

# For the People

A Newsletter of the Abraham Lincoln Association  
Volume 4, Number 4 Winter 2002 Springfield, Illinois

## Another Look at Abraham Lincoln as a Lobbyist

By Ronald S. Vasile \*

In 1999, while going through the annual reports of the Board of Trustees of the Illinois and Michigan Canal, I found a reference to Abraham Lincoln.<sup>1</sup> Not finding this fact mentioned in Wayne Temple's earlier work on Lincoln and the canal,<sup>2</sup> I notified Chuck Cali of the Illinois State Archives and he instituted the search that uncovered the receipts signed by Lincoln in the I&M Canal papers. On reading Temple's subsequent article on Lincoln as a lobbyist, I was somewhat surprised that the author did not mention the role of others in finding these hitherto unknown Lincoln documents.<sup>3</sup> More importantly, however, my research on the I&M Canal led me to question Temple's account of the Haven lawsuit. Before detailing these errors, however, a little background is perhaps in order.

Many others had claimed damages from the Board of Canal Commissioners and later the Board of Trustees of the I&M Canal. In 1841 the canal commissioners agreed to pay James McKee over \$17,000 for the destruction of his mill in Joliet, just half a mile above the Haven mill.<sup>4</sup> Elias Haven, the father of Orlando and Philo, also petitioned for \$1,000 in damages, as he had leased water from McKee.<sup>5</sup> It is unknown whether he collected. In any event, the Haven brothers bought McKee's machinery for their mill.<sup>6</sup>

Given a steadily increasing number of claims, especially after the canal opened in 1848, the issue of canal damages became a hot topic of debate. The *Chicago Evening Journal*, which regularly extolled the benefits of the

canal, had harsh words regarding the management of the canal. The canal trustees were mired in numerous lawsuits, and the editors argued that some of the litigants had valid claims. In the opinion of the newspaper, the two foreign trustees of the canal had abdicated their responsibilities and turned to Secretary William Gooding Superintendent Edward Talcott for advice. The problem stemmed from the fact that in some cases these two men were "the cause of the complaint or litigation" and that "to cover their own blundering policy" they rejected all claims for damages, "thereby subjecting parties to expenses and delay, in some instances well nigh ruinous to them."<sup>7</sup>

The roots of the Haven dispute were planted in 1839 when the Haven brothers built their mill on the Des Plaines River. Construction on the I&M Canal had been underway for three years and by the end of the year the State of Illinois had already expended close to \$3 million on the project.<sup>8</sup> The engineering specifications called for a "deep cut," but by 1841 the State of Illinois had run out of money and most work on the canal ceased. Loans from European, New York, and Illinois investors allowed work on the canal to continue in 1845.<sup>9</sup> The "deep cut," which would have used Lake Michigan water to supply the canal, had now been abandoned in favor of a cheaper "shallow cut," which would necessitate using waters from the Des Plaines River and other sources to feed the canal.<sup>10</sup> It was this change in canal construction that led to the Haven's lawsuit, as water would now be diverted from the

Haven mill.<sup>11</sup>

It is within this larger context that the Haven damage claim and Lincoln's role as lobbyist before the House must be seen.<sup>12</sup> Regarding the Haven case, Temple asserts that "the state had spoken and rendered their last judgement" and that "Lincoln proved to be a god-send for the trustees and the State of Illinois" (p. 40). This is not the case. On August 23, 1853, just a few months after Lincoln's testimony, the I&M canal trustees awarded the hefty sum of \$3,060 in damages to O. H. and P. A. Haven "in settlement of claims."<sup>13</sup> This was the largest award that year under the heading of "Canal Damages," which the trustees defined as "for the injury to lands caused by flowage, in the construction of feeders, dams, rights of way, &c."<sup>14</sup> Haven may have represented himself in the case, as he was a lawyer, in practice with F. Goodspeed of Joliet.<sup>15</sup>

Regarding the previous Supreme Court decision regarding the Haven's, Temple stated that the Illinois Supreme Court ruled that the Havens were not allowed damages (p. 39). Although Ninian Edwards had decided that the Haven's were owed nothing, the state supreme court had already upheld the Haven's right to damages; otherwise the canal trustees would not have paid.<sup>16</sup> Haven himself testified truthfully that the court had affirmed their right to damages for half of the water supply of the stream.<sup>17</sup>

One of Temple's conclusions may also merit scrutiny. It does not necessarily follow that the canal trustees' hiring of Lincoln was due to his still having "great influence in the House

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## President's Column

by Robert S. Eckley

L'Ereble is one of those villages and towns established by French Canadian migrants in northeastern Illinois more than a century and a half ago. Nothing much of the village remains except for the Roman Catholic parish church. Nevertheless, it was in that church, or rather its predecessor building, that this story began. My grandfather was born near there a few years earlier. Although I did not hear this story from him, he must have heard it many times while growing up in the vicinity. As a Presbyterian of primarily Scottish descent, he and other Protestants might even have seen a measure of mirth in what happened, as often occurred in the religious rivalries of the time. Our story focuses on the honing of the art of compromise by a prairie lawyer named A. Lincoln.

The conflict arose and continued following a case alleging perjury against a landowner by the name of Peter Spink, who was acquitted. Despite this legal finding, the village priest, Father Chiniquy (with two more names in between, Paschal and Telephone, for added significance), continued to allege publicly that Spink was a perjurer, that is, he lied. This much Father Chiniquy said in French to his parishioners, which gives our story an international flavor. In the declaration of the plaintiffs, some of the testimony had to be translated. Incensed by this double jeopardy after having been found innocent, Spink sued for \$10,000 in damages caused by this slanderous attack against his integrity. He also was granted a change in venue from Kankakee County, where more French people might be found in the jury pool, to the Circuit Court in Champaign County.

The trial ran for three days in Urbana in late May of 1856 with Lincoln defending Father Chiniquy, and a friend of Lincoln's, Oliver Davis, acting as counsel for Peter Spink.

Many curious onlookers from Kankakee and Iroquois counties came to watch the contest, including George Washington's nephew, in addition to the extensive list of witnesses, many bearing French names. According to Henry Clay Whitney, author of *Life on the Circuit with Lincoln*, and one or two others, Lincoln's friend Leonard Swett also assisted in the defense. If he did, he was not an attorney of record. A couple of reasons at least suggest that Swett may have been used as an informal consultant by Lincoln in preparing the case. First, Swett had prevailed against Lincoln in a slander case two years before in DeWitt County. Additionally, Whitney, in describing their relationship, noted that "Lincoln always wanted Swett in jury cases," so Lincoln may have been careful to keep his friend from serving as counsel for Spink. However that may be, the jury was unable to reach a decision after eleven hours of deliberation, and the judge declared a "hung jury." The case was carried over to the fall term.

It was then, in October, that Lincoln reached his own verdict that this was not a viable argument. Somehow he was able to convince his own disputatious client as well as the offended plaintiff to abandon the case, pay their own costs, and go back to L'Ereble. The order for dismissal still exists, drafted in Lincoln's own hand, reflecting his effective, yet direct and terse style, to wit:

Peter Spink

vs.

Charles Chiniquy

This day came the parties and the defendant denies that he has ever charged, or believed the plaintiff to be guilty of Perjury; that whatever he has said from which such a charge could be inferred, he said on the information of others, protesting his own disbelief in the charge; and that he now disclaims any belief in the truth of said charge against said plaintiff. It is therefore, by agreement of the parties,

ordered that the suit be dismissed, each party paying his own cost—the defendant to pay his part of the cost heretofore ordered to be paid by said plaintiff.

That ends the best and most eloquent part of the story. Like many other good stories, there is a sequel—following the aphorism: no good deed shall go unpunished. In 1860, Chiniquy became an unfrocked priest, probably by the hand of the bishop of the diocese. Later, he found he was predestined to serve as a Presbyterian minister and carried along a thousand former parishioners to establish such a church in St. Anne. Again, these transformations did not end the story. A score of years after Lincoln's martyrdom, Chiniquy published a concocted tale of how he had visited Lincoln in the Executive Mansion where Lincoln made him privy to "a Jesuit plot" to assassinate him in Baltimore, and the Roman Catholic plotters would try again. In the anti-Catholic temper of the times, his fictitious allegations found many responsive listeners. Later scholarship (Joseph George, Jr., *Journal of the Illinois State Historical Society*, February 1976) makes clear the perfidious nature of Chiniquy's claims. *Spink v. Chiniquy*, in contrast, did actually happen and is available to be read in hundreds of libraries for those who wish to explore it further.

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## Images from the Dedication of the Abraham Lincoln Presidential Library

On Monday, November 18, Mr. Lincoln's hometown was the place to be. Festivities began with an academic panel discussion on Lincoln research and how research centers such as the Illinois State Historical Library advance our understanding of Abraham Lincoln and his times. The Abraham Lincoln Presidential Library will be the new home for the collections of the Illinois State Historical Library. Moderated by Illinois State Historian Thomas F. Schwartz, historians and Lincoln authors (and Abraham Lincoln Association members) David Herbert Donald, Doris Kearns Goodwin, and Robert S. Eckley provided stimulating insights into Lincoln and the important role the Illinois State Historical Library played in supporting new

research. The panel spoke to a standing-room-only crowd in the Hall of Representatives at the historic Old State Capitol. The event was covered by C-SPAN and has already aired several times. Those interested in seeing the panel discussion can log on to the C-SPAN Website to purchase a tape copy or for scheduling airtimes.

Following the panel discussion, the crowd moved outdoors for the dedication ceremony. Earlier forecasts of rain proved mistaken as the sun darted from cloud to cloud. The ceremony began with music by the United States Air Force Band of Mid-America and a fly-over by the United States Air Force. Miss America, Erika Harold, led the assembly in singing the National Anthem. Former CNN

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## Another Look at Abraham Lincoln as a Lobbyist

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of Representatives” (p. 40). Is it not more likely that Lincoln was hired to lobby the House because he had worked for the canal trustees hearing damage claims just a few scant months before, in December 1852?<sup>18</sup>

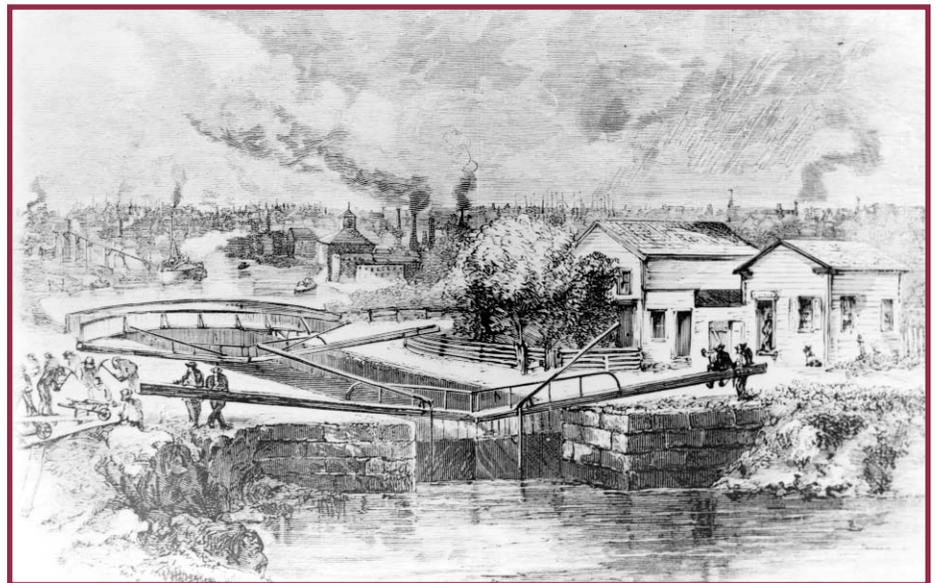
It should also be noted that another legal dispute clouded relations between the Havens and the canal board. Temple noted the Havens’s bid to supply timber for towpaths. Ironically, in their letter offering their services the Haven’s claimed that “they had plenty of water,” and could supply all of the timber that fall and winter.<sup>19</sup> They did indeed receive the contract, and in 1848 they sold over \$2,400 worth of timber and lumber to the canal trustees.<sup>20</sup> After the Havens had filed their initial lawsuit over the decrease in water power in October 1848, the canal trustees countered by attempting to collect \$550 that they claimed the Havens owed them, presumably for wood not delivered.<sup>21</sup> Despite the ongoing lawsuits, in 1852 Haven and Company sold another \$30.78 of lumber to the canal trustees.<sup>22</sup>

As Temple noted, Orlando Haven served as a Whig representative in the Sixteenth General Assembly, replacing a member who had resigned. In 1849 he floated his name as a Whig candidate in a special election for a state representative, and the editors of the *Joliet Signal*, a staunchly Democratic paper with a long-standing animus toward the Whigs who had controlled canal affairs, dismissed Haven as “an abolition lecturer.”<sup>23</sup> According to one local historian, Orlando Haven’s uncle Samuel Haven kept a safe house on the Underground Railroad.<sup>24</sup> In September 1850 a group of local citizens placed an ad for Orlando Haven as an independent candidate for representative and the *Joliet Signal* again rejected Haven as a “whig abolitionist” and “a supple tool for the whigs in this coun-

ty.” Haven withdrew from the race a few weeks later.<sup>25</sup> By 1853 Haven was popular enough to win election as a Joliet school inspector and he served as chairman of this group.<sup>26</sup>

One clarification: As noted, the canal trustees did have an office in Chicago until 1853, but the main canal headquarters had been in Lockport since 1837 (p. 40).

County,” *Will County Historical Society Quarterly Publication*, Winter 1995, 39. The “Seventh Annual Report of the Commissioners of the I&M Canal to the General Assembly, 1842,” 22, Reports (RG 491.006), states: “Claims for damages to private property, occasioned by the construction of the canal, have been allowed by the legal tribunals, to the amount of



*The construction of the I&M Canal led to many lawsuits. The largest settlement in 1853 involved Orlando and Philo Haven of Joliet*

<sup>1</sup>“Ninth Annual Report of the Board of Trustees of the Illinois and Michigan Canal for the Years 1853 and 1854,” 17, Reports (RG 491.006), Illinois and Michigan Canal, Illinois State Archives, Springfield.

<sup>2</sup>Wayne C. Temple, *Lincoln’s Connections with the Illinois & Michigan Canal, His Return from Congress in ’48, and His Invention* (Springfield: Illinois Bell, 1986).

<sup>3</sup>Temple, “A. Lincoln, Lobbyist,” *Journal of the Abraham Lincoln Association* 21 (2000): 35–43.

<sup>4</sup>George H. Woodruff, lecture delivered in Joliet, Mar. 24, 1874, in “Forty Years Ago: A Contribution to the Early History of Joliet and Will

\$41,928; and the sum of \$14, 879.10 has been paid upon such claims.” A study on canal damage claims would make for an enlightening dissertation.

<sup>5</sup>Elias Haven to Canal Commissioners, March 31, 1841, Incoming Correspondence (RG 491.005), Illinois and Michigan Canal, Illinois State Archives, Springfield.

<sup>6</sup>Woodruff, comp., *The History of Will County, Illinois . . .* (Chicago: Wm. Le Baron, Jr., 1878), 308.

<sup>7</sup>Reprinted in the *Joliet Signal*, June 4, 1850.

<sup>8</sup>“Fourth Annual Report of the Board of Commissioners of the Illinois and Michigan Canal, 1839,” 4, Reports (RG 491.006).

<sup>9</sup>The best single account of the I&M Canal is still James William Putnam's, *The Illinois and Michigan Canal: A Study in Economic History*, Chicago Historical Society's Collection, Vol. 10 (Chicago: University of Chicago Press, 1918). For a recent look at the I&M Canal, see Vasile, "The I&M Canal: A Short Historiography and Booklist," *Bulletin of the Illinois Geographical Society* 42 (2000): 66–76.

<sup>10</sup>Woodruff, 1874 lecture, 40.

<sup>11</sup>According to one source, the *General Thornton*, the first canal boat to navigate the entire line from LaSalle to Chicago, stopped at Joliet and "took a cargo of lumber from Haven's sawmill." William Grinton, *Joliet and Joliet* (Joliet, Ill.: Joliet News Printing, 1904), 39.

<sup>12</sup>The men on the House Committee for the Canal and Canal Lands included Homer Wilmarth, C. R. Potter, David Y. Bridges, William B. Egan, C. L. Starbuck, John Wilbanks, Elias S. Potter, Samuel Darnell, and Joseph Williamson. *Joliet Signal*, Jan. 18, 1853.

<sup>13</sup>"Ninth Annual Report," 21.

<sup>14</sup>*Ibid.*, 4. In 1853, the Canal Trustees paid \$4,892.78 in damages, the majority of it going to the Haven's.

<sup>15</sup>The ad for F. Goodspeed and O. H. Haven is on the front page of the *Joliet Signal*, upper left corner, for most of 1853.

<sup>16</sup>In 1950, historian George Joseph Fleming concluded that the Havens' were entitled to reduced damages, rather than no damages. Fleming, *Canal at Chicago: A Study in Political and Social History* (Washington, D.C.: Catholic University Press, 1950), 272. The two Lincoln receipts in the Illinois & Michigan Canal archives state that Lincoln was paid for opposing Haven's bill "to prevent diverting water from the Des Plaines River at Joliet."

<sup>17</sup>"Reply of O. H. Haven," in *Reports Made to the Eighteen General Assembly of the State of Illinois, House Reports* (1853), 52. For a history of the McKee and Haven mills, see Philip E. Vierling, *Early Water Powered Mills of*

*the Des Plaines River and its Tributaries, Illinois* (Chicago: Illinois Country Outdoor Guides, 1998), 61–66, 70–80.

<sup>18</sup>See Temple, *Lincoln's Connections with the Illinois & Michigan Canal*, 73–85.

<sup>19</sup>O. H. and P. A. Haven to Gooding, Sept. 10, 1847, Contract Bids (RG 491.36), Illinois and Michigan Canal, Illinois State Archives.

<sup>20</sup>"Report of the Board of Trustees of the Illinois and Michigan Canal, for the year ending November 30, 1848," 250, 257, 263, 268–69, 271, Reports (RG 491.006).

<sup>21</sup>"Report of the Board of Trustees of the Illinois and Michigan Canal, for the year ending November 30, 1849," 51, Reports (RG 491.006); "Report of the Board of Trustees of the Illinois and Michigan Canal, for the year ending November 30, 1850," 68–69, 76, Reports (RG 491.006).

<sup>22</sup>"Report of the Board of Trustees of the Illinois and Michigan Canal, for the year ending November 30, 1852," 173, Reports (RG 491.006).

<sup>23</sup>*Joliet Signal*, Oct. 9, 1849. Another Jolietier with canal connections came to prominence just before the Haven case was finally decided. Former I&M Canal contractor Joel A. Matteson took office as Governor of Illinois in January 1853. Shortly afterwards he moved the office of the state trustee from Chicago to Joliet and installed another Jolietier in the office. Matteson, however, was a Democrat, unlike Haven. Fleming, 291–92. Ironically, Matteson's career was tarnished through a later scandal involving the canal. Robert P. Howard, "The Great Canal Scrip Fraud The Downfall of Governor Joel A. Matteson," in *Selected Papers in Illinois History, 1980: Inaugural Illinois History Symposium of the Illinois State Historical Society* (Springfield: Illinois State Historical Society, 1980), 25–30.

<sup>24</sup>Woodruff, *History of Will County*, 261.

<sup>25</sup>*Joliet Signal*, Oct. 1, 1850, Oct. 22, 1850.

<sup>26</sup>*Ibid.*, Apr. 5, 1853, Aug. 15, 1853.

\* From 1997 to 2002 Ronald S. Vasile served as interpretive historian for the Canal Corridor Association. He has a bachelor's degree in anthropology from Northern Illinois University and a master's degree in American History from the University of Illinois at Chicago. From 1983 to 1997 he worked as curator and archivist at the Chicago Academy of Sciences. He has specialized in Chicago-area history, having written ten community histories for the forthcoming *Encyclopedia of Chicago History*. He has also published extensively on American natural science in the nineteenth century, including two entries in *American National Biography*. Of late he has written on various aspects of the Illinois and Michigan Canal, including a brief historiography of the canal and popular histories of several canal towns. He has recently completed a biography of William Stimpson, a nineteenth-century American naturalist.

## Member News

Harold Holzer was the recipient of this year's Civil War Round Table's Nevins-Freeman Award. It is an annually given to individuals in the field of Civil War studies for life-time achievement.

The Association received word that long-time member Walter Dallow died.

H. Donald Winkler has completed a book, *Lincoln and Booth: More Light on the Conspiracy* to be released in February 2003.

In October, members were sent renewal notices. To date, about 70 percent of the members have renewed. A few very astute members noticed that the date had not been changed on the notice. **Please note that the renewal notice is for the year 2003 not 2002.** The membership committee apologizes for the error and urges those who have not yet renewed to do so soon!

## More Images from the ALPL Dedication

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anchor Bernard Shaw presided as a podium of dignitaries offered their remarks on Lincoln, the Presidential Library, and the impact the new library and museum will have on future visitors to Springfield. Platform dignitaries included United States House Speaker J. Dennis Hastert, Springfield Mayor Karen Hasara, Illinois Historic Preservation Agency Trustee Chair Julie Cellini, Congressman Ray LaHood, Illinois Senate Minority Leader Emil Jones, Jr., Illinois House Minority Leader Lee A. Daniels, Governor and Mrs. George Ryan, and representing President George W. Bush, Chief of Staff Andrew Card. The assembly was treated to a video taped message from President Bush and a patriotic reading of the Gettysburg Address by ordinary Americans spiced with guest appearances by Colin Powell and former Presidents Gerald Ford and George Herbert Walker Bush. The ceremony ended with a rousing rendition of the "Battle Hymn of the Republic," sung by the Chicago Praise Choir and enhanced by fireworks.



*Panel speakers (l to r) ALA President Robert S. Eckley, author/scholars Doris Kearns Goodwin and David Herbert Donald, and Illinois State Historian Thomas F. Schwartz.*



*Miss America Erika Harold with Governor George Ryan and Illinois Treasurer Judy Barr Topinka*



*Andrew Card, Chief of Staff to President Bush, reminds the audience that Hannibal Hamlin, Lincoln's first vice president, had a library before the Sixteenth President.*



*Illinois State Historian Thomas F. Schwartz conducting one of numerous telephone interviews over the dedication weekend.*



*Chicago Praise Choir singing the "Battle Hymn of the Republic."*



*Lincoln Curator Kim Matthew Bauer conducting a live interview on C-SPAN's Washington Journal in the unfinished library.*

## Admiral William J. Crowe Will Address Banquet Audience

The February 12, 2003 banquet speaker is Admiral William J. Crowe, Jr., former Chairman of the Joint Chiefs of Staff under President Reagan and U.S. Ambassador to Great Britain and Northern Ireland under President Clinton. Crowe graduated from the U. S. naval Academy in 1946 and spent his early career in submarines. He was Assistant Naval Attaché to President Eisenhower, and in 1974 was named Commander in Chief of the U. S. Pacific Command. Crowe was Chair of the President's Foreign Intelligence Advisory Board from 1993 to 1994 and chaired two accountability review boards investigating the embassy bombings in Kenya and Ethiopia. He is recipient of the Presidential Medal of Freedom and four-time recipient of the Defense Distinguished Service Medal. The symposium/banquet flyer including the reservation forms will be mailed to members after the holidays.

### APPLICATION FOR MEMBERSHIP

Please enroll me as a member of the Abraham Lincoln Association in the category indicated:

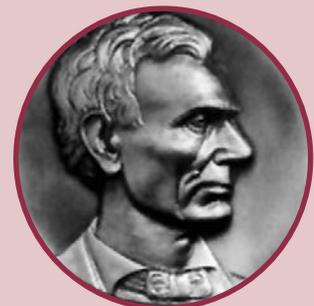
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- President \_\_\_\_\_ \$1,000

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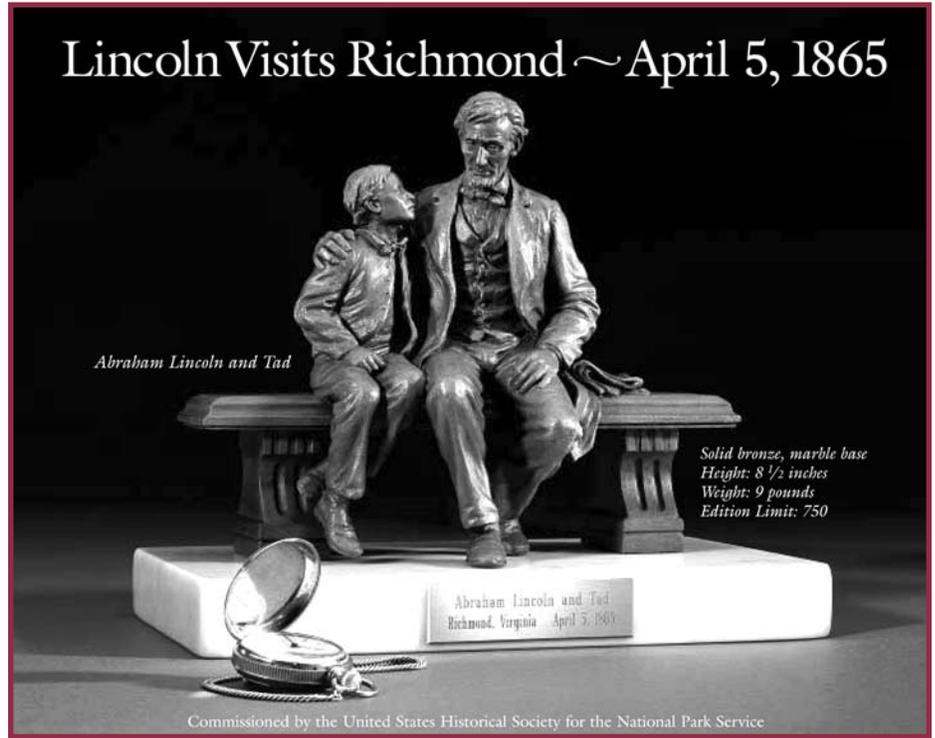
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## Bronze Statue of Abraham Lincoln and Tad to be Dedicated April 5, 2003 Limited Edition Offered to ALA Members

A life-size statue of Abraham Lincoln and Tad will be dedicated at the National Park Service's Tredegar Civil War Visitor's Center in Richmond, Virginia on April 5, 2003. The ceremony marks the anniversary of Lincoln's visit to the recaptured Confederate Capitol on April 4 and 5, 1865. David Frech sculpted the statue and created a limited solid bronze edition of 750 miniatures (8.5" on a marble base) for the United States Historical Society. Proceeds from the sale of the miniatures go toward offsetting the cost of the life-size bronze which was commissioned by the United States Historical Society for the National Park Service. The cost of a miniature statue is \$875 plus \$25 shipping and handling and purchases can be made with a down payment of \$300 and installments of \$50 over twelve months. Those who purchase a miniature will have their names appear on the dedication commemorative program as well as at the Civil War Center



in Richmond. Orders must be placed before January 31, 2003. For more

information call the United States Historical Society at 1.800.788.4478.

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