“‘The Most Interesting Document Lincoln Ever Wrote’”

GUY C. FRAKER

In 1936, Paul Angle, Librarian of the Illinois State Historical Library, described a letter from Lincoln to Peoria lawyer Elihu N. Powell, dated November 27, 1854. “The Lincoln letter . . . is in a sense the most interesting document Lincoln ever wrote.”

Lincoln’s letter was a reply to Powell’s, sent 11 days earlier. It informed Lincoln that if he was a member of the Legislature, he was disqualified from seeking a seat in the United States Senate. The State’s second Constitution, passed in 1848, so provided. Powell’s letter to Lincoln, dated November 16, 1854, stated in part, “You I see have been Elected as a member of the Legislature. Allow me to call your attention to the 7th Section of the 3rd Article of our new Constitution which makes you ineligible for the Senate of the U.S. Now if you decline accepting this seat in the legislature and so notify the Governor and have a new Election this will save your bacon. I merely suggest this worthy of your immediate consideration.”

Lincoln responded on November 27, somewhat defensively, “Acting on your advice, and my own judgment, I have declined accepting the office of Representative of this county. I only allowed myself to be elected, because it was supposed my doing so would help Yates.” He went on to say, “Things look reasonably well; but I fear some will insist on a platform, which I

The author wishes to thank Ian Hunt, Chief of Acquisitions for the Abraham Lincoln Presidential Library; Dave Joens, Director of the Illinois State Archives; Amber Lowery of the Peoria Public Library; Linda Aylward, in Special Collections at the Bradley University Library; and Dianne Hollister. This article would not have been written without their able assistance.

1. Paul M. Angle to Wayne C. Townley, Nov. 20, 1936. Townley, of Bloomington, Illinois, owned the Lincoln letter and the Angle letter, which were later acquired by the author, who in 2021 donated both to the Abraham Lincoln Presidential Library.


cannot stand upon.” This exchange is key to understanding Lincoln’s return to politics and his early steps on the road to the White House.

Lincoln was a politician before he became a lawyer. After his unsuccessful run for the General Assembly in 1832, he won in 1834, 1836, 1838 and 1840. In 1837 he was admitted to the practice of law and moved from New Salem to Springfield. He chose not to run in 1842, the year of his courtship of Mary Todd and then their marriage. During his service in the Legislature, his law practice blossomed as he rode the Eighth Judicial Circuit. That Circuit was one of a number into which the trial courts of the state were divided by the Legislature. The Circuits, consisting of contiguous counties, varied in size. Only one judge presided over the Circuit Court of each county in his district. The Eighth grew to fifteen counties at its largest in the 1840s, encompassing more than 10,000 square miles, twice the size of Connecticut.

Most of the travelling lawyers extended their practices to several counties beyond their home base. Lincoln was one of the few who rode the entire Circuit. The trip consumed 10 to 12 weeks every spring from late March to early June, and in the fall from late August until early November. It was approximately 400 to 500 miles around on primitive roads, mostly through boundless tall-grass prairies, dotted with occasional large groves of hardwood trees. The terrain was laced with pristine rivers and streams.

There is a consistent pattern that can be observed in the connection between Lincoln’s law practice and his political activity. He took advantage of his ever-expanding law practice to create relationships that would become part of his growing political network. Peoria’s Elihu N. Powell was one of many such relationships that Lincoln developed. Powell was based in Peoria, which was never in the Eighth Judicial Circuit, although adjacent to it.

Powell was born on a farm in Ohio in 1809. After briefly attempting a career as a jeweler, he began the study of law in an office in


6. “Hon. Elihu N. Powell,” *United States Biographical Dictionary and Portrait Gallery of Eminent and Self Made Men: Illinois Volume* (Chicago and New York: American Biographical Pub. Co., 1876). (BU) The best sources on the life of Elihu N. Powell are the files of the Peoria Public Library, Local History and Genealogy; and Bradley University, Special Collections. Footnotes 6–9, 12, 13, 24, and 26 are from these two sources, referred to herein as PPL and BU.
Chillicothe, Ohio, where he clerked with Edwin Stanton, one day to be Lincoln’s Secretary of War. Powell then went to Cincinnati Law School. After completing his legal education, he found his way first to Pekin, and then on to Peoria in 1836, where he took up a career in law that lasted for the rest of his life. He was jovial, well-mannered, and popular. He was known to smoke an occasional cigar, although an avid temperance advocate. He married Hannah Ellis, daughter of an upstate New York merchant, in 1836. The marriage yielded five sons and a daughter. When Powell first arrived in Peoria, he was appointed Clerk of the Village of Peoria. His growing law practice involved him in a number of significant corporations including the Peoria and Oquawka Railroad, the Peoria Water Company, and the Peoria Bridge Company. He was appointed as a Commissioner of the U.S. Court of Claims and then was elected as a Circuit Judge in 1856.

He invested heavily in Peoria real estate, including an area known as the Powell block where his residence was located. He was involved in an uncharacteristic incident in 1859. He became embroiled in a fierce argument on Main Street in Peoria with ex-Circuit Judge Hezekiah M. Wead. The argument broke into a fist fight which had to be broken up by mutual friends. The two combatants were fined for disorderly conduct. Oddly enough, the two men became partners in 1861, a relationship which lasted less than two years, not surprisingly.

Powell and Lincoln were involved in more than 20 cases over the years, sometimes on the same side, and sometimes on opposite sides. These cases covered a period from 1838 to 1857, with most spread over the decade of the ‘50s. They arose in Peoria County and Tazewell, Woodford, and McLean counties of the Eighth Judicial Circuit. Five of these cases reached the Illinois Supreme Court. Several were in the Federal District Court in Springfield. As was true of most law practices in the area then, the subject matter of most of Powell’s cases was routine and mundane. One exception was the *Columbus Insurance Company v. Peoria Bridge Company*. The subject was one of the most compelling before the courts in that era, the construction of railroad

---

bridges which, river-traffic interests claimed, impeded navigation. Powell and Lincoln represented the insurer of a boat that struck the bridge while being towed by a steamboat operator on the Illinois River in 1851. The collision caused the boat to sink. The trial ended in a hung jury, after which the case was settled.\footnote{11}

Lincoln and Powell teamed up in Peoria County to defend Clarissa Wren in one of the most heavily contested divorce cases of Lincoln’s career, \textit{Wren v. Wren} (1844). Their client was accused of multiple adulterous encounters with many men over a span of 12 years. A jury found her guilty of adultery and granted the husband, Aquilla Wren, a divorce. After the husband’s death, the litigation was renewed to decide the amount of the alimony, if any, that should be paid to Clarissa. With Lincoln and Powell both still defending her, the case made its way on appeal to the Illinois Supreme Court, as \textit{Wren v. Moss et al.}\footnote{12} The verdict (1846) was overturned, in Clarissa’s favor. Lincoln and the Powells enjoyed a social relationship. Lincoln was a guest in their home on a number of occasions, “and many a night has he spent beneath their hospitable roof.”\footnote{13}

Lincoln’s four terms in the Illinois Legislature elevated him to a powerful position in the Whig Party, which was then the state’s minority party. The Seventh Congressional District was the only district in which the Whigs held the seat. Six counties in the Congressional District were also part of the Eighth Judicial Circuit. He had waited patiently as his two close Whig allies, John J. Hardin and Edward D. Baker, ran successfully for that seat, each serving one term.\footnote{14} Finally, it was Lincoln’s turn, and he was elected in August 1846. His service in Congress was the least distinguished of any political office he was ever to hold. His opposition to the Mexican War was the primary reason for this lack of success. His candidacy was not sought by the Whig party after a single term, and he chose not to run again. When his term ran out, he vigorously pursued a political appointment as

\footnote{11}{Ibid., case number L05071. Fraker, \textit{Lincoln’s Ladder to the Presidency}, 164. In 1857, Lincoln had a similar case in which he represented the railroad, \textit{Hurd v. Rock Island Bridge Company}, better known as the “Effie Afton Case,” the name of the boat. That case was tried to a hung jury in the Federal Court in Chicago. Because of the case’s location on the Mississippi River, it caused more notice than did the Peoria case on the Illinois, L02289.}

\footnote{12}{Ibid., case number L01730. Ernest E. East, \textit{Abraham Lincoln Sees Peoria} (Peoria: Record Pub. Co., 1939), 9, 15. (PPL)}

\footnote{13}{Obituary of Hannah Powell, wife of Elihu N. Powell, May 16, 1890. (PPL)}

Commissioner of the General Land Office, a highly sought-after position. He failed to get the appointment, a final bitter pill to swallow. In the fall of 1848, he had campaigned vigorously for the Whig nominee Zachary Taylor, who was elected President. Again, Lincoln received no reward from the party for his efforts.

Driven by this series of disappointments, he essentially withdrew from politics, turning his full attention to the law. He later wrote, “From 1849 to 1854, both inclusive, practiced law more assiduously than ever before.” His minimal political activity for these five years was enough to keep him visible, but not enough to distract him from his practice.

He was considered a moderate on the issue of slavery. Throughout his adult life he privately abhorred slavery, but like many moderates, he was content with the status quo, as established by the Missouri Compromise of 1820. That compromise called for the admission of Missouri and Maine as slave and free states respectively, to maintain the existing balance in the U.S. Senate between free and slave states, then at 12 each. It also divided the vast lands of the 1803 Louisiana Purchase along an east-west line extending west from the western end of the southern border of the state of Missouri. With the exception of that state, all territories north of that line would be free, and those south of it would be slave. Like many moderates, Lincoln felt that as long as slavery was not allowed to expand its territory, it would suffer a quiet demise, thus avoiding the catastrophe that did explode in 1861.

Lincoln’s long-time nemesis, Senator Stephen A. Douglas of Illinois, shattered that complacency by introducing the Kansas-Nebraska Act in the Senate in January 1854, which was passed by Congress in May. The legislation erased the Missouri Compromise and replaced it with the doctrine of popular sovereignty. This allowed the voters of each territory to determine whether the state would be free or slave. This doctrine gave both sides the need to try to attract settlers of their persuasion to Kansas. It became “Bloody Kansas” during the second half of the decade, as the partisans of both positions, essentially vigilantes, waged war upon each other.

20. Ibid., 591–93.
count on a slow, but sure, peaceful death of the wicked institution. Lincoln wrote to his friend Jesse Fell, “I was losing interest in politics when the repeal of the Missouri Compromise aroused me again.”

Lincoln had spoken publicly against slavery only once. In the Legislative session in 1837 he observed that slavery was “bad policy.” Douglas’s Act changed all that. During the summer of 1854, Lincoln labored on a basic speech condemning the repeal of the Missouri Compromise and warning of the repeal’s consequences. Lincoln emerged as a strong, articulate anti-Nebraska partisan. In late summer, he began his vocal assault on the Kansas-Nebraska Act and its threat to the tenuous peace that had been maintained by the Missouri Compromise. He began in Winchester on August 26, then Carrollton on August 28, Springfield on September 9, Bloomington on September 12 and 26, Springfield again on October 4, Peoria on October 16, Urbana on October 24, Chicago on October 27, and Quincy on November 1. Lincoln’s demanding schedule illustrates the benefit of the circuit travels for his law practice, as most of the above appearances came in the evening of a day spent in the courtroom.

When Lincoln’s friends in Peoria learned that the Democrats had invited Douglas to speak on October 16, some 20 Whigs signed an invitation to Lincoln to come to Peoria to speak that same day. Elihu Powell was not one of the 20, but he was part of the group that induced Lincoln’s visit to Peoria. As a courtesy to Douglas, Lincoln declined to speak at the same site at the same time. He appeared in the evening after Douglas had spoken that afternoon. Each spoke for three hours at the Peoria County Courthouse. Lincoln’s speech became the first of his great speeches to attack the expansion of slavery. It was his longest speech, and one of his most eloquent. Because the other speeches he gave that fall were not published in the newspapers, the Peoria speech survived and is considered his first great anti-slavery speech.

Both Lincoln and Douglas were to go to Lacon, 27 miles up the Illinois River, to speak the next day. Powell was on the boat heading

up to the Lacon event, as was Douglas. Powell had the opportunity to visit with him as the boat headed upstream. The town of Chillicothe is located eight miles downstream from Lacon. The railroad coming from Chicago had a station there, which is its closest point to Peoria. Douglas unexpectedly disembarked at Chillicothe, claiming that he had become “hoarse,” and departed on the train to return to Chicago. When Lincoln learned of Douglas’s departure, he declined to speak in Lacon and headed back to Springfield the next day.26

Earlier that fall, Sangamon County Whigs had nominated Lincoln and his former law partner Stephen T. Logan for the county’s two seats in the General Assembly. On November 7, both Lincoln and Logan won easily. Lincoln received 2,143 votes, and Logan 2,092, outpolling the two Democrats by more than 600 votes. For Lincoln, this victory raised the dilemma between retaining that state office or continuing the pursuit of the U.S. Senate seat. Powell’s letter to Lincoln was critical in advising Lincoln of the dilemma. “...And the fact of your ineligibility has been mentioned which will have a tendency to injure your prospect unless it is removed immediately. Let me hear on receipt of this letter on this point. Are you not ineligible if you take your Seat? Can you not decline Serving before you take your Seat, and have another election and save yourself.”27

Henry Grove was another Peoria lawyer who was a long-time supporter of Lincoln. Two days after Powell’s letter to Lincoln, he also wrote to Lincoln advising him of the conflict. “Are you eligible to the office under our constitution. My information is that you are a member elect to the House.”28 Grove was a member of the very Illinois Legislature that would be voting for the Senate seat after the first of the year 1855.

Grove was also a member of the Board of Directors of Eureka College, founded in 1857, and one of several Lincoln supporters who was instrumental in the College’s founding. He was an Illinois delegate to the 1856 National Republican Convention, which gave Lincoln 110 votes for vice-president, and he was also a delegate to both the state and national Republican Conventions in 1860. In 1857 he had been co-counsel with Lincoln in the legendary defense of Melissa Goings in Metamora, seat of Woodford County. Goings was on trial for the

The murder of her husband. She fled during the trial to avoid conviction and was not heard from again.  

On November 25, Lincoln formalized his decision not to accept the office he had recently won. Nine days after Powell’s letter to Lincoln, and seven days after Grove’s, Lincoln filed formal notice with Noah W. Matheny, Clerk of the County Court of Sangamon County. Matheny, in turn, filed a formal notice with Governor Joel Matteson on November 27, 1854, stating, “You are hereby notified that Abraham Lincoln has filed in my office a notice declining to accept the office of Representative of the General Assembly of the State of Illinois, for the County of Sangamon to which office he was elected on the 7th of November Inst.”

Richard Yates, a popular Congressman from Jacksonville, was serving in the Congress at the time and was keeping a watchful eye on the Senate seat for his own pursuit of the office. Lincoln’s letter of the 27th to Powell lamely offered a desire to help Yates as the reason for his run for the Legislature. “I only allowed myself to be elected because it was supposed that my doing so could help Yates.” On the other hand, Yates wrote to a supporter on December 8, 1854, that he had no wish to interfere with Lincoln’s bid for the Senate seat and he would run for it only if Lincoln could not gather sufficient support in the Legislature. Oddly, there is no evidence of any communication between Yates and Lincoln as they made decisions on these two matters.

Lincoln’s maneuvering hurt the anti-Nebraska cause. A special election for his vacated seat was held on December 23, 1854. Norman Broadwell, a Springfield lawyer, who had clerked for Lincoln and Herndon between 1849 and 1851, ran to succeed Lincoln. In an unexpected result, he was defeated by the Democrat, Jonathan McDaniel. The defeat further narrowed the gap between the anti-Nebraska forces and the Democrats for the legislative vote on the Senate seat.

The second paragraph of Lincoln’s letter to Powell contains another significant announcement. “... I fear some will insist on a platform, which I cannot stand upon.” He was not yet ready to leave the Whig party for the nascent Republican Party. He had not attended

29. Law Practice of Abraham Lincoln, case number L01800; Fraker, Lincoln’s Ladder, 186.
31. Illinois State Archives, Record Series 103.062, “Executive Session, Executive Files.”
the anti-Nebraska Republican Convention held in Springfield on October 4 and 5 of that year. His letter of November 27 to Ichabod Codding, a noted abolitionist, makes that clear. He was answering Codding’s letter requesting his attendance at the meeting. In his response, Lincoln questioned why he was placed on the committee, because he, “... was not consulted on subject; nor was I apprized [sic] of the appointment, until I discovered it by accident two or three weeks afterwards.” He went on to say, “I suppose my opposition to the principle of slavery is as strong as any member of the Republican Party; but I also suppose the extent to which I feel authorized to carry that opposition, practically, was not at all satisfactory that party.” In another letter written that day, he referred to himself as, “a whig.”

As the contest in the Legislature for the Senate seat unfolded, it became a hotly contested race between anti-slavery Whigs and anti-slavery Democrats. The vote for the Senate seat was held on February 9, 1855. The two factions held a combined majority in both Houses, 57–43. Lincoln had 45 votes on the first ballot, with only 50 needed to win. Anti-slavery Democrat Lyman Trumbull had but 5 votes. Throughout the ensuing nine ballots, Lincoln’s support slowly waned and that of the Democratic Governor Matteson continued to grow. Matteson, one of the most corrupt Illinois politicians in the 19th century, bribed representatives for their vote, including some whom Lincoln had counted on. Matteson, who was soft on slavery, would have been the worst possible result in this election for the anti-Nebraska forces. Knowing that, when his total slipped to 15, Lincoln urged his supporters to support Trumbull to ensure victory for the anti-Nebraska proponents. The sharp decline in Lincoln’s overwhelming lead reflected the statewide resentment towards his candidacy, due to his clumsy maneuvering to get the seat. Ironically, had Lincoln won the seat in 1855, he could not have run against Stephen A. Douglas in the race for the other Senate seat in 1858. Thus ended his race for the Senate and most of his political activity for the year 1855, a year in which he once again focused on his law practice.

Lincoln was deeply disappointed by the loss. A number of his friends and political associates described his dejection. Typical of the resilient Lincoln, by mid-year he had recovered and never displayed any bitterness towards those who worked against his candidacy.

38. Ibid.
40. Ibid., I: 403.
Lincoln’s list of the legislators, and their leanings in his 1855 pursuit, reflect his fastidious approach to plotting his strategy in this race and his astuteness in counting in such matters, traits that are reflected in many other issues as well.\textsuperscript{41} This ability is also reflected in a more personal way in his post-vote analysis of the outcome in two letters to his supporters, Elihu B. Washburne and Jesse Olds Norton. Washburne was a Congressman from Galena who had known and worked with Lincoln since 1840. In these letters Lincoln disguises his deep disappointment at the loss, and he demonstrates the characteristic resilience that drove him to continue to pursue the course ahead.

As he wrote to Washburne on February 9, 1855, “the agony is over at last.”\textsuperscript{42} He wrote to Norton, a Congressman from Joliet, on February 16, “I have now been beaten one day over a week; and I am very happy to find myself quite convalescent.” His letter recites those legislators who flipped on him, going over to Matteson. He explained the shift of his 15 Delegates from “the heat of the battle and eminent danger of Matteson’s election were indispensably necessary to the result. I know that few, if any, of my remaining 15 men would have gone over from me without my direction; and I gave that direction simultaneously with forming the resolution to do it.”\textsuperscript{43}

When the year 1856 approached, Lincoln slowly emerged as a fully dedicated and committed leader of the Republican Party. He was on solid ground with the anti-slavery forces in the State of Illinois. The pressure to unite the disparate forces was considerable, and Lincoln was in the thick of it. To paraphrase his 1854 letter to Powell, by 1856 Lincoln demonstrated that he had clearly decided that he could stand upon a platform which others were insisting he do.

In February 1856, one of the most important meetings in the development of the Illinois Republican Party was held in Decatur. That meeting involved a number of prominent anti-Nebraska newspaper editors, who invited Lincoln to attend. Its purpose was to plan a statewide convention to unite and organize the elements of the anti-Nebraska party into a solid political party.\textsuperscript{44} That convention was to be held in Bloomington in May. Lincoln closed that convention with a fiery, eloquent speech now known as the “Lost Speech,” because its text was never recorded. The importance of that speech is sometimes overlooked.

\textsuperscript{41} Basler, \textit{Collected Works}, II: 296–98.
\textsuperscript{42} Ibid., II: 304–6.
\textsuperscript{44} Fraker, \textit{Lincoln’s Ladder to the Presidency}, 174, 175.
because of that fact. The speech solidified the Republican Party in Illinois, one of the most important states in the pursuit of the Presidency by the new party. The response from the newly formed party was overwhelming. The Bloomington Pantagraph stated, “Mr. Lincoln surpassed all others—even himself.” His law partner, William Herndon, proclaimed that this speech was “… the great effort of his life.”

The 1856 Republican National Convention was held in Philadelphia and John C. Frémont was its nominee as the first candidate for president. While attending court in Urbana, Lincoln was surprised to read in the Urbana Union that he had received 110 votes there for vice-president. Lincoln campaigned hard for the national ticket, speaking more than 50 times across the state, as well as once in Michigan. But in the end, a nondescript Democrat, James Buchanan, carried Illinois and the nation. But the new party was heartened by its success and the fact that they had emerged united as a major force for national politics.

In June 1858, Lincoln gained the unanimous nomination of the Republican Party at the State Convention in Springfield. The high point of that convention was Lincoln’s momentous “House Divided Speech.” The ensuing race against Senator Douglas gained Lincoln national prominence. He and the Republicans now received a majority of the popular vote in the defining legislative races, but Democrats won more of these races, so Lincoln was unsuccessful yet again in his bid for the Senate. The anomalous outcome was a result of the gerrymandered districts created by the Democrat-controlled Legislature. Notwithstanding the loss, this notable campaign ultimately carried him to the White House in 1860.

In the fall of 1854, the cautious Lincoln had taken his first hesitant steps toward the leadership of the powerful new party and, ultimately, election to the presidency. The support of the Illinois anti-Nebraska forces bolstered him through these early steps. The timely, unsolicited, and unexpected help from Elihu N. Powell contributed substantially to Lincoln’s six-year marathon and its ultimate success—success that saved the Nation and perhaps the institution of democracy itself.

45. Ibid., 177, 178.
46. Ibid., 179.
47. Ibid., 184.