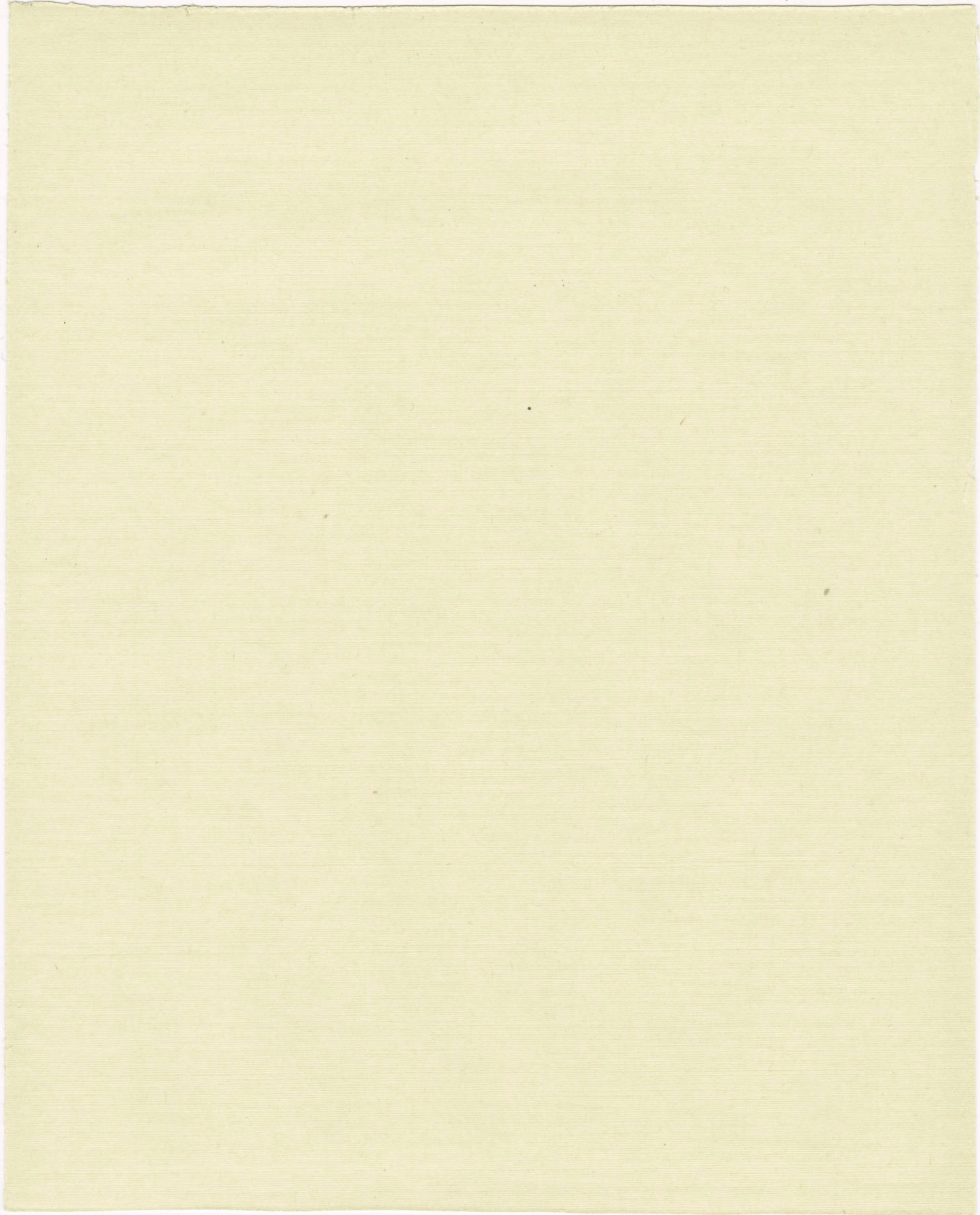


Lawville, Ill. May 27. 1853

George B. Kinkead, Esq
Lexington,
Ky-

I am here attending court a hundred and thirty miles from home, and where a copy of your letter of this month, to Mr Edwards, reached me from him, last evening. I find it difficult to suppress my indignation towards those who have got up this claim against me. I would really be glad to hear Mr Hemmingsway explain how he was induced to swear he believed the claim ^{to be} just. I herewith inclose my answer. If it is insufficient either in substance, or in the authentication of the oath, return it to me at Springfield (where I shall be after about ten days,) stating the defective points. You will perceive in my answer, that I ask the Petitioners to be ruled to file a bill of particulars, stating names & residences, &c. I do this to enable me to absolutely disprove the claim. I can easily prove by independent evidence, every material statement of my answer, and if they will name any living accessible man, or one of whom I have received their money, I will, by that man disprove the charge. I know it is for them to prove their claim, rather than for me to disprove it, but I am unwilling to trust the oath of any man, who either made or prompted the oath to the Petitioners.

Write me soon. Very Respectfully - A. Lincoln -



The separate answer of Abraham Lincoln to a Petition exhibited in the Fayette circuit court in the Commonwealth of Kentucky, against said Lincoln, Nivian W. Edwards, and George B. Kirkhead, by Edward Oldham and Thomas Keenungway, surviving partners of Oldham, Todd & Co.

This Respondent, saving, reserving &c. for answer to said Petition says he believes it is true, and therefore he admits that said Petitioners are the surviving partners of said firm of Oldham Todd & Co; that said firm did consist of the persons named as the members thereof in said Petition; and that said Robert S. Todd died about the time stated in said Petition - But this Respondent utterly denies that he is, or ever was, indebted to said firm, or to said Petitioners as surviving partners thereof, or in any way howsoever; he denies that he ever collected \$47,200⁵⁴/₁₀₀ or any other sum whatever, for said firm, or of money belonging to said firm, or to said Petitioners, in any capacity whatever; he denies that he ever had placed in his charge for collection, any debt or claim for said firm, or for said Petitioners, of any sort whatever; and he denies that he ever was employed as the attorney ^{or in any other capacity} of said firm, or of said Petitioners, in any matter whatever, so far as he remembers or believes - Respondent can not conceive on what the charge of said Petitioners against him is founded, unless it be the following facts - In the autumn of 1843, and after Respondent had intermarriage with said Robert S. Todd's daughter; said Robert S. Todd visited Springfield, Illinois, when and where, Respondent, for the first time in his life, met him.

During that visit, said Todd remarked to this Respondent
that there were two desperate or doubtful debts due
Oldeham Todd & Co— one at, or near Beardstown, Illinois,
in charge of an attorney by the name of Henry E.
Dummer, and the other at Shelbyville, Illinois, in
charge of whom Respondent does not remember, and
that if any thing could be collected on said debts
he desired Respondent to take and retain it as his
own— Afterwards, and, as Respondent remembers, in 1846,
said Dummer paid over to this Respondent, the sum of
fifty dollars, representing that sum to be all, beyond
charges, that could be collected on the said claim
in his hands— And as to the said debt at Shelbyville,
nothing whatever has come to the hands of this Respondent
directly or indirectly, and Respondent supposes said
debt has not been paid to any one else, but remains
wholly unpaid— If Respondent ever knew, he has
forgotten the name of the debtor at Beardstown; but
believes one Marshall Bady was the debtor, or one
of the debtors, at Shelbyville— Respondent was not
desired to take, and did not take charge of said
claims as an attorney, or in any otherwise than as
hereto stated; so far as he remembers or believes
he never spoke or wrote to either of the debtors on the
subject; nor ever in any way attempted to ~~sup~~ super-
sede the attorneys in whose hands the claims were origin-
ally placed; and, with the exception of the fifty dollars
aforesaid, received by Respondent under the circumstances
aforesaid, Respondent denies that he ever received any
thing whatever, to which said firm, or said Petitioners could

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have a pretence of a claim. Respondent further states that when he visited Lexington in the autumn of 1849, as he remembers, he stated the whole matter to said Wamugway and to L. O. Todd, as he now states it; and that, more recently, in the Spring of 1852, he again fully stated it, in his sworn answer to a Bill filed for the adjustment of the estate of said Robert S. Todd, which answer doubtless is on file in the said Fayette Circuit Court, and Respondent supposes said Court, in that case decided and adjusted the rights of the parties arising upon said state of facts. Respondent cares but little for said fifty dollars; if it is his legal right he prefers retaining it; but ^{he} objects to repaying it once to the estate of said Robert S. Todd, and again to said firm, or to said Petitioners; and he particularly objects to being compelled to pay money to said firm or said Petitioners which he never received at all. Respondent prays that said Petitioners may be ordered to file a Bill of particulars, stating the names and residences of the persons of whom they claim that Respondent has collected money belonging to them. Respondent admits that he resides in Illinois; that said George B. Kirkman is his attorney; and that he has means in his hands belonging to Respondent, substantially as is in said Petition stated; and now having fully answered to.

A. Lincoln.

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State of Illinois }
Vermilion County } ss

Before me, Samuel G. Craig, clerk
of the Circuit Court of the county aforesaid, this
day personally appeared Abraham Lincoln,
whose name is subscribed to the answer written
on this sheet, and who being by me first duly
sworn, states on oath that all the statements
in said answer are true in substance and in
fact - In witness whereof I have hereunto sub-

scribed my name and affixed
the seal of said court on
on the 27th day of May A.D. 1853.

Sam. G. Craig, Clerk

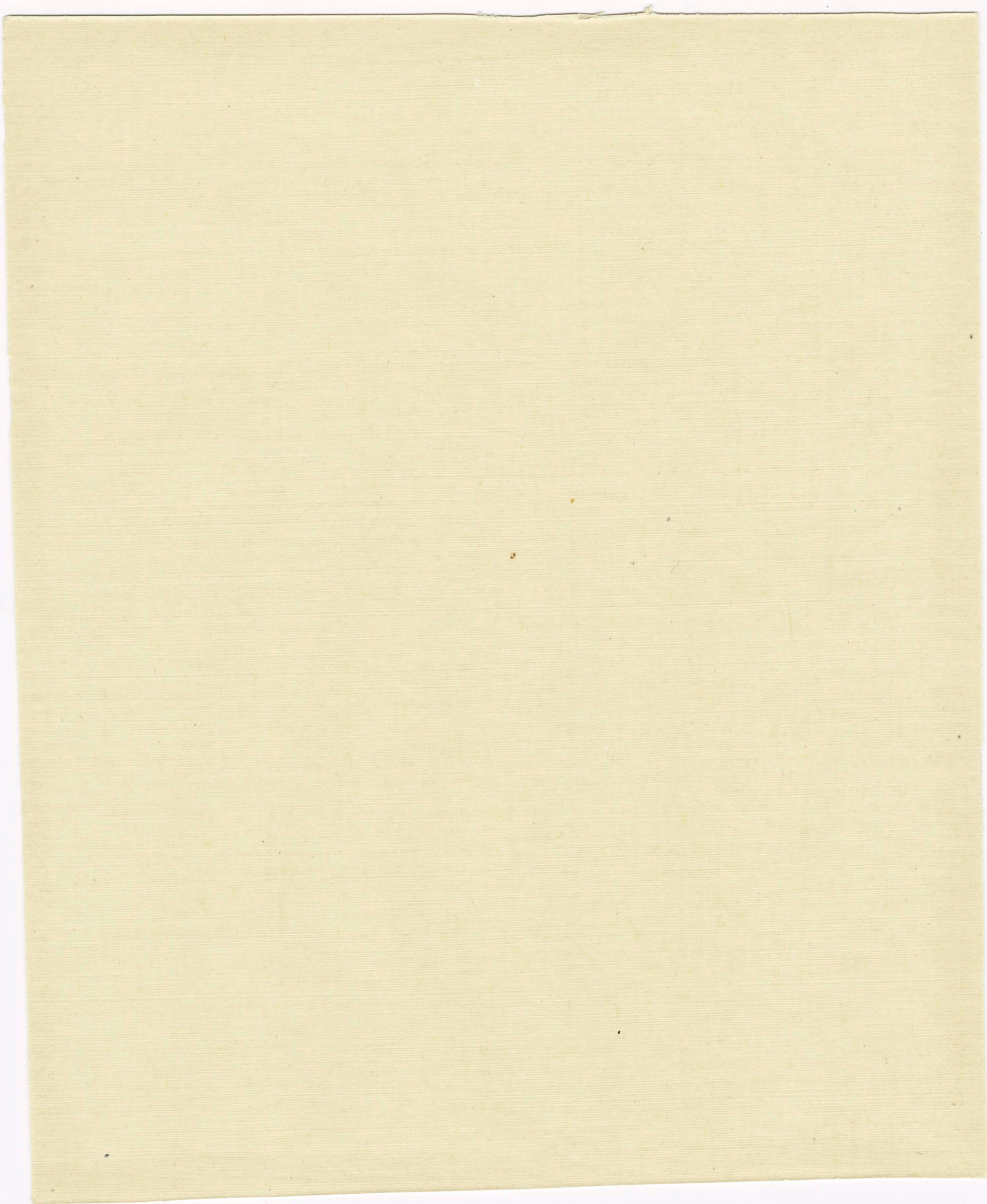
Charles & Mcmurry
or J. J. Mcmurry of Lincoln
County & Clerk,
Atty & J. J. Mcmurry
13th 1853.
The Atty. J. J. Mcmurry
Clerk

Springfield, Ill., July 6. 1853.

Geo. B. Kirkland, Esq.
Lexington, Ky.

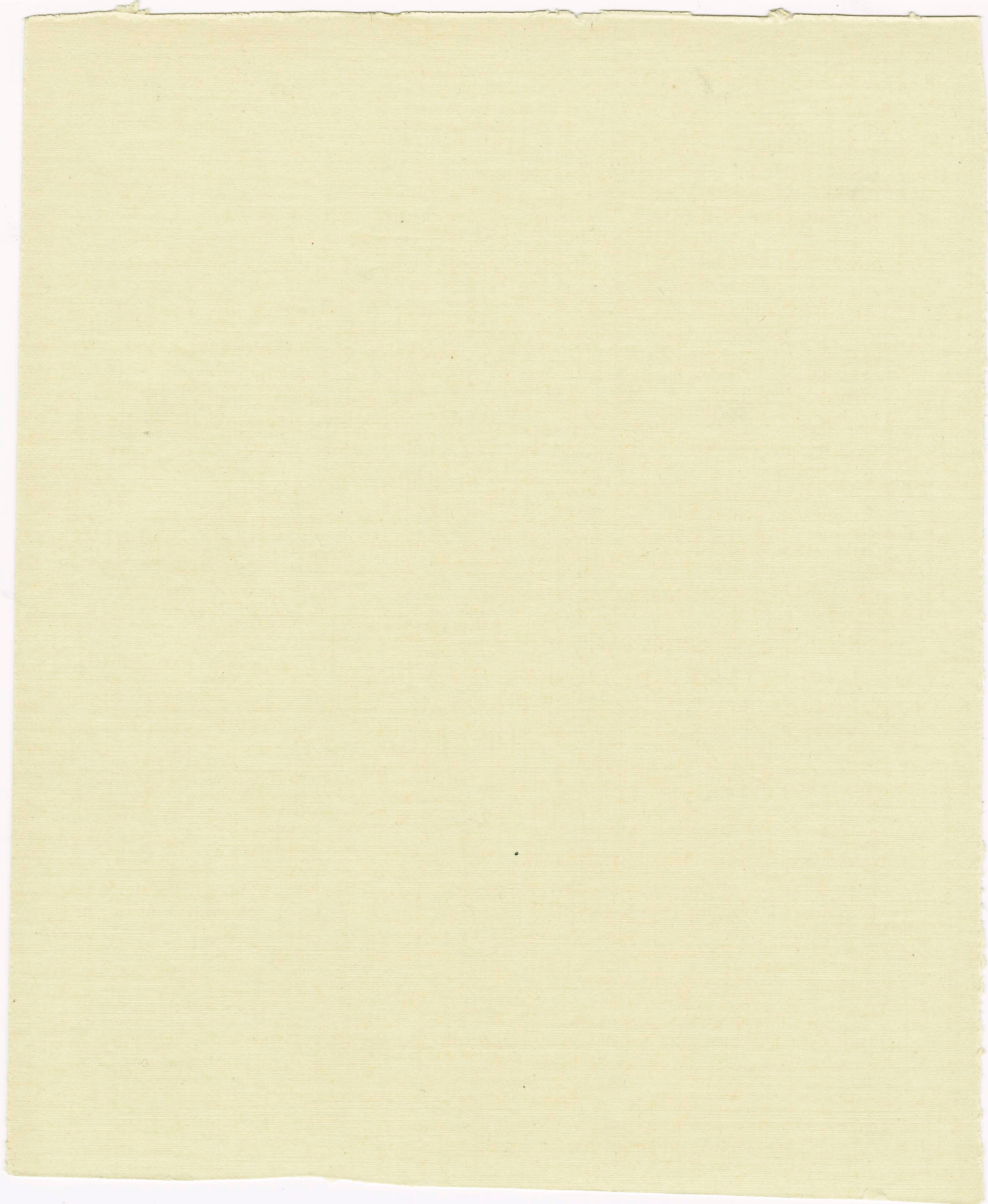
Dear Sir:

I feel some anxiety about the suit which has been gotten up against me in your court; and I therefore hope you will pardon my requesting you to write me when your court sits - whether it is probable I shall have to take proof here or not. - In the autumn of 1849 I was at Lexington several days, during which time I was almost constantly with S. O. Town, and, if I shall, when this case comes on to be tried, think he remembers that I told him I had collected money for Oldham Town too, the story would be plausible enough to require an answer - Such recollection would be an utter mistake; yet if something of the sort is not relied on, I can not not concern how Mr Warmingway was promised to swear to the truth of the Bill, for they can not, in any other way, make the slightest show of proof. I therefore think ^{it} safe to look to their making this proof, or, at least, possible, and to be prepared for it - I have said before, and now repeat,



that if they will name the man or men of
whom, they say, I have collected money for
them, I will disprove it - I hope you will write
me at once - I conclude with the remark
that I expect you to be compensated for your
services in this case, in addition, to your compensation
for your attention to our business, in common, then -

Respectfully
A. Lincoln -



that it was taken, not by me, but by a different attorney; and that it remains apparently unsatisfied. By William H. Thornton of Shelbyville, Illinois, that he is the father-in-law of the debtor - that the debtor has gone to California; and that he left this, among others, as an unpaid debt, which he desires, ^{the witness} to compound for him if he could.

All this I can prove; but without a Bill of particulars, it seems to me, it will not meet the case.

Can they not be ruled to give a Bill of particulars?

This matter harasses my feelings a good deal; and I shall be greatly obliged if you will write me immediately, and send copies to Mr Edwards, at Springfield Ill. - telling ^{me} first, where is the next term of your court; and second, whether I can or can not have a bill of particulars.

Yours truly,

A. Lincoln

Bloomington, Ill. Sept 13. 1853.

Geo. B. Kinkadee, Esq.

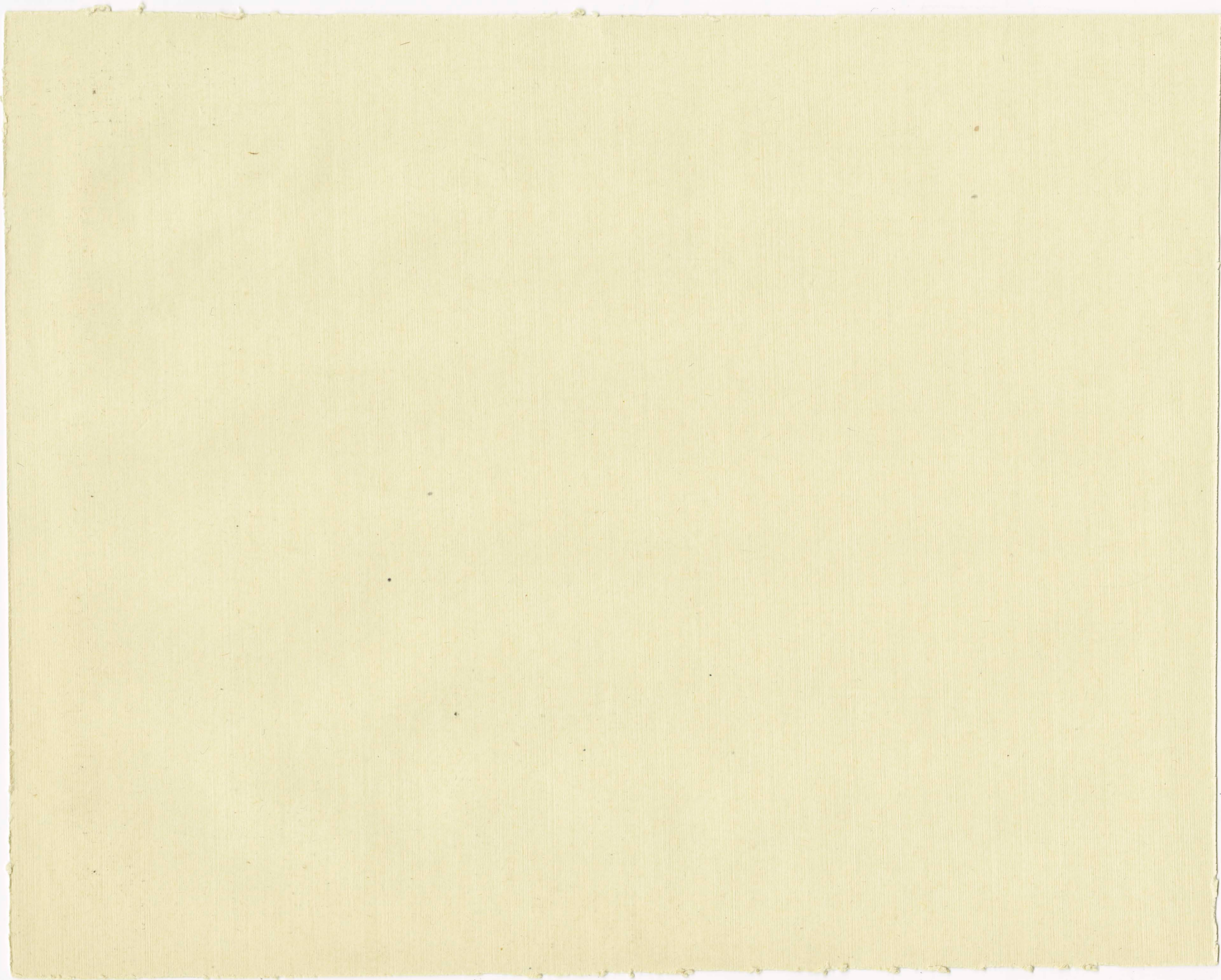
Lexington, Ky.

Dear Sir:

Your letter of

the 2nd Inst. to Mr Edwards, has been forwarded by him to me here where I am attending court. When, in your letter to me, of the 12th July, you gave the opinion that O. V. Heo would abandon their suit, it was plain to my mind they intended no such thing; else they would have told you so plainly. The matter now takes me at great disadvantage, in this, that it will cost me more to leave the Circuit (which has just commenced) and attend to taking proof, than it would to give up the claims; and your letter does not mention ^{the} terms of your next term.

But the great difficulty of all is the want of something definite, to take proof about. Without a bill of particulars,



stating the names of the persons of whom,
O. J. Hoos claims that I have collected
money for them, any proof I can possibly
take, will be wiser of the mark - can
not meet Lewis' statement, (which I now
suppose he is determined to make) that "I
told him I owed the amount attached".
I can prove by John T. Stuart, of Spring
field Illinois, that he & I were partners
in the law from the Spring of 1837 to
the Spring of 1841, and that, so far as
he knows, we never had any business for
O. J. Hoos - By ~~Amos W. Edwards~~ Stephen
T. Logan of Springfield, Ill., that he
& I were partners from the Spring of 1841
to the autumn of 1844, and that so far
as he knows, he & I never had any business
for O. J. Hoos - By William W. Hemmons
of Springfield, Ill., that he & I have been
partners from the autumn of 1844 up to
the present time; and that so far as
he knows, he & I never had any business
for O. J. Hoos - and by all three that

they never knew of me, individually, having
any business for O. J. Hoos - Also, by Amos
W. Edwards of Springfield, Ill., that so far
as he knows, ^{or believes} the whole of the business of O. J. Hoos
in Illinois passed through his hands, and
that so far as he knows or believes, none
of it ever went into my hands - that
the claims at Beardstown & Shelbyville
both passed through his hands, and were,
in the fall of 1843, given to me, as dis-
tinct debts, by Mr. Jordan, in manner
I have stated in my answer; and
that less than three years ago, the father-
in-law of one of the debtors, called on him
to try to compound the debt - And I un-
derstand, both these claims were into
fragments; and as to that at Beard-
town, I can prove the truth of the an-
swer, by the record, and by Henry E.
Drummer of Beardstown, Cass Co. Ill. -
As to that at Shelbyville, I can prove
the truth of the answer, by the record



"Messrs Oldham & Hemmingway, survivors of Oldham, Executors.
Gentlemen

Take notice that I will take depositions to be read by me in the suit now pending in the Fayette Circuit Court, wherein you are plaintiffs & I am Defendant with others, at the following times and places to-wit: At the office of the Clerk of the Circuit Court of Sangamon County, Illinois, in Springfield, on the 12th day of Nov^r next, at which place I will take the deposition of J. J. Stewart & others -

At the office of the Clerk of the Cass Circuit Court in the town of Beardstown, County of Cass, State of Illinois, on the 15th of Nov^r 1853, at which place I will take the deposition of H. E. Dummer & others -

At the office of the Clerk of the Circuit Court of Shelby County, in the town of Shelbyville in said County, State of Illinois, on the 8th of Nov^r 1853, at which place I will take the depositions of William H. Thornton & others - Sept 22-1853. Abm. Lincoln

"Executed, September 23rd 1853. by delivering to Thomas Hemmingway & Edward Oldham, each two copies of the within notice -
John Rodes D^r

for Waller Rodes s/c

Depositions of Venian M. Edwards & Eliphaz B. Hawley -

— taken before me, William H. Elkin, and acting Justice of the Peace, in and for the County of Sangamon and State of Illinois, in pursuance of a written notice, of which, and of the entry of service thereof, the above, are true copies, and the original of which is retained by the defendant, to be shown

" Messrs Oldham & Hemmingway survivors of Oldham
Toda & Co.

Gentleman

Take notice that I will take depositions to be read by me in the suit now pending in the Fayette Circuit Court wherein you are plaintiffs & I am defendant with others, at the following times & places, to-wit; At the office of the clerk of the Circuit Court of Sangamon County, Illinois, in Springfield on the 12 day of Nov^r next, at which place I will take the deposition of J. J. Stewart & others. At the office of the clerk of the Cass Circuit Court in the town of Beardstown, County of Cass, State of Illinois, on the 15th of Nov^r 1853, at which place I will take the deposition of H. E. Dummer & others. At the office of the clerk of the Circuit Court of Shelby County in the town of Shelbyville, in said County, State of Illinois, on the 8th of Nov^r 1853, at which place I will take the depositions of William C. Thornton & others.

Sep. 22. 1853.

Abm Lincoln "

" Executed September 23rd 1853. By delivering to Thomas Hemmingway & Edward Oldham each a true copy of the within notice.

John Rodes D^o
for "Waller Rodes s/c "

The Deposition of Anthony Thornton Esq, taken in pursuance of a written notice and entry of service enclosed on the back thereof, of which notice, and entry of service, the foregoing are true copies, and the originals of which are retained by the defendant, to be used

Peoria, Ill. Sept 30. 1853.

Geo. B. Kirkhead, Esq.
Lexington, Ky.

Dear Sir

Your letter of the 23rd has just reached me through Mr. Edwards; and for which I thank you heartily - I now feel that the case is entirely manageable - I well know who Hawley and Edwards are - The "Hawley" of that firm is Eliphalet B. Hawley; and the "Edwards" is no other than Neman Mr. Edwards, whom you know nearly as well as I do, being the person who, on behalf of himself, and the rest of us here, has conducted all the business ^{with you,} ~~has~~ in relation to Mr. Todd's estate - Mr. Hawley still lives at Springfield; and I will thank you to give a notice to take his deposition at the same time and place named in my former letter for the taking of that of Mr. Edwards & others at Springfield -

Very truly Yours &c.
A. Lincoln

P.S. Still with me, under cover to Mr. Edwards at Springfield, who will forward to me -
A. L.

