

FOR IMMEDIATE RELEASE:

**"Abe in Lincoln Church" Question 99% Answered
Evidence Shows Abe Probably Did Not Practice Law in the Lincoln Christian Church in 1857:**

1. Records prove Abe was in Chicago court when alleged to be attending the 1857 Logan County Circuit Court.
2. Historian's error led to mistaken belief that Abe practiced law in the Lincoln Christian Church in 1857.

Springfield, MO -- February 2, 2010 -- The two-year Lincoln Bicentennial Celebration officially ends February 12, but the Lincoln heritage of central Illinois continues to charm and challenge us. In 2007, officials of the Lincoln Christian Church of Lincoln, Illinois, widely publicized their discovery of a 1975 photo and text of a missing church plaque that stated Abraham Lincoln had practiced law in their church in the fall of 1857, and they were searching for that plaque. Church officials said they were convinced of the accuracy of the plaque text, and proclaimed their church was the only one in the world where Abe had practiced law.

Church officials announced that they would seek co-sponsorship of the Illinois State Historical Society (ISHS) in erecting an historical marker at the site of their 1857 church, now a parking lot next to the Lincoln Public Library, to commemorate their church's alleged connection to Abe. The ISHS requires at least one primary source before endorsing an historical marker. A primary source is one that is contemporary with a given event, for example, a court document, newspaper report, or letter.

When I read news reports of the plan for the historical marker, I simply pointed out that no primary source evidence had been produced to show that Abe had practiced law in that church in 1857. Church officials then indicated their people would continue searching for an appropriate primary source. I told church officials I hoped they would find primary source evidence to prove their case. As a native Lincolnite, I advocate identifying and commemorating every possible connection the city has to its famous namesake, but I also believe in the need to distinguish between fact and myth. In July 2008, Lincoln College Professor Ron Keller, a Laureate of the Lincoln Academy of Illinois, independently submitted the "Abe in church" question to PBS's History Detectives.

By late summer of 2009, I had not heard of any new developments, so I decided to conduct my own research on this topic. I have academic interests in Illinois history and Abraham Lincoln.

The 1857 fall term of the Eighth Judicial Circuit Court was allegedly held in the building that became the Lincoln Christian Church because a fire had destroyed the Logan County Courthouse earlier in the spring. Lawrence B. Stringer, whose two-volume 1911 *History of Logan County* includes a chapter on Abraham Lincoln, stated his belief that the circuit court was held in the Christian Church while the new courthouse was being built (vol. 1, p. 162). Stringer had spoken at the church plaque's dedication (date unknown but within the five years preceding Stringer's

death in 1942), and in 2007 church officials cited Stringer's involvement as further evidence that Mr. Lincoln had practiced law in their church.

Last August when I researched this topic, I first focused on information that historian James T. Hickey had published in 1953. A protégé of Stringer, Hickey was for many years the curator of the Lincoln Collection of the Illinois State Historical Library (now the Abraham Lincoln Presidential Library) and had taught a course in the life of Lincoln at Lincoln College (I took that course in 1960-61).

Hickey had discovered that the contractor who constructed the building that became the Lincoln Christian Church in 1857 had rented it to the Logan County Board before turning over the deed to church members. Hickey said the 1857 fall court term ran from September 21 through October 2. He also found of a "bill of particulars" on a case that was heard in the church while it was allegedly serving as a courtroom in the fall of 1857. The document is in Lincoln's handwriting and concerns his firm handling the case of *Steigleman and Johnson vs. Many A. Brace and William H. Young*. Regardless, Hickey contended that Lincoln was probably not in his first namesake town during the 1857 fall term of the circuit court because he was then for several weeks deeply involved in the major *Effie Afton* case in Chicago. In Hickey's view, the *Steigleman* case was handled by Lincoln's Springfield partner, William H. Herndon. Hickey wrote, "there just is no way that Lincoln could have taken part in the case in Lincoln and the railroad case in Chicago at the same time."

When I looked online at *The Lincoln Log* (authoritative account of Lincoln's daily activities), I discovered that the *Effie Afton* case was concluded on September 24, 1857, and that Abe was back in Springfield on the 26th. I then wrote to Dr. Bryon Andreasen, research historian of the Abraham Lincoln Presidential Library, to ask for assistance in determining whether the court records for *Steigleman* date to the last few days of September or the first two days of October, when Abraham Lincoln had returned to Springfield and thus would have been able to attend court in Lincoln.

In his reply letter of August 27, Andreasen said *Steigleman* was heard and decided on September 21, 1857, in favor of the plaintiffs, represented by the law firm of Lincoln and Herndon: "The plaintiffs' petition (what Jim Hickey must have been referring to as the "Bill of Particulars") is in Lincoln's hand. It would have had to have been written and filed before commencement of the fall term in September, 1857, in order for notice and process to have been served on the defendants. It would not have been necessary for Lincoln to have personally been in attendance on September 21. Hickey was no doubt correct in his supposition that Herndon (or some other proxy) attended the September 21st proceeding, since Lincoln is documented to have still been in Chicago trying the *Effie Afton* case on that date."

Hickey's 1953 determination that Abe did not practice law in the Lincoln Christian Church was published in the *Lincoln Courier*, where undoubtedly members of that church saw it. Then perhaps they promptly removed the plaque because of its inaccuracy.

Using the online Law Practice of Abraham Lincoln, I then focused on another case in the 1857 Logan County Circuit Court involving the firm of Lincoln and Herndon: *Dalby v. St. Louis*,

Alton, & Chicago RR. Joseph A. Dalby had sued the railroad for injuries he had received while scuffling with railroad employees over the price of a fare for his family's passage from Elkhart to Lincoln, Illinois. The firm of Lincoln and Herndon represented Dalby, but also during this case, Lincoln was in Chicago. Court records show that attorney Samuel C. Parks of Lincoln aided Herndon. Information relating to the *Dalby* case proved to be the smoking gun for Stringer's role in the "Abe in church" question.

In his 1911 *History*, Stringer claimed that the judge's instructions to the jury in *Dalby* were written by Lincoln (vol. 1, p. 219). Stringer's book even includes a facsimile of part of those instructions (vol. 1, between pp. 368-69). Through additional research, I discovered that historian John J. Duff (d. 1961) in *A. Lincoln, Prairie Lawyer* (1960) pointed out that Stringer had erred in identifying the author of the jury instructions. Duff wrote: "One does not have to be a handwriting expert to see that there is no resemblance whatever between the facsimile of the instructions and Lincoln's unmistakable handwriting. (The writing clearly is that of David Davis. The Illinois State Historical Library has some of the original papers in this case, and the Judge's hand is much in evidence.) Beveridge [early 20th century Lincoln biographer], citing *Stringer*, indicates that Lincoln tried the case in the lower [circuit] court. As a matter of fact, at the time of the trial in Logan County, Lincoln was in Chicago, trying the *Effie Afton* case" (p. 270).

Undoubtedly Stringer's error in thinking that Abraham Lincoln had written the judge's instructions to the jury was the basis for Stringer's mistaken belief that Lincoln had practiced law in the Lincoln Christian Church in 1857. Further, historian William D. Beard pointed out that Stringer's error had led several well-known 20th-century Lincoln biographers and historians to make the faulty inference that Lincoln had practiced law in his first namesake town that term. The railroad lost the case in circuit court and appealed in the Illinois Supreme Court. According to Beard, Herndon--not Lincoln (as other Lincoln experts had believed)--handled the appeal proceedings in which the higher court upheld the lower court's judgment. The *Dalby* case became one of the most significant cases of the firm of Lincoln and Herndon for setting influential precedence.

Curiously, Abraham Lincoln may have passed through his first namesake town on the day *Dalby* was concluded in the circuit court. According to *The Lincoln Log*, on September 24, 1857, the *Effie Afton* trial ended in favor of the railroad company, Lincoln's client. Also, according to *The Lincoln Log*, Abraham Lincoln, as noted above, was back in Springfield on September 26. *The Lincoln Log* has no entry for September 25, but it follows that Lincoln would have traveled by train toward Springfield through his first namesake town on that date--the very date on which the *Dalby* case was decided in favor of his firm's client.

I searched for references to Mr. Lincoln's activity for September 25, 1857, in central Illinois newspapers. Apparently no newspapers of Lincoln, Illinois, for 1857 survive. The Bloomington *Daily Pantagraph* and the Springfield *Illinois State-Register* for that time do not contain any relevant information.

Court documents show that Abe had participated in the circuit court at Lincoln in the spring of 1858 while a new courthouse was being built. By then, a temporary building had been built for the Logan County Court near the new courthouse construction, and the 1858 spring term of the

circuit court was probably conducted there also because a courtroom in those days often served multiple purposes, but I know of no efforts to find a primary source to prove that in this particular situation. In 2007, Lincoln Christian Church officials indicated their belief that the circuit court's 1858 spring term might also have been held in their 1857 church. Again, I must say, "show me some primary source evidence supporting that speculation."

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For a photo of the Lincoln Christian Church (constructed, 1857), as it was being dismantled in 1902 or 1903, the text of the lost church plaque, and other information related to the question of Abe practicing law in this church, access the following link:
<http://findinglincolnellinois.com/churches.html#christianchurch>.

For more information about and photos of Lawrence B. Stringer, James T. Hickey, and other historians who have published on the history of Lincoln and Logan County, Illinois, see
<http://findinglincolnellinois.com/historians.html>.

The Law Practice of Abraham Lincoln, 2nd ed.: <http://www.lawpracticeofabrahamlincoln.org/>.

Articles (2007) on the Lincoln Christian Church's Announcement of Its Alleged Connection to Abraham Lincoln:

"Church researching a new connection to Abraham Lincoln,"
http://archives.lincolndailynews.com/2007/Sep/19/News/today091907_c.htm.

"Church tries to prove Lincoln legend true," *State Journal-Register*, September 6, 2007.

"Lincoln Christian Church holds unique historical fame,"
http://www.pantagraph.com/news/article_429102aa-6dc6-54cc-86d6-8f2414e231e6.html.

Headline article: "Story Stands: Abe did practice Law in Lincoln Church," *The Courier*, September 8, 2007.

Articles (2007) About Henson's Challenge to the Lincoln Christian Church's Claim That Abraham Lincoln Practiced Law in the Lincoln Christian Church:

Headline article: Nancy Rollings Saul, "Abe's Stint in church remains uncertain," *The Courier*, September 29, 2007.

Patti Welander, "Church's connection to Abraham Lincoln questioned," *Pantagraph*, Oct. 1, 2007, http://www.pantagraph.com/news/article_8e5baa8b-a2ad-5bba-af52-296d70c47658.html.

Patti Welander, "Church claim about Lincoln has doubter," *herald-review.com*, Oct. 8, 2007, http://www.herald-review.com/news/local/article_3338d836-ee5b-58ef-9889-9a5127e4cb69.html.

Roland Klose, "Missing Lincoln link: The jury's still out on area church's claims, professor says," *Illinois Times*, Sept. 26, 2007, <http://www.illinoistimes.com/Springfield/article-4443-missing-lincoln-link.html>.