

Earliest Accounts of Pate – Lincoln Trial

By Jerry Long
c.2025



The home of Squire Samuel Pate was the site of possibly the most written about event in the history of Hancock County, KY. Allegedly the home was the scene of an event in the life of President Abraham Lincoln (1809-1865). Due largely to this event in 1979 the home was added to the National Register of Historic Places. At the entrance to the lane that leads back to the Pate house and family cemetery is a Kentucky Historical Society Highway marker that was erected in 1964 commemorating the event. The marker is the first one awarded and erected in Hancock County. The memorial has the following inscription:

LINCOLN ACQUITTED

Abraham Lincoln, 16th president of the United States won his first law case here, 1827. Charged by the Commonwealth of Kentucky with operating ferry without license; Lincoln pleaded his own case in trial at the home of Presiding Justice of Peace Samuel Pate. Pate encouraged Lincoln to study law and loaned him books. Lincoln often visited here on “law days”.



Picture was taken by Jerry Long on 26 February 1980



The earliest published account of the connection of Samuel Pate to Lincoln was an article written in 1913 by Cleburne Earl Gregory (1883-1963) and published in the Louisville Courier-Journal. Gregory was a grandson of Squire Samuel Pate. He was a noted journalist, working on the newspapers, Owensboro Inquirer in Owensboro, KY, Central City Argus in Central City and the Atlanta Journal in Atlanta, GA. He also served as executive director of the Georgia Historical Society (Hancock Clarion, Hawesville, KY, 21 February 1963). A transcription of Cleburne Gregory's article follows.

“Lincoln Defendant In First Case At Bar: Career As Lawyer Dated From Day He Was Tried On Complaint Of Ferrymen”; by Cleburne E. Gregory, Courier-Journal, Louisville, KY, Sunday, 16 February 1913, p1D:



Central City, Ky., Feb. 14 — History records the fact that the Lincoln family removed from Kentucky to Indiana in 1827 and that Abraham Lincoln was "hired" to one Green Taylor, residing at the mouth of Anderson Creek, Indiana, in 1829. History still further records that Taylor was a hard task master and upon one occasion laid an ear of corn against the ear of Lincoln with more violence than affinity, But, despite his numerous duties, young Lincoln found time for a few diversions, the principal one being the use of a rowboat on the Ohio River. This figured in an incident hitherto unpublished.

Even at that early date there nested a village at the foot of a hill adjacent to Anderson Creek, Indiana, and it was the only accumulation of houses and stores for several miles on either side of the river. The result was sufficient trade with the Kentucky shore to warrant the dignity of a licensed ferry. John and Len Dill,

pioneer Kentucky farmers and staunch believers in their individual and collective rights, chanced to hold the ferry privileges at the time.

Hail Is Answered

One bright day the ferry bell on the Kentucky shore rang out lustily and in the narrow path through the willows extending to the water's edge a lone traveler appeared. There was no response to the first bell and it sounded again and again.

A boat put out from the Indiana shore and soon poked its inquisitive nose into the foot of the pathway on which the traveler stood. Instead of jumping in, the man who had rung the bell, grabbed the chain of the boat and held it while the Dill brothers emerged from the willows and made the boatman a prisoner.

One advanced giving the young oarsman a ducking, but whether this was done will never be known, as the records of the subsequent trial fail to show whether the prisoner was present in court wet or dry.

About one mile below the scene of the capture of the boat lived Squire Samuel Pate, another pioneer, who was Justice of the Peace at that particular time. To the home of this jurist the Dill party immediately repaired, not knowing nor caring to know the name of the prisoner. Upon their arrival the plowshare was temporarily dropped while plowman took hold of the wheels of justice. The prisoner at the bar gave his name as Abraham Lincoln, and to his auditors the name then meant nothing. It took only a few minutes for the Dills and their decoy to tell their story, and, although the Dills were thoroughly upright men, they felt that they had a just grievance and asked that the full penalty of the law be inflicted upon the prisoner.

His First Case At Bar

Realizing that conviction meant a possible term in a dingy jail, young Lincoln was at first somewhat disturbed, but as the trial progressed he became angry. When his turn came around he told his story with considerable emphasis.

In the first place, he did not know that there was a penalty for violating the ferry privilege, other than that the ferryman might inflict as man to man. Further, he thought that he was conferring a favor upon the ferrymen as well as the supposed traveler, as they might have been away from home or upon a distant portion of their farm. Therefore, he had decided to ferry the traveler for them, as he had done on previous occasions when there was delay in responding to a call.

Squire Pate was so impressed with the straightforward manner of the young man that he exercised the rural court's prerogative of overlooking that fact that ignorance of the law does not excuse. He therefore dismissed the charge with an admonition to the young man to be more careful in the future. Lincoln, not caring to return the mile up the river in the company which was forced upon him when he came down, remained for a time at the Pate farmhouse.

Start As Law Student

The Justice who had tried Lincoln had become interested in him and engaged him in casual conversation. He advised him to post himself better on the

law, in order to avoid similar scrapes which might prove more serious, and loaned the future emancipator a volume from his limited supply. He further invited the youth to come again to a session of his court under more pleasant conditions.

Lincoln accepted both the invitation and the suggestion, becoming a frequent visitor to the Pate home and taking a great interest in the few court sittings he was able to attend.

Squire Pate died in 1849, not living to see the height to which Lincoln ascended. Had he done so, he might have become a contender for the honor of planting the first seed of the study of law in the brain of one of the world's greatest lawyers. Yet he would have, as all his descendants did, disagreed to the last with his pupil on the issues of the Civil War.

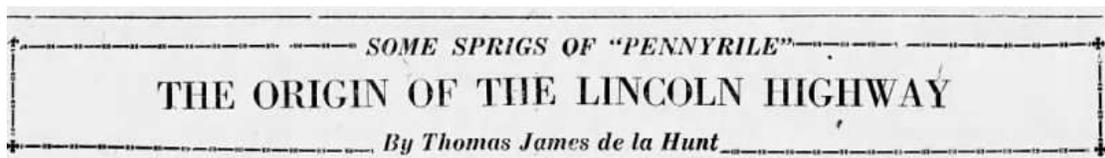
House Still Stands

Although Squire Pate is long gone, the house in which Lincoln was tried, a hewn log structure erected in 1825 and weatherboarded in later years, still stands and serves as a tenant's house on the banks of the Ohio River in Hancock county, then a portion of Breckenridge county. It is about four miles above Lewisport. There is no one in its immediate vicinity who is not thoroughly familiar with the above story, and most of the neighbors know the exact room in which the trial took place. The only surviving one of Squire Pate's thirteen children pointed out the room to the writer.

In an adjacent overgrown graveyard there is a stone which has sought support against a nearby tree until it is embedded halfway through. This stone marks the grave of a young woman of Lincoln's age in whom he is said to have taken an affectionate interest until he learned that she was betrothed to a neighbor. However, it is possible that this latter version is merely a tinge of romance added by one of the intervening generations to make the facts of the martyred President's first trial more interesting. Be that as it may there are scores of good people in Hancock county who believe in the romance as strongly as they do in the trial, although the facts in the former could hardly have come to them as convincingly as did the data in the latter — from eye witnesses.



Owensboro Inquirer, Owensboro, KY, Sunday, 19 March 1922, pp.4 & 9:



That some sprigs of Kentucky "Pennyryle" should be gathered in the Indiana "Pocket" is not surprising, after all. The activity of regional research work carried on during two years past by the Southwestern Indiana Historical Society (five of whose counties are washed by the Ohio river) has quite naturally served to awaken a realizing sense of the community of much interesting history belonging to Kentucky and Indiana alike.

No other two of the Border States were ever bound together by links of such peculiar intimacy during the earliest generations. With fraternal devotion from being joint heirs of a Virginia heritage, Kentucky's valiant sons poured in numbers across the beautiful Ohio whenever necessary to protect the scattered trading posts in the Indiana forests, or to punish the devastating Indians tormenting her pioneers.

From George Rogers Clark at Fort Sackville in 1779 to Joseph Daviess at Tippecanoe in 1811, Indiana's rollcall of Kentucky heroes is a long one, to which the name of many a county in the Hoosier State gives grateful and eloquent testimony.

And since "That one who breaks the way with tears. Many shall follow with a song." so with passing years business affiliations became closer, exchange of trade more valuable and constant inter-marriages strengthened all with happier ties of family kinship.

Notwithstanding the terms of the Ordinance of 1787 which excluded shivery from the "Territory Northwest of the Ohio," such provision was largely a concession to those New Englanders who could not be interested in any colony where slaveholding was tolerated, and the "Ohio Company" which founded Marietta in 1788 was composed of Massachusetts Abolitionists.

Farther down the river, however, a different sentiment prevailed among the pioneers coming from below Mason-and-Dixon's Line. Those emigrants who owned slaves brought them along in a perfectly matter-of-fact manner with their other goods and , whether they intended settling on the Kentucky or the Indiana shore.

No valuable end is now to be served by discussion of an issue long ago settled yet accepted authorities admit that when Indiana Territory was organized in 1800 the sentiment of its people was not opposed to slavery. Governor Harrison presided over a convention at Vincennes in 1802 which unanimously passed a petition praying Congress to suspend the prohibition of slavery in the new jurisdiction. Yet John Randolph of Roanoke (himself, the owner of 300 slaves) reported unfavorably to this, as chairman of the House committee which took the plea under consideration.

Up to the actual admission of the state in 1816, no straightford policy was maintained on the point. Under a territorial enactment adopted from the Virginia Code, masters bringing in slaves made a 'contract' with them winch was salable, by which means slaves were held, bought or sold in Indiana just as in Kentucky. As late as 1810, census reports showed 237 slaves m the territory.

It was, then, after Indiana had "come in free" that Thomas Lincoln concluded that Kentucky was no country for a poor man and that he would seek new fortunes in the new commonwealth. The fever of westward emigration was epidemic and reached Hodgenville. Listening to enthusiastic descriptions of rich unoccupied lands near the new settlements in Perry county, Indiana the Lincolns had neither valuable possessions nor cherished associations to restrain their impulse to move.

Not only feasible seemed the enterprise, but reasonably cheap, through Thomas Lincoln's skill as a journeyman carpenter. Building for himself, therefore, a small flatboat in the autumn of 1816, he launched it the mouth of Knob Creek, half a mile from his cabin on the waters of Rolling Fork. Aided by the current, he made the voyage down this stream into Salt river, following it until it emptied into the Ohio, thence along that course to Thompson's Ferry, near Troy, then the county seat of Perry county and a trading point of some importance.

A day's journey on foot took him 16 miles northwestward into the wilderness now the well-cultivated farms of Spencer county, where he found a location suiting him, not far from Little Pigeon creek. Coming back to Troy, he sold his boat, with what remained of the four hundred

gallons of whiskey he had brought along as a speculation and leaving his kit of tools in a settler's care recrossed the river and trudged back to his Kentucky home to bring his wife, Nancy Hanks Lincoln, with their two children, Sarah, aged nine, and Abraham, aged seven.

This, then, was the real beginning of the "Lincoln Highway" as projected to follow the route taken by Abraham Lincoln from his Kentucky birthplace; across Indiana, the state of his boyhood; into Illinois, his permanent home after attaining maturity. The journey to Indiana was made with the assistance of two horses, used for riding by the mother and children, and to carry their humble equipment for camping every night.

From point to point in a straight line the distance covered ere reaching the river is about 50 miles, but it was probably doubled by the very few roads it was then possible to follow. As to the counties traversed in this Kentucky pilgrimage there is no room for such doubt or fierce controversy as agitated southwestern Indiana over the next lap of the journey into Illinois, taken about 1827-28.

Hardin county immediately adjoins Breckenridge, which then extended clear to Daviess county and a very early post-road led from Elizabethtown to Owensboro, passing through the old town of Hardinsburg, founded 1780.

This was beyond doubt the primitive pathway which guided Thomas Lincoln toward Indiana. Just where he turned aside from it toward the Ohio may be difficult to determine, but that traveled for at least a dozen miles across what is now Hancock county cannot be questioned. In no other way could he have reached the ferry crossing to Troy, where he borrowed from Francis Posey the son of Governor Posey, a surveyor who had laid out the village) a wagon for the final 16 miles leading to the land he had chosen.

This road above all the many others similarly christened must ever be, to all having a genuine acquaintance with history, a genuine "Lincoln Memorial Highway" the associations of its route linking Kentucky with Indiana, and its crossing the Ohio will always bring back recollections of the days when Abraham Lincoln himself — a tall, sinewy country lad — plied the ferryman's oar at the mouth of Anderson creek, now Perry county's western boundary

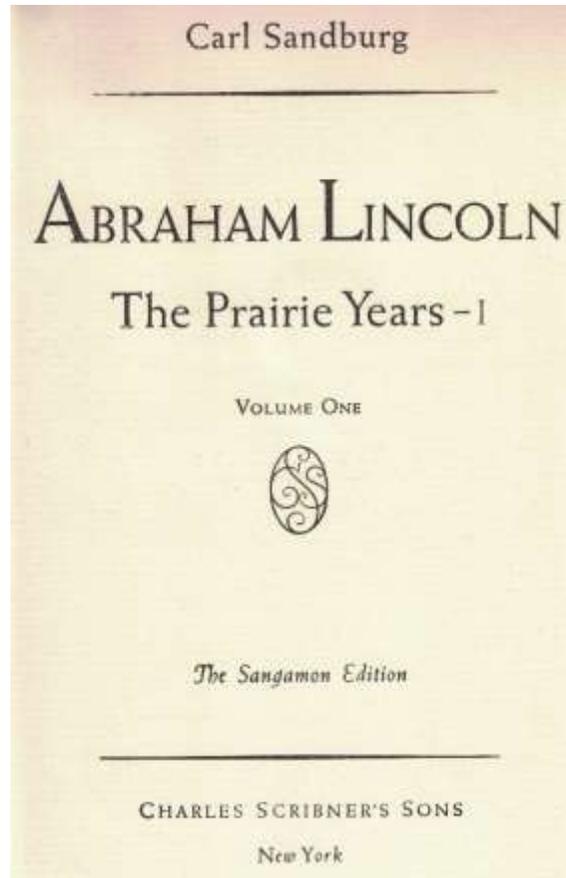
A mile or two below, on the Hancock county bank of the river, there stands — or was still standing a few years ago — a dwelling of hewn logs built in 1825, and later weatherboarded over, in one of those rooms Abraham Lincoln plead his first case before any bar, defending himself for unwitting violation of the licensed ferry privileges held by the Dill brothers — John and Leonard. The cause was argued before Esquire Samuel Pate, an early magistrate of Breckenridge (Hancock) county, who died in 1849 unsuspecting the height to which Lincoln would rise. In 1913 the last survivor of his 13 children gave the details as handed down in the Pate family to a young Lewisport journalist, Cleburne E. Gregory of Lewisport.

The Sunday Courier-Journal of February 16, 1913, published an entertaining account of the whole affair, with pictures of Anderson Creek at its mouth, where Lincoln acted as ferryman in the employ of James Taylor, of Troy; and of the old house four miles above Lewisport, where the trial took place.

Thus in "The Pennyrile," somewhere near 1827 was delivered the first public speech ever made by him whose Gettysburg address has become an immortal classic of American literature.

[Note by J. Long: Thomas James De la Hunt, Jr. (November 9, 1866 — July 3, 1933) was an American newspaper columnist, writer, and historian. He served as president and secretary of the Southwestern Indiana Historical Society for a number of years. He was well known for his

writings concerning the area of Indiana known as "the Pocket" and was considered an authority on the history of southern Indiana.]



Carl Sandburg, who many consider the definitive biographer of Abraham Lincoln refers to Squire Pate. In his book, Abraham Lincoln: The Prairie Years (Vol. I, 1925, Chapter 21, pp.83-84) the following chapter appears:

YOUNG Abe was out with ax, saw, and draw-knife building himself a light flat-boat at Bates's Landing, a mile and a half down the river from Anderson's Creek. He was eighteen years old, a designer, builder, navigator; he cut down trees, hewed out planks, pegged and cleated, together the bottoms and sides of his own boat, wood from end to end.

Pieces of money jingled in his pockets. Passengers paid him for sculling them from Bates's Landing out to steamboats in the middle of the Ohio River.

He studied words and figurations on pieces of money. Thirteen stars stood for the first Thirteen States of the Union. The silver print of an eagle spreading its wings and lifting a fighting head was on the half-dollar. As though the eagle were crying high, important words, above its beak was inscribed "E Pluribus Unum"; this meant the many states should be One, young Abe learned.

Circled with the thirteen stars were the head and bust of a motherly-looking woman. On her forehead was the word "Liberty." Just what did She mean?

Waiting for passengers and looking out on the wide Ohio to the drooping trees that dipped their leaves in the water on the farther shore, he could think about money and women and eagles.

A signal came from the opposite shore one day and Lincoln rowed across the river. As he stepped out of his boat two men jumped out of the brush. They took hold of him and said they were going to "duck" him in the river. They were John and Lin Dill, brothers who operated a ferry and claimed Abe had been transporting passengers for hire contrary to the law of Kentucky.

As they sized up Abe's lean husky arms they decided not to throw him in the river. He might be too tough a customer. Then all three went to Squire Samuel Pate, justice of the peace, near Lewisport.

A warrant for the arrest of Abraham Lincoln was sworn out by John T. Dill. And the trial began of the case of "The Commonwealth of Kentucky versus Abraham Lincoln," charged with violation of "An Act Respecting the Establishment of Ferries"

Lincoln testified he had carried passengers from the Indiana shore out to the middle of the river, never taking them to the Kentucky shore. And the Dill brothers, though sore and claiming the defendant Lincoln had wronged them, did not go so far as to testify he had "for reward set any person over a river," in the words of the Kentucky statute.

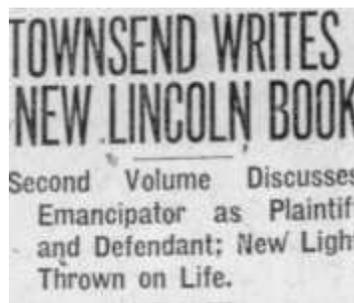
Squire Pate dismissed the warrant against Lincoln. The disappointed Dills put on their hats and left. Lincoln sat with Squire Pate for a long talk. If a man knows the law about a business he is in, it is a help to him, the Squire told young Abe.

They shook hands and parted friends. Afterwards on days when no passengers were in sight and it was "law day" at Squire Pate's down the river, Abe would scull over and watch the witnesses, the constables, the Squire, the machinery of law, government, justice.

The State of Indiana, he learned, was one thing, and the State of Kentucky, something else. A water line in the middle of a big river ran between them. He could ask "Who makes state lines? What are state lines?"



Lexington Leader, Lexington, KY, 22 March 1925, p.10A:



"Lincoln the Litigant," the second book on Abraham Lincoln as plaintiff and defendant rather than counsel, by William H. Townsend, corporation counsel of Lexington, was published Friday by Houghton-Mifflin Company, of Boston. Mr. Townsend's "Abraham Lincoln, Defendant," was published by the same company in October, 1923, and eagerly welcomed by authorities on the life of the martyred President.

The new book contains unpublished data concerning a phase of Lincoln's life heretofore unknown, and relates to cases in which he himself was a party. Among them is the trial of Lincoln

on a criminal charge of violating a ferry franchise, when he operated a ferry on the Ohio river at about the age of 17. He was acquitted and this experience, with the advice of old Squire Pate, justice of the peace before whom he was tried, caused him to study his first law book, "The Revised Statutes of Indiana." The original copy of the statutes is owned by Mr. Townsend and a photograph of it used in his book.

Famous Suit Recalled

New light is thrown on Lincoln's famous suit for a fee against the Illinois Central Railroad Company; and a case in which Lincoln was sued for a debt contracted by his partner in the grocery business at New Salem, Ill. His horse, saddle, bridle and surveying instruments were sold to satisfy a judgment in the latter suit. Mr. Townsend's book also treats of the suit against Lincoln in Fayette circuit court, charging unlawful conversion of money belonging to a client, in which he was conclusively, vindicated.

"Lincoln the Litigant" is bound in blue boards, printed on handmade paper profusely illustrated with photographs and facsimiles. The introduction is written by Dr. William E. Barton, the greatest living authority in Lincoln, whose two volume biography of President is just off the press of the Bobbs-Merrill Company.

Dr. Barton's introduction follows:

"Two good and comprehensive books by lawyers of ability have gathered and recorded much information concerning Lincoln's experience as a lawyer, and all the various biographies of Lincoln devote space to this aspect of his career. It remained for Mr. Townsend to discover and give to the world accurate and apparently complete knowledge of Lincoln's experience, not as counsel for men, plaintiff or defendant in the courts. His book 'Abraham Lincoln, Defendant,' issued in a limited edition a few months ago, was welcomed at once as a distinct addition to Lincoln literature. It will soon be a scarce eagerly sought item. It will be sought for by many who will be unable to obtain it. Fortunately, the essential facts contained in that little volume are comprehensively stated in this one, and with much added information.

"Mr. Townsend has done what no one has attempted hitherto. He has caused the records of the courts in which Lincoln did business to be searched for all cases in which Lincoln appeared, not as counsel, but as a party to the suit. Considering Lincoln's habitual attitude of conciliation, and his well-known advice to discourage litigation, this list is a remarkably long one. No one has known, perhaps it would be safe to say that no one hitherto has suspected, that Lincoln had a direct interest in so large a number of suits.

Book Held Valuable

"There is no question of the value of these discoveries. For the historian, this little book constitutes an important new source. For the general reader, it opens a new approach to a knowledge of the character of Lincoln. To all, it is an interesting narrative, and essential to a correct knowledge of the subject.

"I am especially happy in the publication of this volume, because I know how well the work has been done. Mr. Townsend is a lawyer of trained mind, and has brought to his task an unusual equipment. He has spared, no labor to learn and record the truth and the whole truth and nothing but the truth. I cannot see that he has left very much to be said on the subject which he treats. His work must be reckoned with as that of workman who has no need to be ashamed. Writers on Lincoln as a lawyer will henceforth have to draw upon this book for no inconsiderable portion their material. I hope to be one of the first to make depredations upon it.

"Mr. Townsend has told his story with a charming directness that combines clarity of statement with rare literary felicity. He has given us a book which has a right to claim for itself a place in literature. It is my sincere hope that we are to see other and important volumes from his facile pen. I wish for this volume the success it well deserves.

WILLIAM E. BARTON.

"Oak Park, Illinois."

Old Office Pictured

The last few paragraphs of "Lincoln Litigant," picturing him in his old office at the close of his private career, follow:

"Came the afternoon of Feb. 10, 1861. It was the last day of Lincoln's career as a lawyer. In a few more hours he was leaving he Springfield to assume, as he said in his farewell remarks, 'a task greater than that which rested upon Washington.' William H. Herndon, his law partner since the days of poverty and obscurity, sat in the firm's dingy office on the second floor of a building on the west side of the public square, waiting for the senior partner.

"Great events had never happened in surroundings more plain and unpretentious than these. The office consisted of a single room of medium size on the right at the rear of a hall. In the upper half of the door was a window sash filled with small panes of glass, some of which were broken out. A large pine table, covered with green baize, occupied the center of the room, while to one side was a rusty wood-burning stove. A secretary with drawers below and pigeon holes, stuffed with papers, above, stood one other corner. A large bookcase was in another corner. Four or five cane-bottomed chairs and an old lounge or sofa alongside the wall, completed the meager equipment. From unwashed windows, grimy and dust-stained, the only view was over stable roofs, cluttered backyards and unsightly ash heaps.

Face Showed Fatigue

"Presently Lincoln came in. The lines in his rugged face were deep with care and fatigue. All day long visitors had passed thru the office which he now occupied at the State House, and it was not until the crowds had gone away that he was able to meet his partner in the old office for the last conference. For a little while the two men discussed various unfinished legal business and went hastily over the books of the firm. When all these matters had been disposed of, Lincoln walked over to the opposite side of the room and threw himself down on the old lounge.

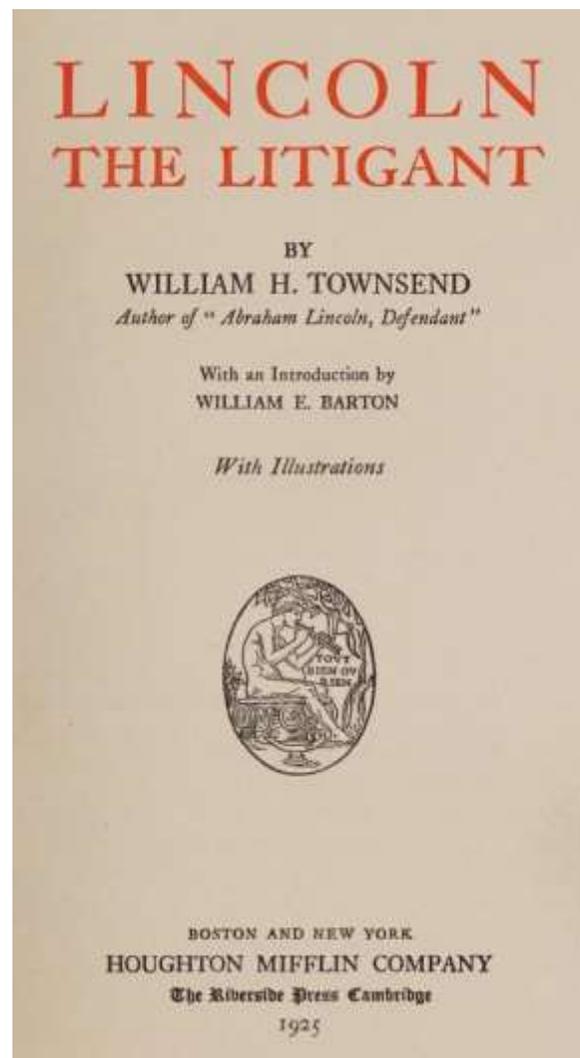
"For a few moments he lay with his face toward the ceiling without speaking. These four walls held recollections of struggle, of bitter failure, of success, and ultimate triumph, never to be erased from the tablet of his memory. In this room he had prepared his briefs and pleadings and had talked with clients. Here he had of pondered on the great problems of the day, which now, strangely enough, were about to be placed in his hands for solution. On old pine table had been written the 'House-divided-against-itself' speech, the debates with Douglas, and the Cooper Institute address. And on the dilapidated sofa, the day 'Little Giant' was elected to the Senate, he had lain there, defeated, despondent and alone.

Recalled Early Days

"Then he began to talk of the early days of his practice, recalling with much enjoyment the humorous features of various law suits on the circuit. With his thoughts turned to other days before the responsibilities of the head of a nation had settled upon him, his reminiscences ran on until

dusk cut thru the little windows and he was reminded that it was time to go home. As he gathered a bundle of books and papers under his arm and started to go, he spoke of the old sign 'Lincoln & Herndon' that swung on rusty hinges over the doorway at the foot of the steps. 'Let it hang there undisturbed,:' he said, in a lowered voice; 'give our clients to understand that the election of a President makes no change in the firm of Lincoln & Herndon. If I live, I'm coming back some time, and then we'll go right on practicing law as if nothing had ever happened.' He lingered for a moment as if to take a last look at the old quarters, then passed thru the door into the hallway and down the narrow stairs.

"His professional career was over. The old Eighth Circuit that he loved and clung to at parting would see him no more. The last entry had been made on the record of the senior partner as a lawyer and a been private citizen. But that record had been written with such painstaking care and unswerving integrity, thru poverty, disappointment, envy, misunderstanding, malice, and the heat of controversy that, when, more than 60 years later, another lawyer digs it out of the dusty files of many courts, there is no phase of his life more picturesque and illuminating than 'Lincoln, the Litigant.'"



**Lincoln The Litigant, by William H. Townsend,
Boston & New York: Houghton Mifflin Company, 1925, pp.30-40:**

The first case in which Lincoln appeared as a defendant was styled “Commonwealth of Kentucky versus Abraham Lincoln,” and is the only instance in his life when he was ever charged with a penal offense.

During the fall and winter of 1826, Lincoln worked on a ferryboat near Posey’s Landing, at the mouth of Anderson Creek and the Ohio River, in Spencer County, Indiana. His employer was James Taylor, and his wages were six dollars a month and board. River traffic in those days was at its height. The broad surface of the Ohio carried a constant stream of travel —flatboats, loaded with pork and corn, that followed the gentle current toward the Mississippi; passenger steamboats sturdily ploughing upstream to Louisville and Cincinnati; home-seekers with families and household goods on their way to the frontiers of the North and West. The new job was a fascinating experience to the young ferryman of seventeen, as he mingled with types of humanity more varied than the backwoods had ever produced.



The Ohio River at the mouth of Anderson
Creek where Lincoln worked on a
ferryboat

The early spring of 1827 found him at home again, but the bustle and adventure of the river were in his blood, and in a short time he was back on the Ohio, this time at Bates’s Landing, a mile and a half below the mouth of Anderson Creek, hard at work in the construction of a scow or light flatboat of his own. His ambition was to load his craft with produce and make a trip down the river, perhaps to the great market of New Orleans. However, when the boat had been finished, he discovered that it was not so easy to obtain a cargo, and the little money that he had saved from his meager earnings during the fall and winter was gone. He would have been in desperate straits, as he waited for business, had he not obtained occasional employment to carry travelers and their baggage out to steamers that had been hailed in midstream.

It was in this way that Lincoln earned his first dollar for less than a full day's work, and the story, as related by him many years later to Secretary Seward and other members of his Cabinet, ran as follows:

"I was contemplating my new flatboat and wondering whether I could make it stronger or improve it in any particular, when two men came down to the shore in carriages with trunks and, looking at the different boats, singled out mine and asked: 'Who owns this?' I answered, somewhat modestly, 'I do.' Will you,' said one of them, 'take us and our trunks out to the steamer?' 'Certainly,' said I. I was glad to have the chance of earning something. I supposed that each of them would give me two or three bits. The trunks were put on my flatboat and the passengers seated themselves on the trunks, and I sculled them out to the steamer.

"They got on board and I lifted up their heavy trunks and put them on deck. The steamer was about to put on steam again when I called out that they had forgotten to pay me. Each of them took from his pocket a silver half-dollar and threw it on the floor of my boat. I could scarcely believe my eyes as I picked up the money. Gentlemen, you may think it was a very little thing, and in these days it seems to me a trifle, but it was the most important incident in my life. I could scarcely credit that I, a poor boy, had earned a dollar in less than a day—that by honest work I had earned a dollar. The world seemed fairer and wider before me. I was a more hopeful and confident being from that time."

But this occupation, strangely enough, before long got him into the toils of the law. One day, just as Lincoln had made one of these trips, he was hailed from the opposite side by John T. Dill, who operated the ferry near this point, and in response to the signal Lincoln rowed over to the Kentucky shore. No sooner had his boat touched the bank than he was roughly seized by Dill and his brother Lin, who had been hidden in the bushes.

In vehement language they accused Lincoln of interfering with a licensed ferry by transporting passengers for hire and announced their intention to "duck" him in the river then and there. However, after some discussion, and influenced, no doubt, by the rather formidable physique of the young riverman, the Dill brothers decided not to attempt retaliation themselves, but to invoke the law instead.

This method of settling the difficulty was satisfactory to Lincoln, and, without further delay, they set out for the home of Samuel Pate, a farmer and Justice of the Peace, who lived only a short distance down the river. The ferry was being operated from the Kentucky side on his land, and the Dills were confident that Pate would inflict swift and adequate punishment on their bold and lawless competitor.

Squire Pate had just erected a large, comfortable home of hewn logs, with a long, wide porch and an east room more spacious than the rest where he could hold court. He was at home when the party arrived, and, a warrant having been sworn out by John T. Dill, both sides being ready, the trial of the Commonwealth of Kentucky versus Abraham Lincoln proceeded.

The prosecuting witnesses related how the defendant had on several occasions carried passengers and baggage from the Indian ashore to steamers out in the river. They testified that they had seen these passengers pay the defendant for the service rendered and that he was, therefore, infringing on their ferry franchise contrary to law.

The defendant, having no witness but himself, took the stand in his own behalf, and frankly admitted that, while waiting for a cargo to take down the river, he had carried travelers and their baggage out to passing steamboats; he had not known that this was against the law and he had not intended to encroach on the business of the regular ferry. In fact, he had carried no passengers that

the ferry could have handled, since in each instance that boat had been on the opposite side of the river and the steamers, as everybody knew, would not wait.



The home of Squire Samuel Pate, near Lewisport, Hardin County, Kentucky, where Lincoln was tried



The old home of David Turnham, near Dale, Indiana – The author in the foreground

The tall, gawky figure of the youthful defendant, clad in deerskin shirt, home-made jeans breeches, dyed brown with walnut bark, his coonskin cap crumpled in his big, callous hands, together with the obvious sincerity of his testimony, must have impressed Squire Pate, who, at the conclusion of the evidence, got down his battered copy of Littell's Laws of Kentucky and began to examine it with more than usual care.

Turning from the index to a chapter entitled "An Act Respecting the Establishment of Ferries," he studied it for a few moments, and then, in an easy, informal fashion, delivered the

judgment of the Court. The northern boundary of Kentucky ran to low-water mark on the Indiana side of the Ohio. Consequently, although the alleged offense had been committed from the far side of the river, the courts of Kentucky had jurisdiction. But had any offense, in fact, been committed? Section 8 of the chapter relating to ferries provided that:

“If any person whatsoever shall, for reward, set any person over any river or creek, whereupon public ferries are appointed, he or she so offending shall forfeit and pay five pounds current money for every such offence; one moiety to the ferry-keeper nearest the place where such offence shall be committed, the other moiety to the informer; and if such ferry-keeper informs, he shall have the whole penalty to be recovered with costs.”

This, the Court observed, was heavy punishment, especially in view of the fact that, under the law, those unable to pay such fine must go to prison. This statute must, therefore, in the interest of justice, be strictly construed. Now, the testimony failed to show that the defendant Lincoln had ever “for reward set any person over any river or creek.” “Over” meant “across” and it was not claimed that the defendant had ever taken anybody “across” the river for “reward.” The evidence was clear that he had taken passengers for hire out to the middle of the river, but this had not been made an offense by the Legislature of Kentucky. The warrant against the defendant must, therefore, be dismissed.

After the Dill brothers, much disgruntled, had departed, Lincoln sat on the porch for a while, talking to Squire Pate. The Squire spoke of the many difficulties that arose through ignorance of law, and expressed at some length his opinion that every man would be a better and more useful citizen if he possessed a general knowledge of the laws under which he lived and particularly those relating to the business in which he was engaged. The young riverman listened attentively to everything the older man said and asked many questions about law and court procedure. In fact, he seemed so much interested that, as he left the house, Pate invited him to attend future sessions of his Court when convenient to do so. And thereafter Lincoln on several occasions paddled across the Ohio to what was known in the vernacular of the backwoods as “law day” at the house of Squire Pate.

Samuel Pate has long since gone to his reward. A simple headstone in a little ivy-covered plot at the bend of the river marks his grave. But the old house of logs hewn by his own hands, now weather-boarded, has stood well the weight of years, with its wide porch and spacious east room just as they were the day of Lincoln’s trial nearly a century ago.

Just what influence this experience had on Lincoln will, of course, never be known. It is a fact, however, that following this incident he began the study of his first law book, ‘The Revised Laws of Indiana’? which he found at the home of his intimate friend, David Turnham, six years Lincoln’s senior. To these statutes were prefixed, as stated on the title-page, “the Declaration of Independence, the Constitution of the United States, the Constitution of the State of Indiana, and sundry other documents connected with the Political History of the Territory and State of Indiana. Arranged and published by authority of the General Assembly.”



Note by J. Long: Sections on the Pate – Lincoln trial in Hancock County, KY from the book, Lincoln The Litigant, by William Henry Townsend (1890-1964) were published in:

- Owensboro Messenger, Owensboro, KY, 27 February 1927, p.10B.
- “Commonwealth of Kentucky vs. Abraham Lincoln”, Lexington Leader, Lexington, KY, 13 February 1927, p.5A

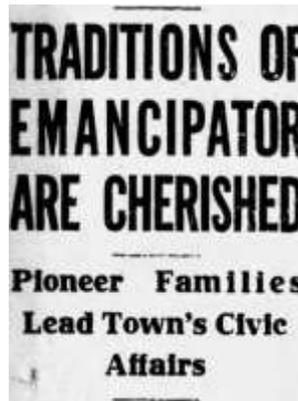
See also the following articles on William Henry Townsend:

- “Coleman Writes Of W. H. Townsend And Collection Of Lincoln Items”, by J. Winston Coleman Jr., Herald-Leader, Lexington, KY, 6 June 1943, p.4.
- “W. H. Townsend, Expert on Civil War, is Dead”, Herald-Leader, Lexington, KY, 26 July 1964, p.1.



Owensboro Inquirer, Owensboro, KY, 6 May 1928, pp.1B & 3B:

Lincoln’s Early Life Linked With Lewisport



By W. E. Daniel

Lewisport, Ky., May 5. – As Lincoln City, a hamlet in Spencer County Indiana, is the apex of a triangle teeming with memories of Abraham Lincoln's boyhood, one side resting on Rockport and its Old Lower Landing where he embarked for his epochal flatboat trip to New Orleans and the other touching Troy in the neighborhood of which he labored as a farm-hand, so does a small triangular plot of earth four miles northeast of this thriving little city form one of the strongest links in the chain that binds the great emancipator to the region in which his receptive years were spent.

For history records and tradition has embellished the story of how the lanky, accommodating youth was once haled before a rural magistrate for alleged infringement on ferry privileges of another, and how untutored though he was the young Lincoln confused and confounded those who cited him into court, until the presiding jurist, Esquire Sam Pate exonerated him of blame.

It was more than a century ago that the future president stood humbly but unabashed before the throne of justice, and all the actors in that stirring drama long ago passed the way of all the earth. Gone tragically the tall youth who had the major part, and 16 years preceding him went the magistrate who saw in the ungainly man at bar the potential power that burgeoned into bloom after the Lincolns removed to Illinois.

To visit the old Pate farm and stand uncovered in the wire-enclosed triangle of the family burying ground is a pilgrimage, its every path reminiscent of the awkward youth who in another century had known it, and its silence eloquent with memories of the best beloved of all Kentucky's mighty sons.

Old Log House

Turning aside from the highway that leads on towards Hawesville, the county seat, one drives back a few hundred yards to an old weather-beaten house some distance from the river. It is on the first level above the overflow lands, and must have been a conspicuous landmark in its earlier days as the young Esquire Pate and his bride lived there. Built about 1822 of massive log construction, as were the neighboring houses, it was destined to have an enduring halo which is brighter than ever before, for as the days of Lincoln are listed on the scroll of eternity all places associated with him grow more vivid in perspective.

In that primitive environment when even villages were far apart the rural esquire was a factor in the community, and that Sam Pate enjoyed the distinction in full measure says tradition. Events moved along smoothly with an occasional court day in the squire's substantial log home, and without warning the glow of fame illumined the quiet scene.

Some time in 1827 while Abraham Lincoln was employed across in Indiana near Anderson Creek he is said to have rowed a passenger to a boat in mid-stream which was unable to anchor near shore because of a sand bar, and for that the ire of the ferrymen who were Squire Pate's neighbors was raised, and they forthwith asked the interloper into court.

Lincoln In Court

That Lincoln acknowledged the summons and explained to the satisfaction of the court how he was not competing with the ferry operators, having delivered the man to the boat in the middle of the river and how his actions could not be construed as having infringed on their right as holders of the franchise is accepted as facts, though the details of court procedure have been painted in varying colors.

After a lapse of a century and more the improvised court house remains, its well-preserved logs protected years ago by weather-boarding and another room added to the original structure that housed the Pate family. It and the 100 acres of farm land surrounding, are owned by Mrs. Robert G. Higdon, of Frankfort, whose husband is, and has been for several years, the official reporter of the court of appeals.

Mrs. Higdon is the grand-daughter of Esquire Pate, who with others of her ancestors sleep in the cemetery nearby while memories of Lincoln keep vigilant guard through the passing years. Approaching the burial ground one notes a lone giant sycamore sentinel of the smaller trees that have almost taken possession of the space that juts peninsular-like from the end of a long ridge towards the old house across the ravine and on another elevation.

Cedar, ash, locust, thorn, oak and wild cherry, with a sprinkling of undergrowth, shelter the crumbling tombstones from which wastral time and vagrant winds have well-nigh effaced the lettering. It is scarcely legible and only by the closest scrutiny may one read the name and dates carved thereon.

Roster of Dead

Beside the squire who died 79 years ago is his wife Aritta Pate, who survived him 33 years. passing away in 1882, and the tallest shaft, rising amidst the humbler markers, bears their names, while away in one corner of the burial ground is the grave of George Pate, colored, the faithful slave named for his master whom he served loyally, and who lived 18 years after the magistrate's demise, remaining at the old home freeman though he was, asking no grander privilege than to

sleep in death near the master he served in life, and thus they buried him away a few steps from the grave of the squire.

Caroline Meeker Thrasher also sleeps there in the silence heavy with legends, for as Caroline Meeker, the niece of Esquire Pate, she is said to have been an interested spectator at Lincoln's trial, and to have smiled upon the tall youth who came often to sit with her uncle upon the high porch overlooking the river, or loiter with her in the orchard that hedged the home.

She died in 1835 having married into another pioneer family, the husband Eli and her child Caroline, numbered in the few who make up the company, along with William Thrasher who died in 1855 at the age of 73; Susanah McMullen, William House, who died 115 years ago, his birth the year of the Declaration of Independence; Martha Lee, James and Elizabeth Gabbert, all of that pioneering band; Joshua Bishop, lone representative of his family, as is John H. Beauchamp, who became ill and was landed near the Pate home for medical care, succumbing shortly after. These in the main makeup the roster of those who are resolving back to earth in a spot sacred to Lincoln years in Indiana, and as time stretches its mystic chord from Hodgenville to his martyrdom in Washington each detail of his life will be revealed in more startling distinctness the farther the observer is away from the original.

While proud of the glamour that attaches because Lincoln once lived in its vicinity Lewisport today is far from the frontier trading post that its founders moored in the wilderness, for it is difficult to find a town of 800 with more progressive airs, or one with more sturdy, loyal citizenship.

The Squire's Grandson.

One of the leading spirits in civic affairs is a grandson of that same Esquire Pate, and a visit to Lewisport is not well-rounded without a call at the flour mill where J. S. Gregory is busily engaged in turning grain into feed for man and beast. He is a brother of Mrs. Higdon, owner of the Pate farm, and is always ready to talk with an inquirer about the stories of Lincoln that abound Courteous, well-informed, Mr. Gregory is a citizen of which Lewisport is justifiably proud.

Another representative of a pioneer family is J. C. Pell, merchant, who is as ready to regale one with stories of Lewisport's earlier days as Mr. Gregory, and like the other, Mr. Pell is willing to share his well-stored information. They were river people, those first Pells, and the latter's home within sight of the stream where on so many relatives earned a livelihood, keeps him in close touch with the element that held them.

He is president of the Bank of Lewisport, for in addition to operating his general store Mr. Pell finds time to engage in other pursuits, and in the interim manages a picture show adjoining his store, and in various ways adds to Lewisport's welfare.

Mr. Pell is a fraternalist of wide acquaintance, speaking familiarly of Senator Barkley, Congressman Kincheloe and Representative Gregory of the First district and his home is the stopping place for men of that type who have occasion to visit Lewisport .

Pell Interesting Character

Although he has been in business a long time, the store having never closed since opened in 1841 by his ancestor, except for Sundays and funerals, Mr. Pell has refused to become set in his ways but strives to keep abreast of the times. For instance when farmers around Lewisport began to cut down tobacco acreage and buy dairy cows Mr. Pell encouraged them, and his store is the receiving station for the Sugar Creek Creamery company. of Evansville, which pays out about \$2000 a month to producers in the Lewisport territory. That Mr. Pell is zestful in all things is

evidenced by a banner he points out in the back of his store certifying to his winning first place as a cream tester among 100 stations in Kentucky, Indiana and Illinois.

Lewisport has other interesting people, of which Mr. Pell and Sam Gregory are but examples, who have built a charming little city. It has in Bank Cashier S.T. McGill an unusually alert man in his field, and assisted by his sister ,Miss Ada McGill is making the Bank of Lewisport a force in the community.

Lewisport has several stores, that of M. D. and J. W. Hayden and company, an establishment larger than usually found in a town that size, as is their magnificent home overlooking the river, an architectural gem in conspicuous setting above the Ohio. It has a large planing mill, a home owned telephone company, four churches and the usual number of fraternal orders, with a seven teacher school operated in two buildings.

This arrangement of separating the pupils is not satisfactory to Lewisport, and plans are underway to concentrate all classes under one roof instead of the present system. At present the high school is conducted in a new building and the lower grades taught in the old structure some distance away. And it is hoped to add more rooms to the high school and accommodate all students there.

Prof. D. W. Crowe is principal and Mrs. Guy Midkiff, assistant in high school. Grade teachers are: Mrs. D. W. Crowe, Mrs. Willie Mae Hodges and Miss Minta Reynolds.



Home of Squire Samuel Pate (1795-1849). Photo taken in 1968.

