


Legal Cases Brought Against Lincoln

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# Abraham Lincoln Before 1860

## Legal Cases Brought Against Lincoln

Excerpts from newspapers and other  
sources

From the files of the  
Lincoln Financial Foundation Collection

# LINCOLN JUST HUMAN

*Compiled by HERBERT WELLS FAY, Custodian Lincoln's Tomb*

There seems to be a universal tendency to condemn or to deify men of importance in the affairs of the world. To make Lincoln Godlike is unnecessary. His achievements in the cause of humanity has induced even his enemies of the past to now honor his name. The listing by students of world history of a score of the most noted men, usually results in placing Lincoln near the head of the line.

Undoubtedly there is no pang that an American ever suffered but what Lincoln went through, making him a typical American. Financial reverses overtook him, causing heart-burnings, but he met his obligations, in the end paying dollar for dollar.

The readers may ask for documentary evidence and former Sangamon county circuit clerk, Charles L. Koehn, submits along this line the following:

**October 30, 1832**

Lincoln, legal documents show, was defendant in a variety of suits charging him with failure to meet financial obligations and he was defended in the same court where later as an attorney he became famous for his stirring addresses that formed the foundation for his meteoric rise to the office of the nation's chief executive.

One of the first suits discovered that mention Lincoln as a defendant is that of the then sheriff, James D. Henry, of Sangamon county for the use of James McCandlis and Henry Emerson against Nelson Elley and Lincoln. It was an assumpsit suit for \$300, filed Sept. 3, 1833, and charges that on Oct. 30, 1832, Lincoln and Elley promised to pay \$104.87 for the benefit of creditors of N. A. Bogue and that they refused to make payment.

The note, signed by Lincoln and Elley, showing the familiar curl on the "A" of Lincoln's signature reads as follows:

"Six months after date we or either of us promise to pay James D. Henry, sheriff of Sangamon county, or order, for the

benefit of creditors of N. A. Bogue the sum of \$104.87½, value received Oct. 30, 1832."

C. R. Matheny, who was clerk of the circuit court, issued the summons in the case. Judge Samuel D. Lockwood presided. Final disposition of the suit is not shown by the records.

Another case mentioning Lincoln as defendant is that of Alexander and Martin S. Trent against David Rutledge, William Green, Jr., and the future president of that time. It was an action in debt for \$150, and the bond, apparently in the handwriting of Lincoln, is on record. "A condition of the above obligation," the bill says, "is such if the above David Rutledge shall make a good and lawful deed of conveyance to the said Alexander and Martin Trent for the east half of lot No. 5 in the first survey in the town of New Salem the above obligation is to be null, void and of no effect; otherwise to be in full force at law."

In the declaration Lincoln is mentioned as A. Lincoln, alias Abraham Lincoln, and with Green and Rutledge, is said to have been in custody of the sheriff prior to the making of bond, which they were allowed to sign and were released on their own recognizance.

Judge Lockwood, other records show, ordered a scire facias to issue for Lincoln and William Berry, who had been named defendants in a suit for \$500 by Peter Van Bergen. Lincoln and Berry ordered to show cause at the next term of court, beginning the second Monday in September, 1834, why they should not be made a party to the suit.

These and many other old records, which make mention of Lincoln, were unearthed by Deputy Clerk Herman Goering in the archives of the county.

This record was published in the Springfield Journal, July 26, 1923.

The Lincoln and Berry obligations caused Lincoln annoyance for fifteen years until the last dollar was paid.

## Records of Suits Against Lincoln Uncovered Here

Abraham Lincoln's early life was marked several times with suits filed against him for debts which he was unable to meet, according to records unearthed in the office of Circuit Clerk Charles L. Koehn. The cases were tried in the same court where he, later, delivered stirring addresses that formed the foundation for his rise to the chair of the nation's chief executive.

One of the first suits asked for \$300 and was filed by James D. Henry, then sheriff of Sangamon county on Sept. 3, 1833, for James McCandalls and Henry Emerson against Nelson Elly and Lincoln. Lincoln and Elly promised to pay \$104.87½ for the benefit of the creditors of N. A. Bogue. Final disposition of the suit is not shown.

Another case mentioning Lincoln as defendant is that of Alexander and Martin S. Tient against David Rutledge, William Green, Jr. and Abraham Lincoln. It was for a debt for \$150. In the declaration, Lincoln is mentioned as A. Lincoln, alias Abraham Lincoln.

Lincoln, with William Berry, were also sued at another time for \$500, according to the records.

