

Private.

May 8 1858
Chicago, Saturday

My Dear Sir,

Inclosed I send
you a letter from Mr. Leavitt
which requires a word of
explanation.



He had an old claim
against the canal fund for negoti-
ating the loan of \$1,600,000 - a claim
for his commissions of $2\frac{1}{2}$ per cent -
which had been approved by Math-
eson and is now approved by Bishop.
His payment was resisted by the bond-
holders on the ground that the State,
not the Trust, should discharge the
debt. It has hung along for years and
until I came into Office. Mr. Roberts,
my predecessor, approved it once,
but was frightened by the unpopularity
that he had assumed, and
retracted before the money was laid.

At our first meeting it was brought to my notice, and all the documents her and con put into my hands. After a careful examination of the whole matter, I was convinced of its justice, and of the fact that its payment would do little to express the gratitude of our people toward Mr. Leavitt who was our best friend in the hour of trouble. I introduced a resolution authorizing its payment, sent it to Mr. Leavitt who also signed it and sent it to Capt. Swift. The latter is the bondholder's man; he protested against its adoption, and soon after in accordance with previous intentions went to Europe. Now he has taken advice of Raring Bros. and this suit in Equity is the result. "An old what Mr. Leavitt says. The hints seem to be these:

1 Was Mr. Leavitt as a member

of the Board authorized to vote on his own claim. Is there any legal reason why he should not do so?

2. Would the Law of 1843 (2d & 5th sections) justify the calling the ^{expenses attending the} negotiating of ^{the} loan a part of the preliminary expenses provided for by that Law?

3. Are claims in equity barred after the expiration of six years? I desire in this matter to be sustained, because it is one of importance, and I have acted in it according to my convictions of right and justice. Will you then look up the case and send me your opinion with as little delay as possible. I am respectfully, Sir, your friend.

Yours very truly

Wm. A. Lincoln

L. H. Ray

P. S. The fight between the two
Democratic factions has com-
menced here in earnest. Unless
they recombine on the Cuba ques-
tion, we have them sure. There
is danger of that, as it is no doubt
the policy of the President to force
the country into a war with
Spain. I do not think he can
precipitate matters so rapidly
that our Fall elections will be
affected thereby; but we must
watch sharp that all our van-
tage ground is not lost by the
infamous tactics of the enemy.
This next war is the talk of
all Democratic circles in
Washington, and it is looked to
as the cover to the whole Kansas
iniquity - Lection & all.

Ray.

Great Barrington March 3. 1858

Chas. W. Ray Esq
Chicago. Dear Sir



Capt. Swift & Baring Brothers & Co have commenced proceedings in Equity against both of us, and Mr Rufus Choate of Boston will prepare and send to ^{you} an answer on your part. the prayer is, that the \$40,000 may be returned to the fund. Mr Choate says, it is desirable to obtain the opinion of eminent Counsel in Illinois, as to their ^{of the 2^d & 5th Sections} construction of the Law, approved in 1843 also on the supplementary act, as to claim being part of the preliminary expenses, and whether I was not authorized to vote for its payment. - If you can obtain opinions, favorable to this construction, they will be material to my case. You will also obtain opinions, whether or not claims in Equity, would be barred, by the Laws of Illinois, after the expiration of six years. You will of course consult whom you please, as Mr Arnold is Counsel of our Board. I think we have a right to his opinion, which I presume he will cheerfully give. I beg your early attention to this, as much depends upon the construction of those Laws. Please let me hear from you as soon as possible.

very truly Yours
D. Brewster

Mar 8, 1858

Mr. Am. Lincoln

Springfield

Ms.



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