

Courthouse Restoration . . .

(Continued from preceding page)

was a tentative local law associate of Abraham Lincoln. Parks rounded up the cases and Lincoln tried them at law terms.

Parks was elected to the legislature when a resident of Mt. Pulaski. Moving to Lincoln in 1856, he was a delegate to the Chicago convention in 1860, at which Lincoln was nominated for president. President Lincoln appointed him federal judge in Idaho. He was a member of the state constitutional convention in 1870.

Lacey came to Mt. Pulaski from southern Illinois in the early 40's and was the town's first licensed lawyer. He introduced Douglas to an audience in Lincoln during the Lincoln-Douglas contest for United States Senator. He died in 1886.

William H. Young was also a member of the Mount Pulaski bar, as was also A. J. Turley. Among others who appeared in justice courts were Ezekiel Bowman, Horace Ballou and N. M. Whitaker. Bowman was twice elected sheriff of the county, once county treasurer and was an early school commissioner.

Judge David Davis, who always presided over the Mount Pulaski circuit court, was appointed by President Lincoln to the Supreme Court of the United States and was later U.S. Senator and acting Vice-President of the United States. Judge Thomas R. Skinner was continuously county judge at Mt. Pulaski.

Under the law in force in Mt. Pulaski county seat days, all "free white males" between the ages of 18 and 45 were required to equip themselves with a "good musket, fuzee or rifle" and enroll in the state militia.

Annual militia musters took place in April of each year and these were gala occasions. Capt. John Shoup was the commander of the company at Mt. Pulaski.

Voters at elections were required to "first announce their own names to the election officers" and then the names of the persons for whom they wished to vote.

Expense records show that the courthouse at Mount Pulaski was lighted at night, when light was required, by tallow candles.

The "horological cradle" case so famous in Lincoln biography was tried at Mt. Pulaski before Judge Davis, Abraham Lincoln being attorney for the plaintiff.

County Seat Removal

In 1852 the Alton & Sangamon railroad (now the Chicago & Alton) extended its line from Springfield, through Logan county, to Bloomington. A town site was laid out in 1853 on the extension right of way, one mile from old Postville. Its proprietors named it Lincoln in honor of their attorney, Abraham Lincoln.

In February of 1853, the proprietors secured the passage of a legislative bill submitted to the voters of Logan county the proposition of again changing the county seat, this time from Mount Pulaski to the new railroad townsite.

At the ensuing election in November of 1853, a majority voted for the change, whereupon George W. Turley and others secured from Circuit Judge Davis an injunction restraining the erection of county buildings in Lincoln, based on alleged irregularities in the passage of the submission bill.

Later, Judge Davis dissolved this injunction on the ground that the irregularities had been removed by later legislative action. The case then went to the State Supreme Court, which, at its December, 1855, session, sustained the dissolution of the injunction.

While the election transferring the county seat occurred in November of 1853, actual transfer did not take place until the rendering of the Supreme Court decisions, which was handed down subsequent to the second Monday in December of 1855.

The county records were destroyed by a courthouse fire in Lincoln April 15, 1857, but a transcript of the probate of the will of Stephen Jones, filed after

the fire, shows that probate took place in the County Court in Mt. Pulaski November 17, 1855.

Another will transcript, filed after the fire, shows probate at Lincoln February 4th, 1856. The actual transfer therefore, took place between the said dates and after the December, 1855, decision, or probably in the latter part of December, 1855.

Lincoln's Mail Box On Display At Court House

Thursday, May 9, 1940

Another interesting article has been added to the collection of antiques in the old Logan County Court House in the Mount Pulaski public square, now owned by the State of Illinois and restored as an Abraham Lincoln Memorial Shrine, the period of its use as a seat of justice being from 1848 to 1855, at which time Abraham Lincoln rode the old 8th judicial circuit.

In the days in Springfield when Lincoln was a struggling lawyer, before he was elected president of the United States, he had a private lock box in the post office for his mail. The government decided to place new fixtures in the Springfield post office, and S. Linn Beidler, the Mount Pulaski postmaster, acquired the old fixtures for the local postoffice, which were used here for many years. And with these fixtures came the Lincoln lock box.

For a long time it was used by the Mount Pulaski Wind Mill Co., and when modern equipment was installed here the late A. O. Vonderlieth took possession of it and it was later given to his sons, Henry L. and Walter of New York City, and Julius of Cleveland, Ohio. The Vonderlieth brothers were anxious that it be placed in the old court house, and last week it was turned over to custodian Gottlieb C. Zah by City Attorney George J. Smith. In this fitting setting the mail box is now attracting much attention. In Springfield the box was numbered 3432, and in Mount Pulaski number 31.

Mount Pulaski Shrine Items of Interest

A statue of Abraham Lincoln in a frock coat is in the School Commissioner's office at the Mt. Pulaski Shrine. It is over 100 years old.

The sheriff's office at the Shrine naturally has these two ancient items: a Springfield rifle and a Springfield shotgun.

An unique torch carried by Al W. Causey, a member of the Republican Marching Club of Metamora in the campaign of 1888. An eagle rests atop the torch burners from the tops of both wings. This is in the surveyor's office of the Mount Pulaski Shrine.

Approximately 4,000 visitors to the Mount Pulaski Lincoln Memorial Shrine, register there each year. Visitors come from all over the United States.



VAUGHN DE LEATH, First Lady of Radio, and a former Mount Pulaskian, is shown holding the post office box of Abraham Lincoln at the local shrine. She made a visit here some years ago to visit old friends and see the changes made in the city of her birth. She now lies in Mount Pulaski's City of the Dead.—Times-News Photo

COURTHOUSE GIVEN BY STATE TO SCHOOL DISTRICT IN 1856

Building and Square Reverted, However, To City in 1878

In the year A.D. 1836 the original town of Mount Pulaski was laid off, surveyed and platted by Dr. Barton Robinson and others. The plat, survey and acknowledgment thereof provides and states that "Block 23 is set apart as a public square". Again in the acknowledgment of the plat and survey this language occurs: "And I do hereby for myself and as agent aforesaid forever quit claim to the Public all my exclusive right and also the exclusive right of those for whom I act to and in all the streets, alleys and public grounds of said Town."

At the outset then here is an express dedication of Block Twenty three (23) to the public for the purposes of a public square without any other special designation of the use.

In 1848 the County Seat of the County having been removed to Mt. Pulaski, the citizens of that place and surrounding country, out of their private means, erected a Court House on the Public Square, without the aid or official permission or objection of the Town of Mt. Pulaski, for said Town had not then been organized. Afterwards the County seat was removed from Mt. Pulaski to Lincoln, and the Court House and Public Square was abandoned by the County authorities of Logan

County and in AD 1856 the Legislature of this state enacted:—"That the old Court House in Logan County located in the Town of Mt. Pulaski in said County be and the same is hereby donated to said Town for School and Seminary purposes forever."

Section three (3) of same act further provides:—"That from and after the expiration of two (2) years from the passage of this act said House shall be under the control and supervision of the Board of School Directors of the School District in which said Town of Mt. Pulaski is situated." In the year AD 1878 the School Directors of said School District ceased to use the old Court House and Public Square for school purposes and removed the public schools therefrom into new buildings erected on a new school site purchased for that purpose.

Since the year AD 1872 the Town of Mt. Pulaski has been organized into a village under the general laws of this state and thereby succeeded to all the rights and incurred the obligations of the Town of Mt. Pulaski. Prior to the passage of the Act of 1856 the Lots around the Public Square — Block 23 — had been sold out to private parties who owned and occupied many of them. Under these circumstances my opinion in writing is desired as to what the present legal status of the old Court House and Public Square is. In

other words: Has the Village of Mt. Pulaski the right of ownership and control over the Court House and Public Square for the use of the general public or does that right remain with the school directors of said school district. To reach a correct conclusion in the premises three points should be considered viz:

First: Did the dedication of Dr. Robinson and others vest a fee simple title in the Town of Mt. Pulaski for the use of the general public or did it only create an easement or right of use in the Public Square in said Town for the use and benefit of the general public.

Second: Did the Legislature possess the power to pass the act already alluded to and thereby take from the general public the use of the Public Square as such and set it apart for school purposes as against the rights of the Town of Mt. Pulaski and the general public and private lot owners under the dedication before mentioned.

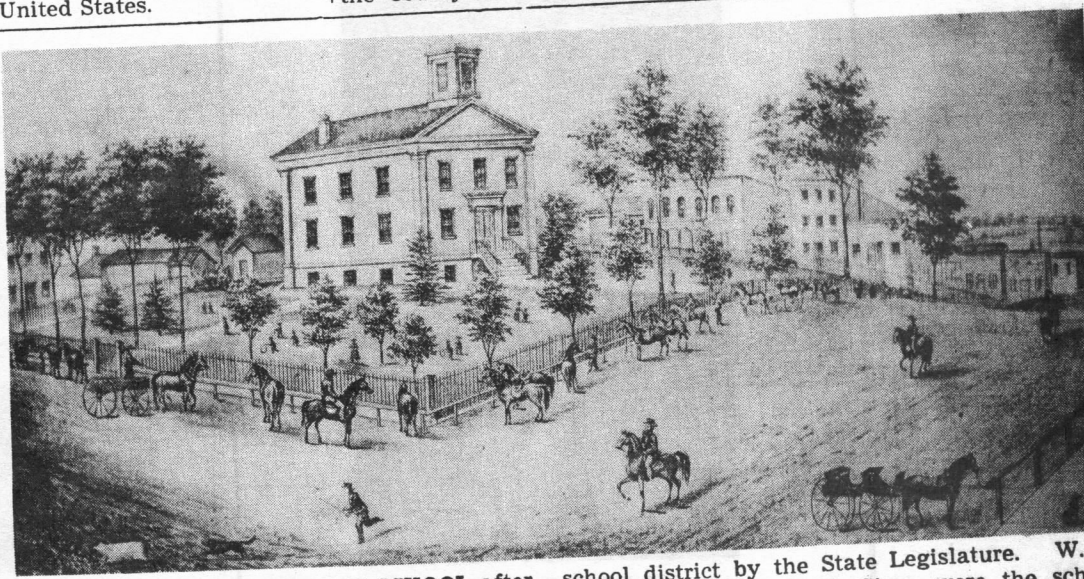
Third: If the Legislature possessed that power, what effect has the non-user for school purposes on the rights of the School Directors and School District therein?

In respect to the first proposition it is believed that without the aid of statutory provisions the dedication of Dr. Robinson and others would vest in the Town of Mt. Pulaski for the benefit of the general public an easement or right of use only; but the statute law on the subject of Plats and dedications at the time

of this dedication must control; and, it must first be said that this plat of Dr. Robinson's was drawn up, acknowledged and certified in compliance with the statutes then in force, see "An act providing for the recording of Town plats" in force Feb. 27 AD 1833, in compilations of statutes of 1839. In is provided in said act Sec. 5, as follows: "The plat or map when made out, certified, acknowledged and recorded as required by this act, every donation or grant to the public or any individual or individuals, religious society or societies, or to any corporation or bodies politic, marked or noted as such on said plat or map shall be deemed in law and in equity a sufficient conveyance to vest the fee simple of all such parcel or parcels of land as are therein expressed and shall be considered to all intents and purposes as a general warranty against such honor or honors their heirs and representatives to the said donee or donees, grantee or grantees for his or their use, for the uses or purposes therein named or intended and for no other use or purpose whatever."

While it may be difficult to reconcile the provision of this statute with the known rules of English grammar, yet it is manifest at a glance that the fee simple title to the public square was by this act of dedication and by force of said statute vested in the Town of Mt. Pulaski and the people thereof for the purposes and uses of a public square and in the language of this statute "for no other use or purposes whatsoever." Did, then, the Legislature have the power to pass the act of AD 1856? Let it be remembered that at the time this act was passed the lots around the Public Square had, many of them, if not all been sold and private as well as public interests and rights had attacked, and the lot owners having purchased their lots with reference to Block twenty three (23) remaining a public square had a legal right and still have that right to insist on Block twenty three (23) remaining a public square for the use of the general public. The dedication therefore became an executed contract on the part of Dr. Robinson and the Legislature with the Town of Mt. Pulaski for the use of the general public and with the private lot owners around the Public Square for their use and benefit and as such was inviolable and fully protected under the provisions of the federal constitution protecting contracts against the encroachments of the legislative

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ARTIST'S DRAWING OF DISTRICT SCHOOL after county seat had been moved to Lincoln in 1853. The first term of school was held in 1857 in the old courthouse which had been given to the

school district by the State Legislature. W. G. Snyder, G. Huck and J. Sims, were the school directors, and W. H. Derby, principal.