One of Lincoln's Supreme Court Cases.

"If the case is as stated within, I will attend to the case in the Supreme Court for ten dollars.

A. Lincoln."

This is the endorsement ~~xxxxxxx~~ inscribed upon the back of a letter from Judge S.A.Phelps of Greenville, Ill., setting forth the facts in a case which he desired to have carried to the Supreme Court, and inquiring Mr.Lincoln's fee for attending to the case before that tribunal. The original is now owned by Mr.S.A.Enloe of East St. Louis, Ill. The letter was written in November, 1857. The case referred to was that of Smith vs.Smith and involved a very interesting question. (See 21 Ill., 244) Two days after the November election of 1856, George Moffitt, a carriage-maker at Greenville, expressed the opinion that Fillmore was not behind any of the other Presidential candidates in New York, and to show his good faith offered to bet a buggy against $110 in support of the proposition; whereupon Isaac accepted the wager, ~~and a stake-holder was selected~~. When the result in New York became known a week or two afterwards, the stake-holder turned over the buggy to Smith. But before the bet was decided another Smith--John H.Smith--had purchased the buggy from Moffitt; and upon the refusal of Isaac Smith to part with the buggy John H.Smith brought a replevin suit for its recovery. The circuit court decided that the wager was void as against public policy and gave the buggy to John H.Smith; but the Supreme Court, in 1859, ~~reversed this decision~~ failing to be convinced by Lincoln's argument (he represented John H.Smith), reversed this decision. It was held that, as the wager was made "after the vote had been cast", it was not against public policy, the fine distinction being observed, that the event which was to determine the wager did not depend upon chance, accident, fraud or skill, but upon "a fact as irrevocably fixed. . . as the date of a coin ~~x~~ held in the hand." ~~x~~ It is

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worthy of note that the decision in this case was over-ruled, ~~many~~ a few years later, and that the views [redacted] advanced by Lincoln have since been generally approved by the courts of the country.--J.McCan Davis.

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