



Lincoln's Legal Career

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- **Grades 4-7**
- **Number of Sessions and Length of lesson**
Five 45-minute sessions and one week-long project.

B. Overview of this Collection-Based Lesson Plan

- ***Park name.***

Lincoln Home National Historic Site

- ***Description***

This unit includes five lessons involving the collections of the Lincoln Home National Historic Site. These lessons can stand alone or be done in sequence. The final lesson is for a culminating project. The lessons are as follows:

Activity 1: How to Read an Object

Activity 2: Comparing Lincoln's Desks

Activity 3: Lincoln's philosophy: "The Right to Rise"

Activity 4: Analyzing a Document

Activity 5: "Sleuthing an Object": Determining Provenance

Activity 6: Culminating Project...Mock Trial and Almanac Trial

- ***Essential questions.***

How did Abraham Lincoln's law career demonstrate his belief in the right of the individual to improve his station in life through hard work? What did lawyers do in the nineteenth century and how does that compare to today?

C. Museum Collections Used in this Lesson Plan

- Lincoln's portable desk LIHO 308
- Newspaper advertisement LIHO 10257
- Lincoln's pigeon-hole desk LIHO 5404
- Legal document LIHO 6761
- *Livingston's Law Register of 1852* LIHO 5393
- Carte-de-visite LIHO 5410



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- Primary documentary sources including historic photographs, document transcripts such as journals, diaries, letters, receipts, and lists, oral histories, sketches, diagrams, and maps from the park's museum collections. Use images in the public domain from the Library of Congress or National Archives and Records Administration web sites if possible.

Include:

- Thumbnails and large format images of all the museum objects used in this lesson plan.
- URL addresses of the park and the park's museum web exhibit, including the Museum Management Program website at www.cr.nps.gov/museum for downloading collection images from the web.

D. National Educational Standards

Social Studies Standard:

Standard 3A

The student understands the changing character of American political life in "the age of the common man."

Language Arts Standards:

NL-ENG.K-12.4 COMMUNICATION SKILLS

Students adjust their use of spoken, written, and visual language (e.g., conventions, style, vocabulary) to communicate effectively with a variety of audiences and for different purposes.
[\[SOURCE\]](#)

NL-ENG.K-12.5 COMMUNICATION STRATEGIES

Students employ a wide range of strategies as they write and use different writing process elements appropriately to communicate with different audiences for a variety of purposes.
[\[SOURCE\]](#)

NL-ENG.K-12.6 APPLYING KNOWLEDGE

Students apply knowledge of language structure, language conventions (e.g., spelling and punctuation), media techniques, figurative language, and genre to create, critique, and discuss print and non-print texts.
[\[SOURCE\]](#)

NL-ENG.K-12.7 EVALUATING DATA

Students conduct research on issues and interests by generating ideas and questions and by posing problems. They gather, evaluate, and synthesize data from a variety of sources (e.g., print and non-print texts, artifacts, people) to communicate their discoveries in ways that suit their purpose and audience.
[\[SOURCE\]](#)

NL-ENG.K-12.8 DEVELOPING RESEARCH SKILLS

Students use a variety of technological and information resources (e.g., libraries, databases, computer networks, video) to gather and synthesize information and to create and communicate knowledge.



E. Student Learning Objectives

After these lessons, students will be able to:

- Analyze objects from the Lincoln Home Historical Site Collection.
- Hypothesize origin and use of historical objects.
- Generate research questions about historical objects.
- Compare and contrast a portable desk and stationary desk used by Lincoln.
- Use pictures to deduce information about Abraham Lincoln.
- Compare nineteenth century writing tools to modern writing tools.
- Design a portable desk.
- Write for a variety of purposes.
- Compare/contrast the nineteenth century legal profession with modern times
- Understand the concept "The Right to Rise"
- Compare a document in Lincoln's original handwriting to a transcript
- Analyze a legal document
- Understand the term "provenance"
- Formulate questions to determine provenance
- Read a museum catalog record
- Write an expository paragraph with supporting evidence
- Re-enact and analyze one of Lincoln's trials
- Communicate orally using public speaking skills
- Write persuasive speech for closing arguments
- Understand the parts of a trial

F. Background and Historical Context

In 1830, at the age of 21, Abraham Lincoln moved to Illinois. He had less than a year of education and no indication of a direction in life. In 1861, Lincoln left Springfield, Illinois, a successful lawyer, former four-term member of the Illinois legislature, former congressman and President-elect of the United States of America.

Abraham Lincoln exemplified the American ideal of the right of all people to better themselves and their station in life. Abraham Lincoln learned from the people and experiences in his life and sought ways to better his lot in life. He demonstrated an excellent work ethic and a desire to always learn and grow. As Lincoln said in a letter chastising his step-brother:

"If you intend to go to work, there is no better place than right where you are. If you do not intend to work, you can not get along any where." **Abraham Lincoln to John D. Johnston.**



Examining Lincoln’s life and legal career will give your students an opportunity to learn about the legal system in America, develop communication skills, and use critical thinking skills. More importantly, it will bring them face to face with the real person behind the American icon and hopefully, inspire them to become life-long learners and aspire to great things.

G. Materials Used in this Lesson Plan

	Museum Collection	Other Materials	Length of Lesson
Activity 1: How to Read an Object	*Lincoln’s Portable Desk: LIHO 308 *Newspaper Advertisement: LIHO 10257 *Lincoln’s Pigeon-hole Desk: LIHO 5404 *Legal Document: LIHO 6761 <i>*Livingston’s Law Register of 1852.</i> LIHO 5393	<i>How to Read an Object</i> Chart paper	30-45 minutes
Activity 2: Comparing Lincoln’s Desks	*Lincoln’s Portable Desk LIHO 308 *Lincoln’s Pigeon-hole Desk LIHO 5404	Map of Eighth Judicial Circuit Court of Illinois http://www.papersofabrahamlincoln.org/narrative_overview.htm Lupton, John A. <i>The Law Practice of Abraham Lincoln: A Narrative Overview.</i> The Papers of Abraham Lincoln. http://www.papersofabrahamlincoln.org/narrative_overview.htm	30-45 min.
Activity 3: Lincoln’s Philosophy: “The Right to Rise”	<i>*Livingston’s Law Register of 1852</i> LIHO 5393	Local phone book Local newspaper	30-45 min.



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Activity 4: Analyzing a Document	*Legal Document LIHO 6761	Transcript of LIHO 6761 Worksheet: <i>Analyzing an 1841 Legal Document</i> Answers to: <i>Analyzing an 1841 Legal Document</i>	30-45 min.
Activity 5: "Sleuthing an Object": Determining Provenance	*Carte-de-visite LIHO 5410 * <i>Livingston's Law Register of 1852</i> LIHO 5393 *Portable Desk LIHO 308 *Cushion LIHO 1125	Museum Catalog records for each item listed from the museum collection	30-45 min.
Activity 6: Mock Trial: Lincoln's Almanac Trial	none	Armstrong Case Overview Timeline for Case Mock Court Procedures Guidelines for Cross Examination Witness Descriptions for Defense Witness Descriptions for Prosecution Grading the Trial	One week

H. Vocabulary

Create a word and concept list with students as lesson unfolds. Post the list on a large chart in the classroom. Write definitions with student input as words come into use during the lesson.

- Function: way an object is used
- Cultural significance: importance of an object to the life of a group of people
- Portable: able to be moved and carried around
- Circuit Court: a system of courts where attorneys, a state's attorney, and a judge travel to four to ten county seats to hear trials
- Lawyer: one hired to conduct lawsuits for another or to advise on legal matters
- Attorney: one hired to conduct business for another, especially a lawyer
- Advertisement: a public notice, especially one published or broadcast
- Plaintiff: person bringing the complaint in a legal case
- Defendant: person being accused of a crime
- Allegation: what the plaintiff says the defendant did
- Affidavit: legal written account by a witness
- Gelding: neutered male horse



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- Carte-de-visite: nineteenth century photograph pasted on cardboard similar to modern trading cards
- Provenance: documentation of origin and subsequent possession of an object
- Neck-Yoke: 3' x 2" part of a wagon's frame
- Slung-shot: weapon made from a leather bag of lead shot with a string attached
- Testimony: a statement made by a witness under oath
- Witness: one who gives evidence in a court of law
- Cross Examination: to question a person in an effort to show that statements or answers given earlier were false
- Prosecution: those (especially the state) bringing charges of crime against another
- Hearing: to take testimony (usually from a witness in a legal proceeding)

I. Teacher Tips

Encourage and incorporate the following into the lesson:

- Download and laminate color prints of the museum objects used in the lesson plan
- Use online collections; objects, documents, maps, and photographs to further student inquiry and to address student learning objectives.

J. Lesson Implementation Procedures

- Activity 1: Introduction and Warm Up, *"How to Read an Object"*

Student Learning Objectives

Students will:

- Analyze objects from the Lincoln Home Historical Site Collection.
- Hypothesize origin and use of historical objects.
- Generate research questions about historical objects.

Museum Collections Used

- Lincoln's Portable Desk LIHO 308
- Newspaper Advertisement LIHO 10257
- Lincoln's Pigeon-hole Desk LIHO 5404
- Legal Document LIHO 6761
- *Livingston's Law Register of 1852* LIHO 5393

Materials Used



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- *How to Read an Object Chart* paper:
http://www.nps.gov/history/museum/tmc/docs/How_to_Read_an_Object.pdf

Vocabulary

- Function: way an object is used
- Cultural significance: importance of an object to the life of a group of people

Overarching Question:

What do objects tell us about the individual who used them?

Tell students they will be using objects from a National Park Service site as a source of learning and information. Explain that they will learn to look very closely at a set of objects to deduce historical, cultural and social information and to draw inferences about people, events, and life then and now. Ask questions that draw on observational skills, and develop activities that exercise powers of deduction, inference, and creativity based on this introductory lesson.

Do the following with the students:

- Pose the overarching question: "What do objects tell us about the individual that used them?" Post the question on a large banner at the front of the classroom.
- Divide class into small groups; give each group an envelope with one of the following pictures inside: Portable Desk (LIHO 308), Newspaper advertisement (LIHO 10257), Lincoln's Pigeon-hole desk (LIHO 5404), Legal Document (LIHO 6761), *Livingston's Law Register of 1852* (LIHO 5393); have students use inquiry method to discuss history, material, size, date, function, maker/manufacturer, place of origin, function and use, cultural significance of the selected object. Use a '*How to Read an Object*' activity [to be provided] to engage students and introduce them to the idea of learning through museum collections.
- Have groups compare their responses.
- Record their preliminary answers to the "banner" question on chart paper. Then ask students what additional questions they want to pursue after handling objects, specimens and photographs.
- Have the groups exchange pictures. After examining all pictures, tell the students that they all belonged to the same man. Discuss similarities among the objects and what they tell them about the man.
- Have students review the collection on the park web site if computers are readily available <http://www.nps.gov/history/museum/>. Otherwise, print out the web exhibit for student review. Ask them to view the objects, specimens, and photographs and read documents.



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Introduce the terms “primary and secondary source.” Explain that the text books, library books, etc. that they read about Lincoln are secondary sources. However, objects actually written or used by Lincoln and his contemporaries are primary sources.

Have the students:

- Discuss the benefits of a primary source (used at the time, shows the point of view, personality, etc of historical person, gives insight into real people)
- Discuss the benefits of a secondary source (considers multiple points of view, looks at the “big picture”, benefits from factual, scientific analysis, organizes information from multiple primary sources)

Activity 2: Comparing Lincoln's Desks

Student Learning Objectives

Students will:

- Compare and contrast a portable writing desk and stationary pigeon-hole desk used by Abraham Lincoln.
- Use pictures to deduce information about Abraham Lincoln.
- Compare nineteenth century writing tools to modern writing tools.
- Write for a variety of purposes.

Museum Collections Used

- Lincoln's Portable Desk LIHO 308
- Lincoln's Pigeon-hole Desk LIHO 5404

Materials Used

- Map of Eighth Judicial Circuit Court of Illinois
http://www.papersofabrahamlincoln.org/narrative_overview.htm
- Lupton, John A. *The Law Practice of Abraham Lincoln: A Narrative Overview*. The Papers of Abraham Lincoln.
http://www.papersofabrahamlincoln.org/narrative_overview.htm

Vocabulary

- Portable: able to be moved and carried around
- Circuit Court: a system of courts where attorneys, a state's attorney, and a judge travel to four to ten county seats to hear trials

Overarching Question

How did these two desks help Abraham Lincoln perform his duties in his law practice and as a circuit court lawyer?



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Project or print out copies of Portable Desk (LIHO 308) and Lincoln's Pigeon-hole desk (LIHO 5404). Tell the students that these two desks represent different aspects of Abraham Lincoln's legal career: his Springfield practice and his circuit court practice, and by comparing and contrasting them, they can learn more about his life as a lawyer.

Explain to the students that in the mid-nineteenth century, many small towns did not have their own lawyers and judges. Lawyers and judges would come from the larger cities. Townspeople waited until the court was in town to try their cases. When the lawyers arrived, they would gather in groups and select a lawyer to represent them. This was called the Circuit Court. Abraham Lincoln traveled the Eighth Judicial Circuit Court in Illinois beginning in 1839. He was on the road six months out of the year.

Show the map of the Circuit Court:

http://www.papersofabrahamlincoln.org/narrative_overview.htm

For a more detailed discussion of his law career, refer to:

Lupton, John A. *The Law Practice of Abraham Lincoln: A Narrative Overview*. The Papers of Abraham Lincoln. http://www.papersofabrahamlincoln.org/narrative_overview.htm

Do the following with the students:

- Have students list the similarities and differences between the two desks.
- Asks students what the pictures tell them about Lincoln the lawyer.
- Ask students what we use today to write with as we travel.
- Write correct forms of correspondence for formal and informal letters, thank you notes, and emails.

Extension activity:

- Have students design their own portable desks.

Activity 3: Lincoln's philosophy: *The "Right to Rise"*

Student Learning Objectives

The students will

- Compare/contrast the nineteenth century legal profession with modern times
- Understand the concept of "The Right to Rise" coined by Gabor Boritt. *Lincoln and the Economics of the American Dream*. Memphis: Memphis State University Press, 1978.

Museum Collections Used

- *Livingston's Law Register of 1852* LIHO 5393



Materials Used

- Local phone book
- Local newspaper

Resources

- Lupton, John A. *The Law Practice of Abraham Lincoln: A Narrative Overview*. The Papers of Abraham Lincoln.
http://www.papersofabrahamlincoln.org/narrative_overview.htm
Essay about Lincoln's law practice
- **The Lincoln Legal Papers Curriculum: Understanding Illinois Social History through Documents from the Law Practice of Abraham Lincoln, 1836-1861** by Lawrence W. McBride and Frederick D. Drake
- **From Courtroom to Classroom: The Lincoln Legal Papers Curriculum** edited by Dennis E. Suttles and Daniel W. Stowell
- American Bar Association Division for Public Education
<http://www.abanet.org/publiced/schoolshome.html>

Vocabulary

- Lawyer: One hired to conduct lawsuits for another or to advise on legal matters.
- Attorney: one hired to conduct business for another, especially legal business.
- Advertisement: a public notice made to inform or market.

Overarching Question

How did Lincoln's law career show his belief in an American's right to improve his/her station by an individual's efforts?

Historian Gabor Boritt used the phrase "Right to Rise" to explain Lincoln's belief that a man had the right to rise in American society through his own hard work. The right to rise up in life to better one's economic situation is an integral part of the *American Dream*. Lincoln tied all issues: the tariff, internal improvements, the National Bank, and slavery to this principal. (Lupton, John A. *The Law Practice of Abraham Lincoln: A Narrative Overview*. The Papers of Abraham Lincoln.
http://www.papersofabrahamlincoln.org/narrative_overview.htm)

"When one starts poor, as most do in the race of life, free society is such that he knows he can better his condition, he knows that there is no fixed condition of labor for his whole life..." **Abraham Lincoln, New Haven Connecticut, March 6, 1860**



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"I hold the value of life to improve one's condition. Whatever is calculated to advance the condition of the honest, struggling, laboring man, so far as my judgment will enable me to judge of a correct thing, I am for that thing." **Abraham Lincoln, Speech to Germans, Cincinnati, Ohio, 1861.**

Lincoln's own rise from New Salem store keeper to Springfield lawyer, congressman and eventually, President of the United States exemplifies this belief in action.

Display picture of *Livingston's Law Register of 1852* (LIHO 5393). Tell students that this book lists all of the lawyers in the United States in 1852. Divide students into small groups. Give each group a copy of your local phone book.

Do the following with the students:

- Have students read: Lupton, John A. *The Law Practice of Abraham Lincoln: A Narrative Overview*. The Papers of Abraham Lincoln.
- Discuss the concept "The Right to Rise" and Lincoln quotation above
- Have students examine the yellow pages to look up lawyers (note: some phone books use *attorney*).
- Report back on the number of lawyers in your area and the different types of attorneys listed.

Abraham Lincoln had less than one year of formal education. Because of his abilities to read and write, citizens of New Salem sought him out to write for them. Bowling Green, the local Justice of the Peace had Lincoln write several legal documents. John Todd Stuart encouraged Lincoln to study for the law. He borrowed Stuart's law books, often walking from New Salem to Springfield to borrow and return books. In 1836 the Illinois Supreme Court examined Lincoln and gave him a law license.

Do the following with the students:

- Divide students into pairs and tell them they are legal partners.
- Provide each pair with a copy of the Newspaper advertisement from Springfield's *Illinois State Journal*, June 1858 (LIHO 10257) and your local newspaper and/or phone book.
- Compare/Contrast Lincoln's advertisement with modern ones.
- Have each pair write up an advertisement for their legal practice similar to those listed in the newspaper (LIHO 6761).
- Post the advertisements in a period classroom newspaper.

Extension Activities:

- Invite a local attorney into the classroom to talk about legal careers.
- Have students visit a court room. Ask a local judge or attorney to explain the parts of a trial.



□ Activity 4: Analyzing 1841 Legal Document (LIHO 6761)

Student Learning Objectives

The student will:

- Compare a document in Lincoln's original handwriting to a transcript
- Analyze a legal document

Museum Collections Used

- Legal Document LIHO 6761

Materials Used (see end of lesson plan)

- Transcript of LIHO 6761
- Worksheet: *Analyzing an 1841 Legal Document*
- Answers to: *Analyzing an 1841 Legal Document*

Vocabulary

- Plaintiff: person bringing the complaint in a legal case
- Defendant: person being accused of a crime
- Allegation: what the plaintiff says the defendant did
- Affidavit: legal written account by a witness
- Gelding: neutered male horse

Overarching Question:

What does the Purkapile v Hornbuckle document tell us about Abraham Lincoln, the lawyer?

Do the following with the students:

- Have the students work individually or in pairs.
- Provide copies of *Legal Document LIHO 6761*, *transcript of document*, and worksheet: *Analyzing an 1841 legal document*.
- Have students complete worksheet, *Analyzing an 1841 legal document*.
- Discuss as a class.
- Provide students with a scenario of a typical playground dispute or have them generate one:
 - Write an affidavit using a current event such as an incident on the playground. Use the formal language used by Lincoln.
 - Write an informal account of the same incident.

Extension activity:

- Discuss proper usage of formal/informal writing.



□ Activity 5: "Sleuthing an Object": Determining Provenance

Student Learning Objectives

The students will

- Understand the term "provenance"
- Formulate questions to determine provenance
- Read a museum catalog record
- Write an expository paragraph with supporting evidence

Museum Collections Used

- Carte-de-visite LIHO 5410
- *Livingston's Law Register of 1852* LIHO 5393
- Portable Desk LIHO 308
- Cushion LIHO 1125

Materials Used

- Museum Catalog records for each item above (see end of lesson for copies)

Vocabulary

- Carte-de-visite: nineteenth century photograph pasted on cardboard similar to modern trading cards
- Provenance: documentation of origin and subsequent possession of an object

Overarching Question

What is provenance and how is it established?

Have students bring objects from home and explain how they know where they came from. Examples: a home made item, a store-bought new item, an item given by a friend or relative, etc.

Display a copy of Carte-de-visite LIHO 5410. Ask students how we know this really is a picture of Lincoln's horse. Responses should include details such as they are standing in front of Lincoln's home, the picture was taken in 1865, the caption under the carte-de-visite, the man holding the horse, William Florville, was known to Lincoln, etc... Tell the students this is called *provenance*. It is the documentation that proves the artifact really is what it says it is.

Display a copy of Lincoln's Pigeon-hole desk LIHO 5404. Read the caption. Ask the students, "What is the provenance of this desk?" (Lincoln gave it to a neighbor; the neighbor's wife sold it to a Lincoln collector who gave it to the government in the 1920s.) Ask: "How does this prove it was really Lincoln's desk?" (Completed chain of evidence from Lincoln to government.)

Do the following with the students:



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- ❑ Divide students into small groups and give each group one of the following pictures: *Livingston's Law Register of 1852* LIHO 5393, Portable Desk LIHO 308, and Cushion LIHO 1125.
- ❑ Students read captions for evidence of provenance.
- ❑ Students write questions they need to have answered to establish provenance.
- ❑ After students have generated questions, give them a copy of the "Museum Catalog Record-CR" for their object. (Match the **catalog** number in the upper right-hand corner of the catalog record to the LIHO number of the item, not the accession number.)
- ❑ As a group, students write a paragraph saying what the object is and how they know it belonged to Abraham Lincoln.

Tell the students that this is the way to write a proper expository paragraph. Not only should they clearly give an answer or opinion, but they must support the answer with proof that they are correct.

Complete the following with the students:

- ❑ Using your curriculum, have the students write a well-supported expository paragraph.

- ❑ Activity 6: Mock Trial: Almanac Trial.

Student Learning Objectives

The students will:

- Re-enact and analyze one of Lincoln's trials
- Communicate orally using public speaking skills
- Write persuasive speech for closing arguments
- Understand the parts of a trial

Materials Used

- Armstrong Case Overview
- Timeline for Case
- Mock Court Procedures
- Guidelines for Cross Examination
- Armstrong Case Witness Descriptions for Defense
- Armstrong Case Witness Descriptions for Prosecution
- Grading the Trial

Resources

- Walsh, John Evangelist. *Moonlight*. New York: St. Martin's Press, 2000.
- Hinderaker, John H. and Scott W. Johnson. *Abraham Lincoln: A Genius for Friendship*. [Bench and Bar of Minnesota](http://www2.mnbar.org/benchandbar/20000/sep00/lincoln-essay.htm), 9/2000.
<http://www2.mnbar.org/benchandbar/20000/sep00/lincoln-essay.htm>
- "William "Duff" Armstrong." *Wikipedia*.



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- http://en.wikipedia.org/wiki/William_%22Duff%22_Armstrong
- "Abraham Lincoln, The Almanac & A Murder Trial." Geocities.
http://www.geocities.com/SoHo/1422/lincoln_almanac.html?200612
- Stowell, Daniel W. "Moonlight Offers Little Light." *Journal of the Abraham Lincoln Association*. Vol. 24, Issue 1
www.historycooperative.org/journals/jala/24.1/stowell.html
- Bar Association. *Putting on Mock Trials*.
<http://www.abanet.org/publiced/mocktrialguide.pdf>

Vocabulary

- Neck-Yoke: 3' x 2" part of a wagon's frame
- Slung-shot: weapon made from a leather bag of lead shot with a string attached
- Plaintiff: the complaining party in a lawsuit
- Defendant: a person who is being sued or accused in a legal action
- Testimony: a statement made by a witness under oath
- Witness: one who gives evidence in a court room
- Attorney: a person who is appointed to conduct business for another: lawyer
- Cross Examination: to question a person in an effort to show that statements or answers given earlier were false
- Prosecution: those, especially the state, bringing charges of crime against another
- Hearing: to take testimony from

Overarching Question:

What does the Armstrong trial tell you about Lincoln's skills as a lawyer?

Students will experience Lincoln's legal career by researching and retrying the William "Duff" Armstrong murder trial, commonly known as the "Almanac Trial". In this case Lincoln used expert medical evidence and an unusual cross-examination of a prosecution witness that involved using an almanac to call into question the eye-witness testimony. Students will research the roles of the different participants in the trial, assume those roles and reenact the case with their classmates serving as jurors.

Have students, in groups or individually, participate in developing the following:

- Have students read *Armstrong Case Overview*.
- Divide class into two groups: prosecution and defense.
- Give each group the Timeline of the case.
- Give each team the Mock Court Procedures, Guidelines for Cross Examination, Grading the trial and the appropriate witness descriptions.
- Each group should assign roles. Students without a specific role will be jurors.



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- ❑ Have each group prepare for the trial. (Refer to "G. Materials Used" section for research references.
- ❑ Conduct trial
- ❑ Discuss trial and court procedures. Use worksheet "Grading the Trial"
- ❑ Discuss what they've learned about Lincoln and the law as a result of these activities.

K. Evaluation/Assessment for Measurable Results

Writing Rubric: Use district or state rubrics for expository writing

Oral Presentation Rubric: <http://4teachers.org/projectbased/58pre.shtml>

Social Studies Rubric: <http://www.mashell.com/~parr5/techno/content.html>



1841 Legal Document Transcript

State of Illinois
Menard County

of the November term
of the circuit court
of said county A. D.
1841----

Tilman Hornbuckle was summoned to answer John Purkapile of a plea wherefore he took the gelding of the said Purkapile, and maywith detained the same against _____ ledger, until So and thereupon the said Purkapile complains, for that the said Hornbuckle on the 28th day of October A. D. 1841, at the county of afore said, took a certain black gelding of him the said Purkapile of great value, court of the value of one hundred dollars and unjustly detained the same against _____ and _____ until So Wherefore the said Purkapile saith that he is injured and hath sustained damages to the amount of one hundred dollars, and therefore he brings this suit to me.

Logan & Lincoln, esq.



Analyzing an 1841 Legal Document (LIHO 6761)

Use the document written by Lincoln in 1841, the transcript of the affidavit, and the caption to complete the following:

Case name: _____

Date: _____

Name of court: _____

Crime: _____

Plaintiff: _____

Defendant: _____

Which one is Lincoln representing? _____

Type of document: _____

Plaintiff's allegation: _____

What does the plaintiff want the defendant to do? _____

Why do you think Lincoln took this case? _____

If you were the judge, what other information would you need to decide this case? _____



Answers to:
Analyzing an 1841 Legal Document (LIHO 6761)

Use the document written by Lincoln in 1841, the transcript of the affidavit, and the caption to complete the following:

Case name: **Hornbuckle v. Purkapile**

Date: **November, 1841**

Name of court: **Circuit Court of Menard County, Illinois**

Crime: **theft of black gelding**

Plaintiff: **John Purkapile**

Defendant: **Tilman Hornbuckle**

Which one is Lincoln representing? **John Purkapile**

Type of document: **affidavit**

Plaintiff's allegation: **Tilman Hornbuckle stole Purkapile's black gelding on October 28, 1841**

What does the plaintiff want the defendant to do? **Pay him \$100.00**

Why do you think Lincoln took this case? **Accept all reasonable responses**

If you were the judge, what other information would you need to decide this case?
Accept all reasonable responses



Armstrong Case Overview

On Saturday, August 28, 1857, a religious camp meeting was going on in Walker's Grove, Mason County, IL. This particular camp meeting drew a crowd that included James Metzger, James Norris, and William "Duff" Armstrong. On this day all three young men were drinking heavily while racing horses.

Later, after an evening of roughhousing between the three men, a fight broke out. Norris hit Metzger from behind with a "neck yoke" and Armstrong struck Metzger with a slung shot (a leather bag of lead ball with a string attached) in the right eye. Metzger rode back home on his horse that night, frequently falling off, and died three days later from injuries suffered that night. Norris and Armstrong were arrested and charged with first degree murder.

Morris' case went to trial first, and he was convicted of manslaughter and sentenced to eight years in the Illinois Penitentiary.

Being concerned about Armstrong getting a fair trial in Mason County, Armstrong's lawyers asked his case be tried in a different county. His trial was then transferred to Cass County, which caused a delay in his hearing. During this delay, Hannah Armstrong, Duff's Mother, wrote to Lincoln asking him to take her son's case. Lincoln knew both of Armstrong's parents from his days in New Salem, IL. Lincoln agreed to take the case for free. The trial started in Beardstown, IL in May 1858.



Timeline of State of Illinois v William “Duff” Armstrong

Judge: James Harriott

Prosecutor: Hugh Fullerton, assistant: Henry Shaw

Defense Attorney: Abraham Lincoln

Prosecution’s Case:

1. Opening Statement:
2. Ten witnesses: young men who witnessed fight. All testify that Metzger was powerful, that he was attacked by two smaller men, Norris and Armstrong, and that Armstrong was using a slung-shot
3. Dr. Stephenson testifies that Metzger had head wounds in the back and front of his skull and that the wounds either separately or together were the direct cause of his delayed death.
4. Charles Allen testifies that he saw the actual attack clearly because the moon was high and bright in a clear sky.

Prosecution Rests. Court recessed for lunch.

Defense’s Case:

1. Opening Statement:
 - a. Duff innocent of all charges for two reasons:
 - i. Armstrong had no weapons as all but only used his fists
 - ii. Frontal fracture of Metzger’s skull result of the wound to the back of his head by Norris and occurred minutes before Armstrong hit Metzger with his fists.
 - b. Duff only guilty of losing his temper.
 - i. Metzger provoked Armstrong by dumping him on the ground earlier while Duff was asleep on a bench.
 - ii. Armstrong only weighs 140 lbs and is 5’4” tall, Metzger much bigger.
2. Character witness.
3. About twelve witnesses to fight and all testify:
 - a. Saw fight
 - b. Duff’s hands were empty, just closed fists
 - c. Duff landed few punches on Metzger who was taller
 - d. No one saw a slung-shot
 - e. Fight was about 11 p.m.
4. Nelson Watkins: testifies the slung-shot is his. He made it out of rare copper shot coated with a thin layer of lead that he cast himself. Watkins was at Walker’s Grove on August 29 with his sling-shot. He did not loan it to anyone and



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- Armstrong never had it. Watkins fell asleep under a wagon after putting the slung-shot in the wagon frame. When he awoke, he forgot it. He has not seen it until now in court.
5. Dr. Parker: Uses a skull to testify that Norris's blow to the back of Metzger's head could cause fracture to lower forehead and corner of right eye socket. Also testifies that falling from a horse could have produced frontal fractures.
 6. Charles Allen recalled to stand for cross-examination. Allen repeatedly states saw the fight from 50-60 feet or more away, the fight was about 11 p.m., the moon was bright and just past its highest point overhead, the sky was cloudless.
 7. Almanac: Lincoln takes almanac from his briefcase and reads that the time of moonset in central Illinois on August 29, 1857 was 12:03 a.m. Moon rise was 3:23 p.m. and its apex was 7:40 p.m.

Defense rests.

Closing arguments:

Fullerton

Lincoln

Judge's instructions to the jury:

Difference between murder and manslaughter

Jury deliberates for one hour.

Jury foreman Milton Logan reads verdict from a slip of paper, "We the jury acquit the defendant from all charges preferred against him in the indictment."



Mock Court Procedures

Before you begin you'll need to know:

What happened?
Who is involved?

Then:

1. Judge calls the court to order, announces the case and begins.
2. Prosecuting lawyer reads opening argument.
3. Defendant's lawyer reads opening argument.
4. Prosecuting lawyer conducts cross examination.
5. Defendant's lawyer conducts cross examination.
6. Closing argument of prosecuting lawyer.
7. Closing argument of defending lawyer.
8. Judge/juries makes decision
9. Students "Grade the Trial."

Guidelines for Cross Examination

1. Write a list of questions to ask your witnesses.
2. Determine your version of what happened and ask only leading questions.
3. Establish a few basic points. What do you want the jury to know?
4. Do not argue with the witness.



Defense Witnesses: Character Witnesses

About twelve young men testify that Duff Armstrong has been known to be rowdy in taverns and at horse races, just like all of them. However, he has never been in trouble with the law and is well-liked. He is also a good son to his mother, Hannah (recently widowed). All of the witnesses say they could see the fight and that Armstrong threw punches but had nothing in his hands. Armstrong threw closed-fisted punches but, because Metzger was so much taller, they landed without doing much harm. None of them even saw a slung-shot there that night. Some didn't know what time the fight took place, but others said it was about 11 p.m.

Defense Witness: Nelson Watkins

Nelson Watkins, a thirty-four year old farmer from Menard County owned the slung-shot that was supposedly used by Duff Armstrong to hit Metzger. Watkins brought the weapon with him to Walker's Grove that night. Watkins could definitely identify the slung-shot as his because he had made it himself. It was made of copper shot, covered with a thin layer of lead and Watkins had cast the shot himself.

Like the others at Walker's Grove, Watkins had been drinking. About nine or ten o'clock, he had gone underneath a wagon to sleep. He had put the slung-shot in the undercarriage of the wagon along with some of his other belongings. When he awoke, he forgot all about the weapon and left without it.

Defense Witness: Dr. Charles Parker

Dr. Charles Parker, a medical doctor from Petersburg, Illinois, is Lincoln's medical expert. He is knowledgeable about cranial anatomy and uses a skull to explain the parts of a skull to the jury. He is able to testify that, because a skull is not flexible, injury to one part can result in fractures to the other part. Depending on how hard a blow is and where it is landed, a person can be hit in the back of the head and get a fracture on the front. Parker also testifies that a fall from the back of a horse with a person's head striking the ground can result in a skull fracture.

Defense Exhibit: Farmer's Almanac

The Almanac for August 29, 1857, shows the moon was a quarter moon. It rose at 3:23 p.m. and set at 12:03 a.m. That would make it's apex at 7:40 p.m.



Prosecution Witnesses: Ten Young Men

Ten men who were at Walker's Grove and witnessed the fight. They quickly testify about the fight and say that Armstrong and Norris attacked the larger Metzger and that Armstrong used a slung-shot.

Prosecution Witness: Dr. B.F. Stephenson

Dr. Stephenson, a Petersburg physician, testified about Metzger's fatal head wounds at the Norris trial. He also testified against Armstrong. Stephenson testifies that Metzger had fractures to the back and front of his skull. In the Norris trial, he said that the fracture and the back of the skull could have been fatal by itself. In the Armstrong trial, he states that either or both in combination could have killed Metzger.

Prosecution Witness: Charles Allen

Charles Allen was at Walker's Grove and witnessed the fight. He testified at both trials. He states that the fight occurred about 11 p.m. and that he could see it because of a bright moon. Allen says that the moon was overhead about where the sun would be at 1 p.m. and that there were no clouds in the sky.

Charles Allen was subpoenaed by the prosecution for the Armstrong Trial but he failed to show up. Another summons was issued but the sheriff of Menard County could not find him. On May 6, the judge issued a special writ for all sheriffs of Illinois to bring in Allen, but it was Lincoln who tracked him down.

Abraham Lincoln questioned Duff Armstrong's brothers and found out that they had convinced Charles Allen not to show up for trial. Lincoln found out that Allen was hiding in Virginia, Illinois, and he was brought to Beardstown late on the evening of the sixth.



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Copies of Museum Records (Activity #5)

CLASSIFICATION		OBJECT LOCATION		CONTROLLED PROPERTY	
HISTORY		Lehigh Valley Heritage Center & Museum		Y	
T&E FOR COMMUNICATION		OBJECT STATUS AND YEAR	PARK ACRONYM	CATALOG NUMBER	NUMBER
WRITTEN COMMUNICATION T&E		LOAN OUT - NON-NPS 2007	LIHO	308	a-d
OBJECT		ACQUISITION TYPE	ACQUISITION DATE	ACCESSION NUMBER	
DESK, PORTABLE		PURCHASE	10/04/1972	LIHO-00001	
DESCRIPTION		LOT QUANTIFICATION		STORAGE UNIT	
MAHOGANY WRITING BOX WITH BRASS PLATE IN CENTER OF HINGED TOP, BACK FOLDS DOWN INTO FLAT SURFACE ON BOTTOM, SLANTED ON TOP FOR WRITING, HINGED COMPARTMENTS FRONT AND LID, COVERED WITH FABRIC, IN VERY FRONT ARE SEVERAL COMPARTMENTS, ONE IS LONG WITH LID, INK BOTTLE, SQUARE W/CIRCULAR WELL AND RINGED BRASS CIRCULAR LID IN ONE COMPARTMENT. ORIGINALLY BELONGED TO LINCOLN.		ITEM COUNT	2	EA	
SITE OF ORIGINAL COLLECTION/PROVENIENCE		SITE OF ORIGIN			
--- USA					
CULTURAL IDENTITY		OBJECT DATE	HISTORIC / CULTURAL PERIOD		
AMERICAN		1840-1860	MIDDLE VICTORIAN		
DIMENSIONS/WEIGHT		PHOTO NUMBER	OTHER NUMBERS		
L 35.4 X W 21 X H 11 cm (CLOSED); L 42.6 X W 35.4 X H 8 to			STATE INV. 5370		
MEDIUM/MATERIALS		CONDITION	MAINTENANCE CYCLE		
WOOD --SILK		COM/GD	1.0/1988		
IDENTIFIED BY AND DATE		ARTIST/MAKER			
		EMINENT FIGURE ASSOCIATION			
		LINCOLN, ABRAHAM			
CATALOGUER AND DATE		VALUE AT ACQUISITION, BASIS	CURRENT VALUE, DATE, BASIS		
BAILEY		\$50.00 MARKET	\$50000 03/08/00 OTHER - SEE NOT		
RESTRICTION N	REPRODUCTION N	PUBLICATION CITATION N	PRESERVATION TREATMENT N	CATALOG FOLDER Y	SIGNIFICANCE N
U.S. DEPARTMENT OF THE INTERIOR					
MUSEUM CATALOG RECORD - CULTURAL RESOURCES					
NATIONAL PARK SERVICE					
FORM 10-254					
REV. 7/84					

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CLASSIFICATION HISTORY	OBJECT LOCATION IU 25 CAB F SH 6	CONTROLLED PROPERTY Y	
FURNISHINGS	OBJECT STATUS AND YEAR STORAGE 1998	PARK ACRONYM LIHO	CATALOG NUMBER 1125
HOUSEHOLD ACCESSORY	ACQUISITION TYPE PURCHASE	ACQUISITION DATE 01/27/1979	ACCESSION NUMBER LIHO-00046
OBJECT	LOT QUANTIFICATION ITEM COUNT 1 STORAGE UNIT EA		
CUSHION	DESCRIPTION Rectangular shaped cushion with khaki colored fabric on bottom and three sides. Top is blue and khaki very like pillow ticking. Front edge is blue cut velvet as is cord around the top.		
SITE OF ORIGINAL COLLECTION/PROVENIENCE PHILADELPHIA PA USA HISTORICAL SOCIETY OF PENN		SITE OF ORIGIN SPRINGFIELD IL USA A. LINCOLN HOME	
CULTURAL IDENTITY AMERICAN		OBJECT DATE 1830-1860	
DIMENSIONS/WEIGHT W 44.8 X D 39.2 X H 9.5 CM.		PHOTO NUMBER	
MEDIUM/MATERIALS VELVET --COTTON		CONDITION COM/GD	
IDENTIFIED BY AND DATE PAINTER, GEORGE 1979		ARTIST/MAKER	
CATALOGGER AND DATE KREUGER		CURRENT VALUE, DATE, BASIS \$0 10/13/91	
RESTRICTION N	REPRODUCTION N	PUBLICATION CITATION N	PRESERVATION TREATMENT N
U.S. DEPARTMENT OF THE INTERIOR		MUSEUM CATALOG RECORD - CULTURAL RESOURCES	
NATIONAL PARK SERVICE		FORM 10-254	
REV. 7/84			



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CLASSIFICATION HISTORY	OBJECT LOCATION IU 25 CAB F SH 5	CONTROLLED PROPERTY Y
COMMUNICATION ARTIFACTS	OBJECT STATUS AND YEAR STORAGE 1998	PARK ACRONYM LIHO
DOCUMENTARY ARTIFACT	ACQUISITION TYPE TRANSFER FROM NPS	CATALOG NUMBER 5393
OBJECT	LOT QUANTIFICATION ITEM COUNT 1	ACCESSION NUMBER LIHO-00096
BOOK		STORAGE UNIT EA
DESCRIPTION	TITLE: LIVINGSTON'S LAW REGISTER. FOR 1852 CONTAINING THE POST OFFICE ADDRESS OF EVERY LAWYER IN THE UNITED STATES. PUBLISHED IN NEW YORK. ENTERED ACCORDING TO AN ACT OF CONGRESS IN THE YEAR 1851 BY JOHN LIVINGSTON. PRINTED BY NEAL AND PATE. CATALOG OF IN PENCIL: "THIS BOLUOME OWNED BY ABRAHAM LINCOLN WHEN HE PRACTICED LAW IN SPRINGFIELD, IL. /LEWIS GARDNER REYNOLDS AFTER CAPT. OSBORNE HAMLIN OLDROYD/N.A. LOUGH".	
SITE OF ORIGINAL COLLECTION/PROVENIENCE WASHINGTON __ DC __ USA FORD'S THEATRE NHS	SITE OF ORIGIN	
CULTURAL IDENTITY	OBJECT DATE 1851	HISTORIC / CULTURAL PERIOD
DIMENSIONS/WEIGHT L 23.0, W 15.0, T 2.5 CM	PHOTO NUMBER	OTHER NUMBERS FOTH 3210
MEDIUM/MATERIALS PAPER --LEATHER		CONDITION COM/FR /
IDENTIFIED BY AND DATE	EMINENT FIGURE ASSOCIATION LINCOLN, ABRAHAM	ARTIST/MAKER
CATALOGER AND DATE BAILEY	07/21/92	CURRENT VALUE, DATE, BASIS \$3500 07/21/92 CATALOGER
RESTRICTION N	REPRODUCTION N	PUBLICATION CITATION N
		PRESERVATION TREATMENT N
		CATALOG FOLDER
		SIGNIFICANCE N

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CLASSIFICATION HISTORY		OBJECT LOCATION S 25 CAB A DR 13		CONTROLLED PROPERTY N	
COMMUNICATION ARTIFACTS		OBJECT STATUS AND YEAR STORAGE 2006	PARK ACRONYM LIHO	CATALOG NUMBER 5410	NUMBER -
DOCUMENTARY ARTIFACT		ACQUISITION TYPE TRANSFER FROM NPS	ACQUISITION DATE 11/14/1989	ACCESSION NUMBER LIHO-00096	
OBJECT		LOT QUANTIFICATION			
CARTE-DE-VISITE		ITEM COUNT 1	STORAGE UNIT EA		
DESCRIPTION VIEW OF ABRAHAM LINCOLNS HORSE "ROBIN" DURING FUNERAL IN SPRINGFIELD IN 1865. FROM AN ORIGINAL NEGATIVE BY F. W. INGMIRE. HORSE IS COVERED WITH A BLANKET HAVING FRINGE AND TASSELS. THIS HORSE DROVE THE CARRIAGE WHICH HELD LINCOLNS CASNET TO THE OLD STATE CAPITOL. IN OLDROYD CATALOGUE BOOK C, PAGE 31, #678.					
SITE OF ORIGINAL COLLECTION/PROVENIENCE WASHINGTON __ __ DC __ USA FORD'S THEATRE NHS		SITE OF ORIGIN			
CULTURAL IDENTITY		OBJECT DATE 1865	HISTORIC / CULTURAL PERIOD		
DIMENSIONS/WEIGHT L 5.0, W 8.0 CM		PHOTO NUMBER	OTHER NUMBERS FOTH 690		
MEDIUM/MATERIALS PAPER		CONDITION COM/FR		MAINTENANCE CYCLE /	
IDENTIFIED BY AND DATE		EMINENT FIGURE ASSOCIATION			
CATALOGUER AND DATE BAILEY		07/24/92	VALUE AT ACQUISITION, BASIS	CURRENT VALUE, DATE, BASIS \$0 07/24/92	
RESTRICTION N	REPRODUCTION N	PUBLICATION CITATION N	PRESERVATION TREATMENT N	CATALOG FOLDER	SIGNIFICANCE N
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