, p. 415]

From all of these readings, from observing mankind, and upon much reflection, Lincoln was able to skillfully “set up the indictment, ‘although volume upon volume is written to prove slavery a good thing, we never hear of the man who wishes to take the good of it by being a slave himself ’ ”. He used the logic of mathematics to “reason in politics and human relationships with some of the absolute quality of mathematics”. To prove a thing isn’t enough; he wants to demonstrate. His speeches and writings were moving away from the horse-play and comic sarcasm of his oratorical style of earlier years. [Sandburg, Vol. I, pp. 442, 478]

Lincoln’s interest in logic certainly must have led him to learn and enjoy the game of chess. On one occasion, when Lincoln had been called to the dinner table several times by Mary, one of his boys was sent to finally summon his father and instructed to get his father’s attention from a serious game with Judge Treat; “the third time, the boy lined up where he could get foot action and kicked the chessboard, kings, queens, pawns, and all, into the air. The father acted as if chessboards were made to be kicked into the air, took the boy’s hand, smiled to Judge Treat, ‘I reckon we’ll have to finish this game some other time’, went to dinner and left Judge Treat puffing at the gills, with mussed-up dignity.” [Sandburg, Vol. II, pp.

280-281]

As Lincoln progressed with his learning over the years, so did his appearance. He had worn deerskin moccasins as a youth, then wore rawhide boots and now as a traveling respectable lawyer, wore calf leather boots. On his head, he had once worn coonskin caps, then a more pronounced raccoon tail headpiece, then he graduated into black felt hats and finally into what the world would always remember him, “a tall, stiff, silk hat known as a ‘stovepipe’, also called a ‘plug hat’”. In this stovepipe – “nearly a foot tall”, he carried letters, newspaper clippings, deeds, mortgages, checks, and receipts. [Sandburg, Vol. 1, p. 302]

His physical features are well known from all the photos, paintings, illustrations and writings that have been produced over the years. Nevertheless, it is noteworthy and interesting to reflect on what one acquaintance once remarked, “Lincoln was the strongest man I ever knew. In the grocery, I often saw him pick up a forty-four gallon barrel of whisky, place it on the counter, and then lower it on the other side.” [Sandburg, Vol. I, p. 471]

“Lincoln had no library, clerk, no index rerum, no diary. When he wanted to preserve a memorandum, he noted it down on a card and stuck it in a drawer or in his vest pocket or in his hat. While outside of his mind all was anarchy and confusion, inside all was symmetry and method. His mind was his workshop; he needed no office, no pen, ink and paper; he could perform his chief labor by self-introspection. For his important business matters, he had an envelope marked, ‘when you can’t find it anywhere else, look in this’.” [Sandburg, Vol. I, p. 475]

“In the speeches he was now ready to make, with the American nation for an audience, there would be reason and passion rising so overwhelmingly out of them that some men and women would know that they came from other regions than those of personal ambition. He was in the toils of something else than personal ambition.” [Sandburg, Vol. I, p. 480]

Speed was a young merchant who befriended Lincoln after his return from the state legislature in 1837, almost friendless and penniless – allowing him to stay with him in his room above his business. “Excepting Speed, James H. Matheny was the most intimate unmarried friend of Lincoln in Springfield at that time, and was his best man, finally, when Lincoln married.” [Beveridge: Vol. I, p. 298]

“His habits were, testifies Speed, ‘regularly irregular’. But he remembered all he read and could quote

more poetry than any man in town. He read Milton as well as law, and especially the newspapers.” Lincoln once answered Speed’s amazement at his memory with: “No, said he, you are mistaken. I am slow to learn and slow to forget that which I have learned. My mind is like a piece of steel, very hard to scratch anything on it and almost impossible, after you get it on, to rub it out.” [Beveridge: Vol. I, p. 300]

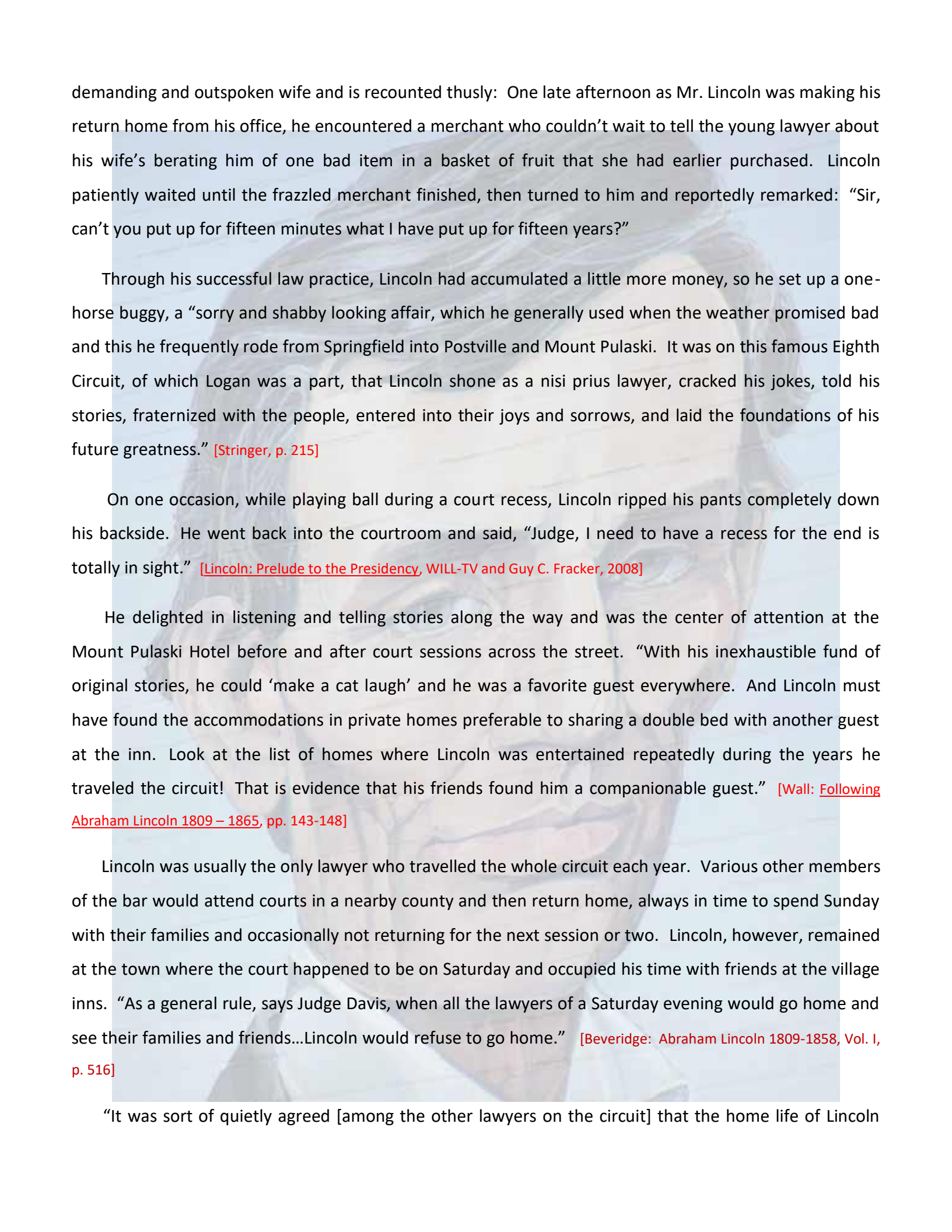
William [Billy] Herndon was another lawyer who frequented the Mount Pulaski Court, with his law partner, Abraham Lincoln. “By nature, Billy was a hero worshipper and Lincoln became the object of his adoration. After a time the youth [Billy] slept in the room over the store [Speed’s] where his employer and Lincoln lived. He heard and saw all that went on during the years we are now reviewing, and his devotion to Lincoln grew steadily. Thus, fate spun another and, for Lincoln, a most fortunate thread in the many-colored fabric of his career.” [Beveridge: Vol. I, p. 300]

Soon, young Herndon would study law in the office of Lincoln and Logan and eventually started to practice. “In his 25<sup>th</sup> year, five feet six inches tall, with friendly blue eyes, raven hair, and winning smile, pleasing manners, unreserved, impulsive, outspoken and loquacious, Herndon was an engaging figure when, in the autumn of 1844, Lincoln took him for a junior partner in the firm of Lincoln and Herndon, attorneys at law, to be dissolved only by Lincoln’s death, twenty-two years afterward. Lincoln had his reasons”, cryptically observed a close observer, “... as a business arrangement, it suited Lincoln; as a political partnership, it was well-nigh perfect.” [Beveridge: Vol. I, p. 364]

As to Lincoln’s highly educated wife, “he was charmed with Mary’s wit and fascinated with her quick sagacity...and culture...Lincoln would listen and gaze on her as if drawn by some superior power...he listened – never scarcely said a word.” Mary admired the rising politician and lawyer, as did John T. Stuart [Lincoln’s partner and a first cousin of the Todd girls], and colleague Ninian W. Edwards [related to the Todds through his Governor father’s marriage to Elizabeth Todd of Kentucky]. But, the Todd and Edwards families; and Mary especially, ‘held the Hanks tribe in contempt and the Lincoln family generally – the old folks’ in particular, a feeling which she never overcame.” [Beveridge: Abraham Lincoln 1809-1858, Vol. I, p. 310] Nevertheless, with an on and off again affair, Lincoln asked Mary for her hand and marriage, was accepted, and were married on November 4, 1842 – “...before his faltering resolution once more broke down they were hastily married.” [Beveridge: Abraham Lincoln 1809-1858, Vol. I, p.354]

One story that has circulated amongst these parts reveals the testy relationship of Lincoln and his





demanding and outspoken wife and is recounted thusly: One late afternoon as Mr. Lincoln was making his return home from his office, he encountered a merchant who couldn't wait to tell the young lawyer about his wife's berating him of one bad item in a basket of fruit that she had earlier purchased. Lincoln patiently waited until the frazzled merchant finished, then turned to him and reportedly remarked: "Sir, can't you put up for fifteen minutes what I have put up for fifteen years?"

Through his successful law practice, Lincoln had accumulated a little more money, so he set up a one-horse buggy, a "sorry and shabby looking affair, which he generally used when the weather promised bad and this he frequently rode from Springfield into Postville and Mount Pulaski. It was on this famous Eighth Circuit, of which Logan was a part, that Lincoln shone as a nisi prius lawyer, cracked his jokes, told his stories, fraternized with the people, entered into their joys and sorrows, and laid the foundations of his future greatness." [Stringer, p. 215]

On one occasion, while playing ball during a court recess, Lincoln ripped his pants completely down his backside. He went back into the courtroom and said, "Judge, I need to have a recess for the end is totally in sight." [Lincoln: Prelude to the Presidency, WILL-TV and Guy C. Fracker, 2008]

He delighted in listening and telling stories along the way and was the center of attention at the Mount Pulaski Hotel before and after court sessions across the street. "With his inexhaustible fund of original stories, he could 'make a cat laugh' and he was a favorite guest everywhere. And Lincoln must have found the accommodations in private homes preferable to sharing a double bed with another guest at the inn. Look at the list of homes where Lincoln was entertained repeatedly during the years he traveled the circuit! That is evidence that his friends found him a companionable guest." [Wall: Following Abraham Lincoln 1809 – 1865, pp. 143-148]

Lincoln was usually the only lawyer who travelled the whole circuit each year. Various other members of the bar would attend courts in a nearby county and then return home, always in time to spend Sunday with their families and occasionally not returning for the next session or two. Lincoln, however, remained at the town where the court happened to be on Saturday and occupied his time with friends at the village inns. "As a general rule, says Judge Davis, when all the lawyers of a Saturday evening would go home and see their families and friends...Lincoln would refuse to go home." [Beveridge: Abraham Lincoln 1809-1858, Vol. I, p. 516]

"It was sort of quietly agreed [among the other lawyers on the circuit] that the home life of Lincoln

was not all that Lincoln would wish it; Milton Hay, a lawyer with an office on the same floor as Lincoln, used to philosophize that if Lincoln's home life hadn't sent him out over the state, with free spare hours to think for himself and to build up circles of friends that were a political asset, Lincoln wouldn't have become the powerful political manipulator that he was in the new controlling party of the Northwest." [Sandburg, Vol. II, p. 281]

"Standing, Lincoln loomed tall with his six feet, four inches of height; sitting in a chair he looked no taller than other men, except his knees rose higher than the level of the seat of the chair. Seated on a low chair or bench he seemed to be crouching. The shoulders were stooped and rounded, the head bent forward and turned downward." [Sandburg, Vol. I, pp. 304-305] In the Mount Pulaski courthouse, there had once been a chair that had its legs cut off to allow Mr. Lincoln to scoot his long legs under the counselor's table. This chair appears to be the one that has been moved to the Springfield Lincoln-Herndon Office, which is now a visitor's center.



Throughout most of these years, the Illinois 8<sup>th</sup> Judicial Circuit required traveling approximately 450 miles by horseback or horse and buggy through fourteen counties [reduced to eight counties in 1853 and further reduced to five counties in 1857], including Mount Pulaski, the Logan County Seat from the spring of 1848 through the fall of 1855. The circuit was nearly 140 miles north by south and 110 miles east by west, nearly one-fifth of the entire area of the state.

[1850's Illinois 8<sup>th</sup> Judicial Circuit]

Mid-19<sup>th</sup> Century Lawyers riding the 8<sup>th</sup> Judicial Circuit found that local accommodations were often undesirable. Judge David Davis in a letter to his wife in April, 1851 about the Mount Pulaski House Hotel: "...the tavern at Pulaski is perhaps the hardest place you ever saw...everything dirty and the eating horrible...Lincoln, Stuart and everybody else from Springfield are here. The old woman looked as we would suppose the witch of Endor looked. She has a grown daughter, who waited on the table – table greasy, table cloth greasy, floor greasy and everything else ditto. The girl was dressed in red calico...I wonder if she ever washed herself. I guess dirt must be an inch thick all over here..." While the heavy (350 lbs) Davis had use of a horse and buggy, he often had to get out and ford the streams and traverse the deep mud along the circuit roads. "It required two horses to draw the buggy of Judge Davis." After a

full-days ride on the circuit trail, Davis was tired and weary, too. Understandably, Judge Davis expected more than a “greasy” end to his day. [Beveridge: Abraham Lincoln 1809-1858, Vol. I, pp. 513- 515]

Mr. Lincoln “allowed” Judge David Davis and the other lawyers to stay at the Mount Pulaski House Hotel, while he often resided with friends, namely the Capps and Lushbaugh families of Mount Pulaski. Elizabeth Lushbaugh Capps, daughter of Thomas P. Lushbaugh, related many years later that Mr. Lincoln enjoyed staying in more comfortable and more private surroundings such as her parent’s home. She goes on to write that Mr. Lincoln “sat at the table in our home, talking in a lively manner with his hair all ruffled up, as it usually was in those days, for he had the habit of running his fingers through it occasionally when talking.” [Elizabeth Lushbaugh Letter] The Thomas P. Lushbaugh family had lived directly across the street from the Lincoln’s in Springfield back in the late 1830’s and in the mid-1840’s, moving to Mount Pulaski and building the third store in town in 1846. [Stringer, p. 593]

Whenever the traveling court came to town, there was much excitement – “... an exceedingly lively place, Lincoln, Douglas, Swett, Trumbull, Stuart and other great legal luminaries of former days being frequently in attendance.” [Stringer, p. 594] The second-floor courtroom could accommodate only about 60 or 70, so most of the locals resorted to standing or sitting on the grass beneath the second-floor windows, listening to the proceedings that often could be heard of the shouting lawyers and screeching audiences – and of course, from the pounding gavel. “In those days, arguments were plainly heard by passers-by upon the four streets which encompassed the court house. Established residents knew what it all meant, and took no notice, but strangers often times stopped and inquired whether a fire, a riot or a murder was in progress...the more noise a lawyer made, the more effective the plea, an idea not yet entirely dissipated. Arguments before the jury were as long as the court would permit and as loud as the ‘vox humani’ would allow.” [Stringer, p. 346]

One lawyer describes the county seats as “small and primitive villages with unkempt courtrooms, where, ten months in the year, town boys played at marbles or rudimentary circus.” The offices of the travelling circuit lawyers were on the sunny side of the courthouse during cooler weather and on the shady side during warmer weather, under a tree or in the street –“wherever client and attorney could talk. When the county seats were large enough, local attorneys, nearly always very young men, came there to live, and they employed older riders of the circuit to conduct the litigation they secured. These young country lawyers prepared the cases, and their experienced circuit-riding partners tried them.”

Other times, the riding circuit lawyer would just be dismounting when surrounded by one or more prospective clients requiring his services. Usually, Lincoln met with this type of arrangement. “Thus, quick and accurate thinking and exact knowledge were necessary.” [Beveridge: *Abraham Lincoln 1809-1858, Vol. I, pp. 516-518*]

The trials in the Mount Pulaski court in which Mr. Lincoln participated are not well known, as most of the records were lost in a spectacular fire that destroyed the Logan County Courthouse in Lincoln, IL., on the night of April 15, 1857. [Stringer, p. 161] However, some records of his Mount Pulaski circuit court work had been moved to the Capitol on appeal trials. Therefore, there is some information about Mr. Lincoln and his law partner, William Herndon, in regards to two notable trials that had been held in the Mount Pulaski Courthouse.

One was the 1853 Horological Cradle Suit brought against the cradle maker: Alexander Edmonds of Mount Pulaski. The plaintiffs in this cradle case were John & George Meyer and McCarty Hildreth, all of Mount Pulaski. This invention was to be a mother’s saving grace – one that would allow her to do household duties while her baby would be comforted by the rocking cradle. The cradle had several weights and pulleys that were regulated with a spring that was to be wound daily. Minnie Mayer of Mt. Pulaski relates that her grandfather, Edmond, made the cradle in his shop in Mt. Pulaski and “...around the top edge, Grandfather carved various horological designs, thus giving it its name. After grandfather obtained a patent for it, Mr. Hildreth saw it and wanted to buy it, thinking it was a perpetual motion rocker. Grandfather sold the patent to Mr. Hildreth for one hundred dollars and some land west of town. When the cradle’s spring ran down, Mr. Hildreth became dissatisfied with the idea and wanted his money back.” [Green: *And She Held Forth her Hand, p. 71*]

Lincoln took the case representing his client, Hildreth, and won, with Judge Davis in his decree stipulating that “Edmonds should convey the \$2,000 piece of land back to Hildreth”. In court, it was discovered that the manufacture of the clock-spring driven cradles was not covered by the patent rights they had purchased – that these rights merely covered the ornamental designs of the cradles. [Photostat of original patent for the Horological Cradle Design, Illinois State Historical Library, Springfield, IL.] The case was appealed to the State Supreme Court.

Another known Lincoln case was the Cast Iron Tombstone Trial, held in Mount Pulaski in 1854. A second Cast Iron Tombstone trial was held in the Lincoln court a year or two later. The plaintiffs in these

two trials were William E. Young and Nathaniel Whitaker, also both of Mount Pulaski. Young was a local lawyer and Whitaker was currently the proud owner of the Mount Pulaski House Hotel, a Justice of the Peace, and a member of the Mount Pulaski School Board. They charged that Ruben Miller of Menard County, an authorized agent of the owner of the patent, “made false and fraudulent representations concerning the patent.” They claimed that they should have their money and property returned to them since the manufacturing patent rights to the Cast-Iron Tombstones did not include the actual tombstones, but merely the decorative part of the tombstones. [Photocopy of original Supreme Court Manuscript, January, 1864: Cast iron Tombstone Case, Illinois State Historical Library, Springfield, IL.] Stephen T. Logan, Milton Hay, William H. Herndon and Abraham Lincoln defended Miller in the Mount Pulaski Court and later in the new nearby town of Lincoln Court. Both of these cases were lost on the county seat level, and they were appealed to the Illinois State Supreme Court. [IBID] Abraham Lincoln’s profound belief that a man’s signature was his final word led him, perhaps, to under-estimate each plaintiff’s personal impact and sorrowful appeal on the minds of the two juries.



Lloyd Ostendorf Illustration, 1975



Lincoln presented this photo of himself to Jabez Capps, 1852 [Mount Pulaski, 1836 – 1986]

Without a doubt, both of these cases coincided with Mr. Lincoln’s fascination with mechanical and manufacturing processes. Mr. Lincoln, in describing the mechanics of the cradle to an inquisitive friend [banker Bunn] in Springfield, laughed and said: “There’s the rub, and I reckon I’ll have to answer you as I did the judge who asked the same question: the thing’s like some of the glib and interesting talkers you and I know; when it gets going it doesn’t know when to stop.” [Sandburg, Vol. II, p. 82]

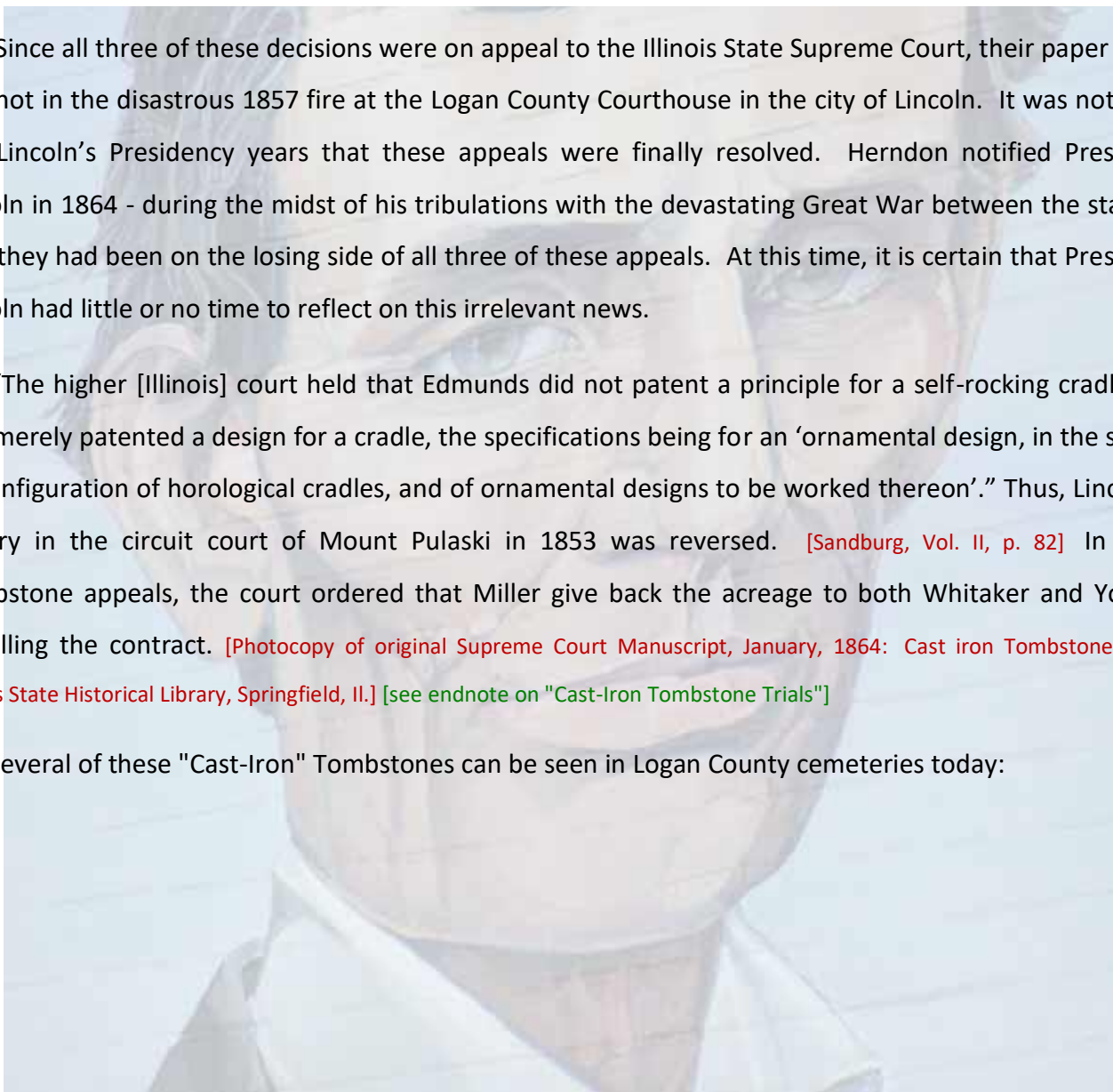
Moreover, it is known that Abraham Lincoln has on record at the United States Patent Office an

invention to aid grounded boats. He worked on this patent between sessions of Congress in 1848. On his way home to Illinois, his boat became stranded on a sandbar. As Herndon reportedly told the story, the captain ordered all hands to collect all the loose planks and empty barrels and force them under the sides of the boat. After forcing enough of the barrels under the vessel, it was slowly lifted and then cleared from the sand bar. This procedure evidently convinced Mr. Lincoln to finish work on his patent. On May 22, 1849, Abraham Lincoln received Patent No. 6469 for a device to lift boats over shoals, an invention that was never manufactured. However, it did make him the only U.S. president to hold a patent. Lincoln's carved wooden model for his patent application is on display at the Smithsonian Institution National Museum of American History in Washington, D.C.

Since all three of these decisions were on appeal to the Illinois State Supreme Court, their paper work was not in the disastrous 1857 fire at the Logan County Courthouse in the city of Lincoln. It was not until Mr. Lincoln's Presidency years that these appeals were finally resolved. Herndon notified President Lincoln in 1864 - during the midst of his tribulations with the devastating Great War between the states - that they had been on the losing side of all three of these appeals. At this time, it is certain that President Lincoln had little or no time to reflect on this irrelevant news.

"The higher [Illinois] court held that Edmunds did not patent a principle for a self-rocking cradle; he had merely patented a design for a cradle, the specifications being for an 'ornamental design, in the shape or configuration of horological cradles, and of ornamental designs to be worked thereon'." Thus, Lincoln's victory in the circuit court of Mount Pulaski in 1853 was reversed. [Sandburg, Vol. II, p. 82] In both Tombstone appeals, the court ordered that Miller give back the acreage to both Whitaker and Young, annulling the contract. [Photocopy of original Supreme Court Manuscript, January, 1864: Cast iron Tombstone Case, Illinois State Historical Library, Springfield, IL.] [see endnote on "Cast-Iron Tombstone Trials"]

Several of these "Cast-Iron" Tombstones can be seen in Logan County cemeteries today:





Mount Pulaski Cemetery

Turley Cemetery [Lake Fork]

Randolph Cemetery [Chestnut]

[these tombstones are not actually cast-iron, but made of a zinc alloy as described in the endnote on "[Cast-Iron Tombstone Trials](#)"]

In 1854, at the Logan County Election, the court of Mount Pulaski suffered the same fate as did the Postville Court years before. The county population had shifted back towards the center of the county. In the previous year - 1853 – the first railroad bisected the state from Chicago to Springfield, running through the old Postville (Camden) area, adjacent to which was erected the newly-founded town of Lincoln - named so after its famous local lawyer and surveyor. A law suit brought about by Mount Pulaski to contest the voting went to no avail, especially when the defendant in the trial was none other than Abraham Lincoln – who had earlier defended Mount Pulaski’s right to gain the county seat and now was on the side of the city of Lincoln’s Court. “It was, of course, a great disappointment to the citizens of Mount Pulaski, but still did not daunt their civic pride and courage, and in a few years, the ‘mound’ had substantially recovered from the shock.” [Stringer, p. 594] The Peoria – Lincoln – Mount Pulaski – Decatur railroad was finished in 1871 and the Illinois Central Railroad from Chicago through the eastern portion of the state and on down through Mount Pulaski to Springfield was also finished in the early 1870’s, but, far too late to help stave off the removal of the Logan County Court to the town of Lincoln.

The removal of the Mount Pulaski Court to the new town of Lincoln was not without fanfare. “George W. Turley and others of Mount Pulaski filed a bill in the circuit court, Judge Davis presiding, to restrain the county officers from erecting county buildings on the new location on the ground that the act providing for the vote on removal was not legally passed, not having been read a required number of times.” Lincoln represented the county and Judge Davis ruled in favor of Lincoln’s position. This case was also appealed and, likewise, most of its paperwork was saved from the Lincoln courthouse fire. “On

appeal to the Supreme Court, the decree of the lower court was affirmed.” [Stringer, p. 161] It wasn’t until “December of 1855, the county records of Logan County were removed from Mount Pulaski to Postville [Lincoln], following the change of county seat. [Stringer, p. 326]

Judge David Davis was instrumental as campaign manager in getting his friend, “Honest Abe” Lincoln nominated for the presidency in that famous 1860 Chicago Wigwam convention; and then worked feverishly for Lincoln’s historic election – an election that saw a once very poor and uneducated young man become a very humble, gracious, kind, thoughtful and self-educated intellect - who was yet a relatively unknown back-woods country lawyer - ascend the highest office of this land. “Davis was one of the three men whom President-elect Lincoln took with him on his journey to Washington in 1861.” [Beveridge: Abraham Lincoln 1809-1858, Vol. I, p. 513] Interestingly, Davis did not accept the President-elect’s offer to become part of the new administration. Later, in 1862, Judge David Davis did accept President Lincoln’s appointment as Associate Justice of the United States Supreme Court, where he served until 1877.

Thus ended the long and successful tenure of lawyer David Davis on the Illinois 8<sup>th</sup> Judicial Circuit, where he was a fixture in the judicial circuit’s chair from 1848 to 1862. His mansion in nearby Bloomington is a visitor’s center, which shows the greatness of one who was born in Maryland (1815), educated in Massachusetts and at the Yale Law School, moved on to Bloomington in Central Illinois at the age of 20 [admitted to the bar the next year] to set up his new law practice (1836), elected to the Illinois State Legislature in 1844, served in the Illinois Constitutional Convention of 1847, elected to three six-year terms as Judge of the Illinois Eighth Judicial Circuit, fully instrumental in both the nomination and election of his friend Abraham Lincoln, served with distinction on the United States Supreme Court for fifteen years, resigned his bench position to become a senator from Illinois in 1877, ascended to President pro tem of the United States Senate (1881 – 1885), then retired to his home in Bloomington, Il., where he died in 1886. [Stringer, p. 322]

On October 15, 1858, young Samuel Linn Beidler of Mount Pulaski was the only one to greet Mr. Lincoln in the town of his namesake at the train station, as thousands were already there milling around getting ready to hear an advertised speech by Stephen A. Douglas. Mr. Lincoln had quietly arrived to answer Mr. Douglas with a speech of his own the following day. Beidler accompanied Mr. Lincoln to the local Lincoln hotel. “With considerable timidity, being a young man, I took the liberty of introducing



myself. Mr. Lincoln graciously bade me sit down. Learning that I was from Mount Pulaski, many inquiries followed, regarding his old friends, many of whom he had not met since the removal of the county seat to Lincoln. He made particular mention of Thomas P. Lushbaugh, Col. [Nathaniel] Whittaker, Jabez Capps and Squire [Samuel] Emmett. He had bordered with the two former. The day, in the light of future events, proved one of the most interesting of my life. Later Lincoln and Douglas, though divided in politics, were united for country. Both were great in the end. Then it was Douglas and Lincoln. In history, they still stand together, but Lincoln is first.” [Stringer, p. 225]

The next day, over 50 horse-pulled wagons jammed with admirers and others on horseback and in buggies from Mount Pulaski arrived in Lincoln to hear ol’ Abe speak. A large sign, “Mount Pulaski supports old Abe” could be prominently seen over the crowd of 5,000 people. A “conspicuous” group “containing thirty-two young ladies [dressed in white] from Mt. Pulaski, each waving a flag with the name of a state of the union upon it.” [Stringer, p. 224] A few years before, Mr. Lincoln had purchased the newspaper, The Springfield Gazette, which was a German-written newspaper that he had delivered to Mount Pulaski and other parts of central Illinois that had heavy German populations. Lincoln had seen thousands of immigrants flood into the mid-west and into Central Illinois, especially the Germans, who outnumbered all the others; “Lincoln carried a German grammar and studied the language in a night class. He wrote ‘nix com raus’ in letters”. [Sandburg, Vol. I, p. 449]

“By action of the State Legislature [General Assembly] in 1857, the old courthouse on the mound was turned over to Henry Vonderlieth, Jabez Capps and George W. Turley as trustees for two years, to be by them turned over to the Board of Education and soon thereafter, the building was utilized as a school building.” [Stringer, p. 594] A belfry was attached, the outside entrances lowered and the rooms refitted as classrooms. The “court-house school” continued to 1877, when it was turned over to the city for their offices; and, later, the United States Post Office was given space until 1936, when the building was restored to the look of the Illinois 8<sup>th</sup> Judicial Circuit Courthouse of the late 1840’s and early 1850’s. The courthouse once again served as a school house in 1911 following the town’s loss of its grades 1-12 four-level school-house mansion through a ravaging fire that, fortunately, did not result in any lives lost nor any reported injuries. The courthouse restoration was spear-headed by E.H. Lukenbill, the Logan County Superintendent of schools: 1916 to 1959, along with local carpenters, merchants and artisans. Mount Pulaski received State restoration funds and the completely restored courthouse was made an Illinois Historic Site on February 16, 1939. “Fortunately, the trend of official affairs has made this building a

public asset for all time and it will likely be preserved. And, as the years go by, its value as a reminder of the days when intellectual giants strove for mastery, increases more and more. For ‘there were giants in those days’.” [Stringer, p. 158-159]

“Lincoln’s mind and character was most happily fostered by the free life of the circuit and it was this which largely molded the man, in the formative period of his career. His practice at the Logan County bar, [only interrupted by a two-year stint as a Representative in the Federal Congress] covers a period extending from the establishment of the [Logan] County in 1839 to his election to the Presidency in 1860; and during all this time, it can be historically, and not merely heroically, said, that he was the leading lawyer of the Logan County Bar.” [Stringer, p. 319]



School house [1857 – 1877]



Illinois Historic Site [1936 to present]

Some of the “giants” that Laurence B. Stringer (State Representative and Senator, Judge & author of several books on the history of Logan County) referred to beyond the obvious Lincoln and Davis were: Judge (General) John Logan, Stephen A. Douglas, General McDougall, Harvey E. Hogg, Richard Oglesby, Judge Samuel H. Treat, John T. Stuart, Judge Samuel C. Parks, Lyman Trumbull, William Herndon, and others, including influential local businessmen, politicians, local officials, lawyers: Robert B. Latham, John D. Gillett, Virgil Hickox, Jabez Capps, Colonel Nathaniel Whittaker, William H. Young, and David B. Campbell (Eight Judicial Circuit Prosecuting Attorney).

These “giants” and many Mount Pulaskians – friends and acquaintances of Mr. Lincoln, town officials, local circuit court officials, merchants, carpenters, saw and flour millers, tanning owners, eatery owners and other merchants, stable owners, farmers and cattlemen, house wives, teachers, and lawyers - could

proudly state that they had something to do with that which “largely molded the man” – that which provided solid and genuine foundations for the 16<sup>th</sup> President of the United States, whom many throughout this nation and around the world think is the finest and certainly the most famous of all of our American Presidents. As President and Commander in Chief, his bold but thoughtful actions helped immeasurably to preserve our country as a whole – as it was deemed to be from the beginning by our forefathers. He also paved the way for a kinder reunification of the two warring regions following the disastrous and tragic blood-letting and family-ripping conflict. What greater man could he be?

---

Endnotes:

### **Cast-Iron Tombstone Trials**

1854) Mt. Pulaski Courthouse

1857) Lincoln IL Courthouse

[endnotes taken from: *Abraham Lincoln in Logan County, Illinois 1834 – 1860* by Paul Beaver (2010) ]

*Young v. Miller.* Flinchbaugh had a patent on a cast iron cemetery monument. Miller, as an agent for Flinchbaugh, sold exclusive rights in the patent for most of the counties in Illinois to Whitaker in exchange for eighty acres of land and \$1,000, and sold the patent rights for Michigan to Young in exchange for 160 acres of land. Believing that Miller had defrauded him, Young sued Miller to rescind the contract and to recover the land. Whitaker separately sued Miller to rescind the contract and to recover the land he had given Miller (*Miller & Flinchbaugh v. Whitaker*). Young charged that the contract was void because the patent was only for the ornamental design, that the monument was well known in Europe and the United States, and that the patent was frivolous and of no benefit to society. The court ruled for Miller, and Young appealed to the Illinois Supreme Court, which considered Whitaker's and Young's cases together. The supreme court reversed and remanded the judgment, ruling that Young should have added Flinchbaugh as a defendant. In the remanded case, the court ruled for Young, rescinded the contract, and ordered Miller to recover the lands. Miller and Flinchbaugh appealed to the Illinois Supreme Court, but the court dismissed the appeal because Miller and Flinchbaugh failed to assign errors. Miller and Flinchbaugh retained Herndon, and the Supreme Court reinstated the appeal. Young died, and Randolph, the administrator of Young's estate, replaced him in the case. The Supreme Court reversed and dismissed the judgment for Young. Justice Beckwith stated that Miller's representations of the monument were not fraudulent and that the sale of a patent right would not be set aside on the ground of misrepresentations as to the durability and probable sale of the patented articles, since such representations were matters of opinion.

*Whittaker v. Miller.* Illinois Supreme Court manuscript: Cast-Iron Tombstone Case. Lincoln Presidential Library, Springfield, IL File ID: L00994 Jan. 1864. Flinchbaugh had a patent on a cast iron cemetery monument. Miller, as an agent for Flinchbaugh, sold exclusive rights in the patent for most of the counties in Illinois to Whitaker in exchange for eighty acres of land and \$1,000, and sold the patent rights for Michigan to Young in exchange for 160 acres of land. Believing that Miller had defrauded him, Whitaker sued Miller to rescind the contract and to recover the land. Young separately sued Miller to rescind the contract and to recover the land he had given Miller (*Miller & Flinchbaugh v. Randolph*). Whitaker charged that the contract was void because the patent was only for the ornamental design, that the monument was well known in Europe and the United States, and that the patent was frivolous and of no benefit to society. Whitaker also claimed to have been so intoxicated that he did not know what he was doing when he made the contract with Miller. The court ruled for Whitaker. Miller retained Lincoln and Herndon and appealed to the Illinois Supreme Court, which considered Whitaker's and Young's cases together. The Supreme

Court reversed and remanded the judgment, ruling that Whitaker should have added Flinchbaugh as a defendant. In the remanded case, the court again ruled for Whitaker, rescinded the contract, and ordered Miller to recover the lands. Miller and Flinchbaugh appealed to the Illinois Supreme Court, but the court dismissed the appeal because Miller and Flinchbaugh failed to assign errors. Miller and Flinchbaugh retained Herndon, and the Supreme Court reinstated the appeal. The Supreme Court affirmed the judgment for Whitaker after determining that there was no error in the circuit court record.

Locals have searched the area for these “cast-iron” tombstones. Three have been located in the Mt. Pulaski Cemetery, one in the Lake Fork Turley Cemetery, one in the Bowers-Templeman Cemetery and one in the Chestnut “Randolph” Cemetery. Perhaps the results of the 1854 and 1857 tombstone trials had something to do with the discouragement of this new procedure in metallic tombstones. “Beginning in the 1870’s, inexpensive monuments in American cemeteries began to be made of zinc...Their cast-iron fountains with classicizing zinc statues were occasionally placed in cemeteries, originally painted light colors in imitation of stone. Corrosion is a potential problem for any metal monument, especially in highly polluted or seaside atmospheres ...Nevertheless, white-bronze monuments, which were meant to remain unpainted, survive remarkably well. Perhaps this is because the cast metal was relatively pure (more than 99% zinc) and the joining metal was also composed of zinc.” See the following link for further information:

[http://www.si.edu/mci/english/research/conservation/zinc\\_cemetery\\_monuments.html](http://www.si.edu/mci/english/research/conservation/zinc_cemetery_monuments.html)

## **BIBLIOGRAPHY:**

Albert J. Beveridge: **Abraham Lincoln 1809-1858**, Vol. 1, Houghton Mifflin Co., 1828.”

Paul Beaver: **Abraham Lincoln in Logan County, Illinois 1834-1860**, Premier Print Group 2602 Champaign, IL

Emagene Green: **And She Held Forth Her Hand**, Sieb’s Publ. Company, Lincoln, IL.

James Hickey: Manuscript concerning the Horological Cradle Case and Alexander Edmonds, Illinois State Historical Library, Springfield, IL.

**History of Logan County**, 1878.

Mount Pulaski Community Pride: **Mount Pulaski, 1836 – 1986**; S.J. Clarke Publ. Company, 1986.

Mount Pulaski Times-News: **125 Yesteryears of Mount Pulaski, Illinois**, 1961.

**Lincoln: Prelude to the Presidency**, WILL-TV and Guy C. Fracker, 2008.

Miers, Earl s., ed. **Lincoln Day by Day: A Chronology**, Lincoln Sesquicentennial Commission, 3 Vols., 1960. Vol. 1, 288.

**American Heirs to Millions**: The New York Times, Published: October 26, 1897.

Photocopy of original Supreme Court Manuscript, January, 1864: Cast iron Tombstone Case, Illinois State Historical Library, Springfield, IL.

Photostat of original patent for the Horological Cradle Design, Illinois State Historical Library, Springfield, IL.

Photostat of original patent for the Cast-Iron Tombstone, Illinois State Historical Library, Springfield, IL.

Carl Sandburg: **Abraham Lincoln, The Prairie Years**, Vol. I and II, Harcourt, Brace and World, Inc., New York, 1926.

“George Washington Turley” by Sharon Stone-Cook (Nov. 13, 2010) - Certified Genealogist and Lineage Specialist interview with Phil Bertoni, September 30, 2009 (additional information via phone & emails: 2009-2010)

Lawrence B. Stringer: **History of Logan County Illinois**, Pioneer Publ. Company, Chicago, IL., 1911.

Lawrence B. Stringer: **100 Years of Mount Pulaski, 1836 – 1936**, Mount Pulaski Times News, 1936.

Bernhardt Wall: **Following Abraham Lincoln 1809 – 1865**, Wise-Parslow Co., New York, 1943.