

**Riding the Circuit with Mr. Lincoln: Summary of the Eighth Judicial Circuit
by Mary L. Grabenstetter**

Once a young boy, George Perren Davis, son of Lincoln's friend and colleague, Judge David Davis, rode with Mr. Lincoln in his buggy as he rode the Eighth Judicial Circuit. He rode through the prairies and small towns of central Illinois in the 1850s with Lincoln and a group of lawyers and a judge who brought the Judicial System of Illinois to the small towns and hinterlands of 14 counties.

George must have seen the tall grass prairies interspersed with fields of wild flowers, small farmsteads, stands of native trees, and winding trails barely wide enough for a horse and rider or a small buggy to get through. He must have smelled the fresh, damp heavy earth and felt the sharp force of prairie winds. He must have felt the warming rays of spring sunshine and the excitement of being in a caravan of men full of high spirits and on a type of adventure. These men made a living by bringing the justice system to the hinterlands of central Illinois where trials were held twice a year and court cases were held in simple, rustic settings.

What was the 8th Judicial circuit and why was it so important to the making of our country's 16th president?

Abraham Lincoln's practice as a lawyer was centered in Springfield. However, between 1837 and 1858 Lincoln spent much of his time riding the Eighth Judicial Circuit, a division of counties established for the administration of the legal justice system in Illinois. At first, Lincoln only rode part of the circuit covering counties adjacent to Springfield. And this he only did part- time. By 1843, Lincoln started traveling the entire circuit covering 14 counties and extending over 440 miles round trip.

Mr. Lincoln would travel this route together with one or two other lawyers and a judge. They would do this twice a year in spring and fall for about 10 weeks depending on the number of cases that needed to be tried. They would travel to each county seat beginning with Springfield in Sangamon county and ending in Taylorville in Christian County. They might stay in a town for a few days or a week or two, depending upon the types and numbers of cases.

One of Lincoln's favorite traveling companions was Judge David Davis, a heavy set, good-natured man from Bloomington. Traveling in the mid 1800s was not easy because there were few developed roads. Lincoln and his companions had to travel by horseback or horse and buggy. Roads were often muddy and rutted especially in the rainy seasons. There were no bridges over streams and rivers, so fording a swollen stream could be very tricky. One story describes Lincoln crossing a flooded stream in such conditions and to protect important papers he would place them in his stove pipe hat. Since Lincoln was tall – 6 feet 4 inches- he could generally ford a stream and keep his head above water.

Judge Davis wasn't quite so lucky. He was a huge man of about 300 pounds, so traveling by horseback was impossible. He needed at least two horses to pull him by buggy. But his weight was his insurance in acquiring his own bed when staying at an inn or tavern. Nobody wanted to share a bed with him.

During his early years as a practicing attorney, Lincoln rode his horse "Old Tom". "Old Tom" was succeeded by "Old Buck" who pulled Lincoln's buggy after he became more successful. (It was this horse that pulled Lincoln and young George Davis.)

The caravan of judge and attorneys traveled at the rate of 4 miles per hour. They would arrive in a town on a Saturday or Sunday and set up shop in front of the town's inn or on the lawn in front of the courthouse. Potential clients would approach the lawyers for help-free legal advice. Cases would be heard on Monday afternoon, so attorneys had limited time to prepare their cases.

Mr. Lincoln was a very approachable lawyer who had a reputation for honesty and fairness. He frequently recommended that clients settle their disputes out of court. When Lincoln did represent a client, it was usually for cases involving property disputes, debts, slander, divorces, and occasionally criminal cases. Lincoln was a low-key but very effective speaker. He frequently used jokes and anecdotes to get his point across and his use of logic and reasoning were insightful and convincing with jurors. Even though Lincoln had not attended a formal law school, he displayed great mastery of legal proceedings and the process of legal argument. Lincoln would carefully build his cases giving in to certain points made by the

opposing attorney, but producing a convincing argument at the end that might clinch the case in his favor.

Lincoln's outward appearance seemed to contradict his skill as a lawyer. He was distinctively odd in appearance. He was extremely tall and thin, although his thinness concealed great physical strength. He was "casual" about his clothes, wearing an old coat, pants that were often too short, and sometimes a gray shawl fastened by a big safety pin. His hair was unruly and often disheveled. By contrast Judge Davis was meticulous about physical appearance, but Lincoln was too absorbed in the details of his cases to be bothered.

People would flock to town when court was in session, because they were eager to experience the high drama of the courtroom and because they loved to hear Lincoln's stories and jokes. After court, the evening's entertainment might be a horse race, gambling, or a wrestling match. But everyone's favorite entertainment was storytelling and Abraham Lincoln was one of the very best storytellers. He usually had everyone including judge, jurors, attorney, witnesses, farmers and merchants whooping and hollering with laughter. Lincoln's wit and sense of humor were widely known and people would come from miles around to hear him.

In Lincoln's time, accommodations for travelers were limited. He would try to stay with one of the wealthier members of a town, but often ended up staying, along with his colleagues, at one of the primitive inns or taverns that might be available. By our standards, conditions were usually crude and uncomfortable. There might be as many as twenty people sleeping a room. Usually, there were two or three persons to a bed if one was lucky enough to find a bed. In the morning, there would be a pitcher of cold water and one towel for all of the guests. Breakfast was often unappetizing. Judge Davis once described an inn where the food was greasy, the floor was greasy, the tablecloth was greasy, and the waitress was greasy. The lack of comfort and conveniences didn't seem to bother Mr. Lincoln at all. He was absorbed in the legal details of his cases and seemed to thrive on the comradeship and high spirits of the open road and his traveling companions. Mr. Lincoln usually did not return to Springfield to visit his family, not because he wanted to avoid home, but because he needed to earn a living as a lawyer. By the

mid 1850s , railroads had arrived and Lincoln sometimes returned home to Springfield to spend the weekend at home.

Abraham Lincoln seemed to enjoy his days on the open road and staying in small, rural communities where people came to know him for his wit, humor, storytelling, and integrity. These interactions with the common folk of Illinois allowed Lincoln to come to know the people of his state as they also came to know him. Eventually, Lincoln's reputation spread beyond Illinois to other parts of the country. This set the stage for his eventual election to the presidency.

Today a trail of markers commemorates the journey of Lincoln and his companions as they traversed the prairies and farmlands of the Eighth Judicial Circuit. Established by the daughters of the American Revolution at each county-line and county seat along the former circuit, these markers testify that Abraham Lincoln passed this way on his journey toward greatness.

Route Traveled by the Eighth Judicial Circuit

County Seat	County
1. Springfield	Sangamon
2. Tremont	Tazewell
3. Metamora (Hanover)	Woodford
4. Bloomington	McLean
5. Mt. Pulaski	Logan
6. Clinton	DeWitt
7. Monticello	Piatt
8. Urbana	Champaign
9. Danville	Vermillion
10. Paris	Edgar
11. Shelbyville	Shelby
12. Sullivan	Moultrie
13. Decatur	Macon
14. Taylorville	Christian

Riding the Circuit with Mr. Lincoln

by Mary Grabenstetter

Overview: Abraham Lincoln spent much of his career as a lawyer riding the Eighth Judicial Circuit in central Illinois. He and his caravan of attorneys, judges, and novice attorneys traversed the hinterlands of the relatively young state of Illinois during the 1840s and 1850s. They crossed tall grass prairies, forded streams and rivers, and climbed over ridges left by glaciers long ago. They used undeveloped roads that were often little more than narrow trails. These men endured discomfort, loneliness, and inconveniences in order to bring an organized legal system to remote towns and villages. Along with justice, they brought a richness of storytelling, eloquent discourse, and legal drama. This grand experience of riding the circuit contributed to Lincoln's political exposure and ultimate rise to the U.S. Presidency.

Grade Level: 4-8

Illinois learning Standards:

Social Science:

17.A.2a. : Compare the physical characteristics of places including soils, landforms, vegetation, wildlife, climate, natural hazards.

17.A. 2b: Use maps and other geographic representations and instruments to gather information about people, places and environments.

17C. 4a. : Explain the ability of modern technology to alter geographic features and the impacts of these modifications on human activities.

17D.2b.: Identify different settlement patterns in Illinois and the United States and relate them to physical features and resources.

Language Arts:

1C.2d.: Summarize and make generalizations from content and relate to purpose of material.

National Geography Standards:

Standard 1: How to use maps and other geographic representations, tools, and technologies to acquire, process, and report information.

Standard 4: The physical and human characteristics of places.

Standard 12: the process, patterns, and functions of human settlement.

Objectives:

Students will:

- identify plant and wildlife found in unspoiled prairies during the 1850s.
- use maps and relate geographic information to historical events.
- compare agrarian economies and culture of the mid 1800s with the present.
- synthesize information about historical events by summarizing material in journal form,
- synthesize information about historical events through visual art.

Materials:

Teachers:

Overhead projector

Photocopies of Illinois county maps and map of the Eighth Judicial Circuit

Transparencies of maps

Large sheet of white bulleting board paper

Trade books about Abraham Lincoln and the Illinois prairie

Students:

Individual maps of Illinois counties

Illinois highway maps

Markers, pencils, rulers, colored pencils

Art paper

Glue

Advanced Preparation:

This lesson may be done as a separate activity or within the context of an Illinois Unit or as part of an American History Unit on Abraham Lincoln.

1. Make transparencies of both the Illinois Counties map and the Eighth Judicial Circuit map.
2. Project the Illinois County Map onto the bulletin board paper and outline the state and counties, in effect making a blank wall size map.
3. Draw in two or three major rivers in the state. Students may add additional rivers or waterways later on.
4. Make photocopies of the same map for each individual student.

Introducing the Lesson-Day 1:

1. Read a trade book or show a video about the life of Abraham Lincoln to establish a context for the lesson about the Eighth Judicial Circuit.
2. Discuss the wildlife and plantlife that Lincoln would have encountered while riding the circuit. Show photos of wildflowers and tall prairies. Comment the change in prairie landscape that has occurred over time.
3. Discuss Lincoln's birthplace in Kentucky ; his humble upbringing as a farmer; his rise to political office; and on his career as an attorney.
4. Display the map of Illinois counties on the overhead. Hand out individual maps to students that they will fill in over the next few days. (These may be maps with counties already identified or blank maps to be filled in by students.)
5. Discuss the concept of a county and the county seat. (A county is a political and administrative division of a state. The county seat is the capital of a county where the courthouse is located.)
6. Identify the county and county seat where Lincoln lived and worked. (Springfield in Sangamon County.) Have students label this on their maps.
7. Highlight or outline the 14 counties that made up the Eighth Judicial District.
8. Identify and label other significant towns and locations important to Lincoln. (New Salem, Chicago, the Illinois River, the Ohio River, the Sangamon River.)

Tracing the Route of the Eighth Judicial District- Day 2:

1. Read the summary of Lincoln's experiences on the Eighth Judicial District. Show PowerPoint presentation or take students on a virtual tour on the Internet.
2. Introduce George Davis, son of Judge David Davis, who once rode with Lincoln in his buggy on the circuit.
3. Introduce journal activity in which students will pretend they are a children living at the time of Lincoln and who accompanied Lincoln on his trip. Students may respond freely in their journals or respond to prompts provided by the teacher.
4. Use the transparency of the Eighth Judicial Circuit Map. Locate all of the counties and their county seats. Have students record this on their individual maps.
5. Locate and label any rivers or other important cities near these counties such as Pekin and Peoria.
6. Discuss the order in which Lincoln and his group visited the county seats. Draw lines and arrows connecting these towns on individual student maps.
7. Possible journal entries: If you were traveling with Lincoln, what would the countryside have looked like at this time? Describe this in words and draw a picture. Describe what would happen if there was a sudden spring rain and you had to cross a rushing stream.
8. Introduce the large wall size map and have students begin to transfer the information from their individual maps to the larger map.

Calculating Distances and Travel Time- Day 3:

1. Compare the terrain of the land traveled by Lincoln in the 1850s with the way the land appears now.
2. Use Illinois highway maps to calculate the distance between one county seat and another. Demonstrate or review the use of a map scale to calculate distances. Record this on individual maps.
3. Compare travel times between towns using current standards. For instance, how long would it take to get from Bloomington to Tremont traveling at 55mph.

4. Calculate the travel time between the same towns traveling by horseback at 4 mph. Have teams of students work on comparing the distances and travel times between each of the county seats. Record these along the side of the large map.
5. Possible journal entries: Describe what you might have experienced once Lincoln and the caravan reached a county seat. How did the people react? How did Lincoln react to the situation? Describe or draw the rooming house or inn where you might have stayed.

The Lincoln Highway and the Circuit Markers –Day 4:

1. Discuss the Lincoln Highway and the Circuit Markers placed at each county seat and county-line. Use transparency and overhead showing the map for this Route.
2. Have students draw and design their own markers. Use art paper and crayons or color markers. Cut these out and glue at appropriate points on the wall map.
3. Read about some of the cases Lincoln tried and discuss Lincoln's effectiveness as a lawyer. Some possible cases might include:
 - People v. Goings- October, 1857**
 - People v. Miller- April, 1852**
 - People v. Kern and Randolph Scott- April, 1847**
 - Martin v. McCloud- September, 1852**
4. Discuss Lincoln's rise to political prominence. Have students make the connection between Lincoln's experiences on the Eighth Judicial Circuit and his rise to the Presidency.
5. Possible journal entries: Describe what it was like to be present in the courtroom when Lincoln was representing someone in court. Retell or draw the scene of one of Lincoln's famous cases.

Assessment- Day 5

1. Invite younger students from a different grade level to a special presentation of Abraham Lincoln in Illinois. Students will share their knowledge of Lincoln and the Eighth Judicial Circuit with others. This presentation might be broken down into subtopics assigned to different groups of students.

Smaller groups could talk about:

- a. The prairie environment in Lincoln's time
 - b. The route and direction covered by Lincoln's caravan
 - c. The distance and traveling time riding to each county seat
 - d. The carnival atmosphere in each county seat
 - e. The living conditions in the local inns and rooming houses
 - f. The types of cases Lincoln argued
2. Students may also share their journal entries and pictures.
 3. End the day by sharing a refreshment Lincoln might have enjoyed in his day—popcorn, apple cobbler, cornbread and molasses, apple cider.
 4. A checklist, rubric, or commentary might be established by the teacher for a more formal assessment of each presentation.

Extending the Lesson:

1. Students may research one of the historic sites maintained by the Illinois Historic Preservation Agency at its website. They can then draw one of the sites or create a model or diorama to include in their Lincoln presentations.
2. Students can take a field trip to Mt. Pulaski or Metamora to see first hand an actual courthouse where Lincoln worked and practiced the law.

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Maps:

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Twice yearly, Davis and Lincoln made the three-month circuit of the fourteen counties comprising the Eighth Judicial Circuit. More than a hundred letters, recently discovered, written from the circuit by the Judge to Sarah, his wife, make a vivid story of their course around it. A few days before his circuit began at Springfield in March and August, Davis set out from Bloomington in his buggy. For years, on horseback, he had plodded over this familiar road. For more than twenty years, Mr. Lincoln rode the Circuit with other lawyers and judges. These were smart, influential and ambitious men. Lincoln made them his friends and, in time, they would help Mr. Lincoln climb the ladder to the presidency. Fraker's book is great history but it is also an excellent primer for aspiring politicians. — Jim Edgar, Illinois governor, 1991–1999. Readers desiring to know more about Abraham Lincoln's days pounding the legal track known as the Eighth Judicial Circuit will benefit from this book by a local lawyer and careful historian, Guy C. Fraker. Mr. Fraker writes in solid, but not lyrical, prose on the days that set the foundation for Mr. Lincoln's run for the presidency.