

WALTER B. BEALS
LAWYER

SEATTLE, WASHINGTON

527 COUNTY-CITY BUILDING

July 7, 1925.

My dear Miss Tarbell:

During the past ten days I have, with the greatest interest, read Dr. Barton's latest book, and the criticism thereof by yourself which you so kindly sent me, and re-read your "FOOT-STEPS". Unfortunately I have been extremely busy in court and have not been able to assemble my ideas in formal shape, but I avail myself of your kind invitation to write you again and state how I am impressed by Dr. B's book, and by your book after reading his.

I have also read Dr. B's "PATERNITY" with great interest, and I must say that on the whole I think he was correct in writing this book. I gather from your newspaper articles that you think writing this book was unnecessary, but I believe that considering the matter as a whole, it is a good thing that the book was written.

I have never been a particularly close student of Lincoln's life, but I knew something of the rumor that he was an illegitimate child, and I take it this rumor has spread very widely. I can hardly agree with you that it has been exploded; at least the "explosion" was not nearly as well known as the rumor; probably that is true yet, but it seems to me that the "PATERNITY" fully disposes of these scandalous stories, and it is probably well that the book was written while it was still possible to go over the ground and run these rumors down to their respective lairs. It seems to me perfectly clear that at this time there is nothing left of these vile stories, and that is a great gain. Now as to the question of who was Nancy Hanks, and who was her mother.

It seems to me that enough has not been made of certain inherent probabilities, to-wit: I believe that Mr. Lincoln must have known who his mother was, and who his grandmother was. All the authorities agree that the traditions of the Lincoln family were often talked over in his presence during his boyhood, and he must have asked about his mother's family. Matters of illegitimacy were not, in those days, looked upon exactly as they are now. It is difficult for me to believe that growing up in the neighborhood in which he did grow up, surrounded by the people with whom he was surrounded, Lincoln did not know the true story of his mother's birth, whatever that story was. Then again, from time to time Lincoln did give out fragmentary bits of information concerning her family. He said that John Hanks was her cousin; he referred to other members of the Hanks family as his relatives. It

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seems to me that the most important thing of all is the statement made in the Nicolay and Hay life, where Mr. Barton says it is stated that Nancy was the daughter of Lucy, and that Lucy had three sisters. It is inconceivable to me that this statement would have been made unless the authors and Robert Lincoln knew that it was true; they must have known. To me this statement has all the force and effect as though it had been made by Lincoln himself. I am perfectly satisfied in my own mind, from all the circumstances of the case, that Lincoln knew his mother's birth, and it is inconceivable to me that his son Robert does not know. Of course, this goes no farther than to say that I believe Nancy's mother was Lucy.

Now as to Herndon's story, leaving to one side the matter of whether or not Herndon ever should have betrayed Lincoln's confidence, and to me he merits unutterable contempt for having done so; we are concerned only with the truth of his statement as to what Lincoln told him. In this connection I am reminded of a lawsuit which I tried not very long ago. My client, a rather dullwitted Scot, was pitted against three or four quickwitted defendants; there was no question of law in the case, but disputed question of fact only. My sole argument to the court was that it was impossible to imagine that my client was lying, as it was manifestly impossible for him to have invented the story he told, the same being too ridiculously improbable for invention. The Court agreed with me, and I won my case. It seems to me impossible to imagine that Herndon was lying when he narrated what Lincoln told him. He would not have dared invent such a thing; he must have known that Lincoln knew, or almost knew the history of his mother and her mother, and he would not dare to lie about such a matter, because he must have felt that Robert Lincoln knew the truth, and that if the story he (Herndon) told was not true he would be subjected to the most complete and absolute lambasting a man could possibly get. Of course, it is possible to imagine that he knew the true story from other sources, and lied when he put the story into Lincoln's mouth, but this is not probable. I must say that I am convinced that some conversation occurred between the two men substantially as Herndon relates it.

Of course, it may be said that Lincoln was mistaken in his belief; that is true, and I agree with you that Mr. Barton has not made a case which is to be considered proved as beyond the possibility of a doubt. To my notion he has proven that there was a Lucy Hanks who married a Sparrow. I accept the N. and H. life as proof that Nancy's mother was named Lucy, because I believe that that statement was made on authority. It seems to me that the rest of the case made out is largely based on circumstantial evidence, but it is very strong.

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Mr. Barton, when he says that Joseph Hanks disinherited his daughter Lucy, makes a stronger case against himself than is necessary. Many children who are not named in wills are not disinherited by any means, but are left out because they have received from their parents property by way of advancement, or because they do not need or want anything. This is so common that we meet instances of it every day. If Mr. Barton's theory is correct, it is very easy to imagine that Lucy had cost her father a good deal and received more than her share of his property.

The testimony of Dennis Hanks was of course, most important. I rather agree with Mr. Barton that Dennis was "lying like a gentleman" to make the best case he could for his cousin. Of course, it is evident that when a child bears the mother's surname there is a strong presumption of illegitimacy, (save on the rather rare occasions when a Smith marries a Smith which could not have occurred in this case) and Dennis realized that he must get Nancy a father, and of course, to do so says that her true name was Sparrow, and that he was probably responsible for her being called Hanks. He realized that the name Hanks would brand her as illegitimate. It seems to me that Dennis was really doing the best he could; he was subjected to searching cross-examination, and on the whole stood up under it very well.

The different ramifications of the Hankses and Sparrows are extremely difficult to follow. Those Kentuckians did however, pay much attention to kinship, and the traditions which Mr. Barton mentions satisfy me that they must be founded on fact, and that there was some relationship between Lincoln and the Sparrows.

In your book, referring to the will of Joseph Hanks, you use an erroneous legal phrase when you say that the will was "signed, sealed and delivered". The word "delivered" is not used in regard to a will, but to instruments of conveyance or contracts only. The appropriate words to describe the execution of a will are "signed, sealed, and published as, and by him declared to be". In the next edition of your work the word published should be substituted for delivered. This is a small matter, but attracts a lawyer's eye.

In connection with all these matters, statements by Mr. Lincoln himself should carry the greatest weight. In other words, I would pay more attention to his statement that John Hanks was his mother's cousin than I would to the statement of certain members of the Hanks family to the effect that Lincoln's mother was a sister to John's father. Of course, it is perfectly evident that the members of the Hanks family would naturally try to establish a situation which would make Lincoln's mother legitimate. One cannot blame them

After writing this I wrote that the word "delivered" is not correct, but should be "published".

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for straining every point to gain that end, consequently their statements, and possibly sincere beliefs, are often tinged by their desires.

Would you pardon me for saying that I think when you say that Dennis Hanks was not to be taken seriously as a genealogist, you rather misuse the latter word. I do not think a man when he makes statements concerning relatives as near as uncles, aunts, and cousins should be classed as a "genealogist". To me it is absolutely inconceivable that Mr. Lincoln and his near relatives did not know what the true situation was. If, as a matter of fact, Mr. Lincoln's mother was the daughter of Joseph, it seems to me perfectly clear that no one would have ever told any other story than that, and that there would never have been any mystery about the matter at all. The fact that Dennis and other members of the Hanks family told, at different times, conflicting stories satisfies me not so much that they did not know the true situation, but there was something in connection therewith which they were trying to conceal.

It also seems to me that the N. and H. statement, establishes a prime facie case for everything contained therein, that the burden is not upon people to prove that that statement is true, but that the burden rests upon people who attack it to show that it is untrue, and that some other state of facts is the truth. In other words, when Mr. Barton argues in favor of the N. and H. statement, he is simply supporting an affirmative which is already prime facie established. When I refer to the N. and H. statement I am considering that in connection with the Herndon statement, as one follows the other.

In regard to the theory that Nancy, Lincoln's mother, was the daughter of Joseph, the point which occurred to me when I read your book first, was that Nancy might not have been Joseph's daughter, but might have been a foster daughter, or a niece; the mere fact that in his will he called her his daughter being not necessarily conclusive. This was in support, to some small extent, of your theory that the President's mother was the Nancy mentioned in Joseph's will.

In conclusion, I am perfectly satisfied that Lincoln knew the story of his mother's birth. To my notion this is demonstrated to the reasonable satisfaction of a reasonable person. I believe that some such conversation between Lincoln and Herndon took place, substantially as Herndon relates it. In my opinion the probabilities favor Mr. Barton's theory that Lucy Hanks was the daughter of Joseph, and the mother of Nancy, but of course, Lucy might have been a niece of Joseph, or a foster daughter of Joseph. Many possibilities can be imagined; in any event Lucy was a very remarkable woman, probably with more mentality than many of her less-erring sisters.

WALTER B. BEALS
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SEATTLE, WASHINGTON

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This is a long letter, but the subject is extremely interesting to me, and it is a pleasure to me to put my ideas on paper. I shall again read the books and coordinate my ideas further.

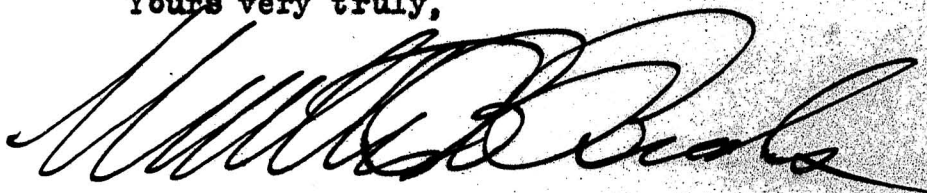
Professor Bissett is a great friend of mine, but I have refrained from talking this matter over with him, as I wished to make up my own ideas before speaking to him about my interest in the points involved. I see him often and shall talk the matter over with him the next time we have a chat.

Probably you did not know what you were inflicting upon yourself when you invited me to write you again.

You have finally and positively, in my opinion, established the Lincoln genealogy. In my opinion Mr. Barton has not as positively established the illegitimacy of Nancy and her mother, although I think he makes a stronger case than those who claim that the president's mother was the daughter of Joseph; this of course, taken also into consideration with the Herndon story and the statement contained in the N. and H. life.

With best wishes, I am

Yours very truly,

A large, stylized handwritten signature in dark ink, appearing to read 'Walter B. Beals'.

WBB:C

WALTER B. BEALS.

P. S. More and more!

In your book (page 82) when you refer to the claims of the Adams County Hankses that Joseph and Nancy were brother and sister, a rather obvious answer is that of course Joseph and Nancy were brother and sister, the only question being which Nancy!

Also of course Joseph knew Lincoln's mother and might well have spoken of her sweetness etc., and her ~~life~~ with her husband, that proves nothing, of course. Joseph knew all about those matters.

On page 82 you mention an "interesting confirmation" of the Hitchcock theory as coming from Mrs. J^r. H., but you don't say what it was, unless the mere opinion of Mrs. Hanks, which, as Mrs. H. had helped produce the Hitchcock theory, wouldn't really add anything to it, after its promulgation.

The trouble is, the Hankses are supporting a theory they are naturally and properly very anxious to prove correct; their "traditions", when in support of their pet theory are, while nowise to be rejected, to be somewhat discounted, unless supported by evidence.

It does seem to me that the "natural, simple claim of evidence" you mention on page 83 supports one theory just as well as the other. Mr. Lincoln and all those Hankses were related all right, on either theory. Mr. Lincoln would call Joseph "Uncle Joe" whether Joe were his Uncle or Granduncle, whether A. L.'s mother was the daughter of Joseph senior or the illegitimate daughter of Lucy, Nancy or any other of Joseph's daughter. I can't see how all the gets us anywhere.

Was just rereading your chapter again and it is so interesting I can't help writing some more!

Please excuse me.

Dennis and John Hanks both say Mr. L's mother was Nancy the daughter of Lucy. Their statements, made early, are entitled to great weight.

Lincoln said John H. was his mother's cousin, not her nephew.

The N. & H. Life says his mother was Nancy the daughter of Lucy: which statement in that work is the equivalent of a statement to that effect by Robert Lincoln.

Herndon says Lincoln told him the same thing.

To my mind these statements prove "beyond a reasonable doubt" (which isn't mathematical demonstration) that Mr. L. was the son of Nancy, the daughter of Lucy.

There remains the question of Nancy's regular or irregular entry into this world, and of the identity of the Lucy who was her mother with Mr. B's Lucy, etc., those matters aren't so clear.

Now I declare I will quit, if you read so far, you have much patience.

*Wrote this in long hand. at
different times & had it
copied, hence its disconnections!*