

Douglas County Law Library

E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 10th.

The August Douglas County Bar Association Brown Bag CLE program will be on Thursday, August 16, 2012, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Paul Davis will present *What Kansas Law-*

yers Need to Know from the 2012 Legislative Session. Handout material can be downloaded from the [DCBA website](#).

Major Change in Printing/Copying

At its July meeting, the Law Library Board decided not to replace the old printing/copying account system software that has proven to be incompatible with the new Library computers. As a result, the procedure for printing and copying in the Library will no longer involve pre-paid user printing/copying accounts.

In the future, print jobs will be printed directly from the Library computers through the printer/copier without first requiring the jobs to be released at the printer. Payment for the printed material will be on the honors system. When users print in the Library, they should keep track of the number of prints they make and record them in a log book provided for that purpose, and then pay for them when convenient. This system has been in effect since the installation of the new computers in February, and it has seemed to work well.

Copying will now require cash to operate the copier through the coin-op device. If a

Library staff member is present, the bypass key can be used for large copying jobs or when the user does not have sufficient change to make the desired copies. The user can then pay the Library the cost of the copying at a later time.

There will be a change box next to the printer/copier where the user can either pay for the cost of prints or make change for the copier. As noted above, there will also be a log book kept by the printer/copier, in which the user should record the number of prints made if the user does not have sufficient funds handy at the time of printing. The Library should be reimbursed as soon as possible thereafter.

The Library will apply any remaining balances on old printing/copying accounts to the cost of printing until they are exhausted.

Highway Patrol E-Tickets Are Here

As originally reported in the November 2011 Newsletter, the Kansas Highway Patrol is adopting the DigiTicket electronic traffic ticket processing system. The July issue of *The Docket*, *The employee newsletter of the Douglas County District Court*, reported that as of this month, e-tickets should be in place in 35 counties, including Douglas County. With the e-ticket system, Patrol citations will be uploaded automatically each day, which is intended to eliminate manual entry, hard-to-read handwritten forms, and delays between the time the citations are issued and their arrival at court.

Child Safety and Well-Being Video Series

The American Bar Association's Center on Children and the Law is publishing the *Child Safety and Well-Being Video Series* on YouTube through their Child Law Practice Online section. Videos in the series can be accessed through an icon titled "Child

Safety and Well-Being Video Series," available on the desktops of the workstations in the Library. Links to the videos can also be found on the [Child Law Practice Online website](#).

Current Art Gallery Exhibition

The June/July 2012 Law Library and Division IV art gallery exhibitions of artwork by Karen Roberts have been extended for two months.

The exhibitions will run through the end of September 2012. All of the pieces are for sale and may be purchased directly from the artist. Contact information for Ms. Roberts is available in the Library.

The October/November 2012 exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be photography by Susan Wolfe. Susan is the Administrative Assistant in Division IV. More information on these exhibitions will be in the August 2012 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Gallery, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our gallery, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

AALL Spectrum, v. 16:8 (June 2012) and v. 16:9 (July 2012).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 31:7 (Jul. 2012).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 294:1/v. 47:2 (May 2012).

Drunk Driving Defense, Seventh Edition, 2012 Supplement.

Drunk Driving Defense, Seventh Edition, 2012 Supplement Forms CD.

Kansas Reports, v. 288.

Pattern Instructions Kansas, 4th Criminal.

Search and Seizure Bulletin, v. 49:6 (June 2012).

Session Laws of Kansas, 2012:1 and 2.

West's Kansas Legislative Service, 2012:2.

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

July's entry was:

You can keep up on what's happening in the Law Library by visiting the Library's page on LawrenceMarketplace.com.

This Month In Legal History

August 12, 1856 - David Starr Hoyt is shot on his way back from Fort Saunders.

David Starr Hoyt was born in Deerfield, Massachusetts, on February 17, 1821, to Horatio and Hannah (nee Starr) Hoyt. He

studied civil engineering under his uncle, General Epaphras Hoyt, and in December of 1846, the 25-year-old Hoyt enlisted in an ordnance company in the United States Army. The United States was involved in the Mexican-American War, and the country's forces were divided into two armies, the Northern Army, commanded by Zachary Taylor, that concentrated its actions near the border between the two countries, and the Southern Army, commanded by Major General Winfield Scott, that was to penetrate deep into Mexico. Hoyt's ordnance company was assigned to the Southern Army. He participated in all but one of the battles fought in Mexico by Scott's Southern Army, including the conquest of Mexico City. While in Mexico, Hoyt joined the small military party that ascended the volcano of Popocatepetl and planted the stars and stripes on its 17,800 foot summit. He also learned Spanish and began a meteorological journal that he kept up with for the rest of his life. After the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848, the war ended. Hoyt returned home to Deerfield, and remained there until April 1849, when he moved to Randolph County, Illinois. He married Mathilda Christler in Chester, Illinois, on October 4, 1849, and on March 7, 1851, she gave birth to a baby girl that they named Helen. In April 1852, Hoyt left Illinois for the gold fields of California, arriving there after a 70-day journey. In June 1853, he joined a survey party led by Isaac Stevens, recently appointed as first Governor of the new territory of Washington, which was setting out from Minnesota to survey a northern route for a railroad to the Pacific. When the survey party reached Fort Vancouver in Washington Territory in November 1853, Hoyt left and returned to Deerfield, where he stayed until February 1856. On the 20th of that month, he set out for Kansas Territory. He was bringing with him a hundred Sharp's Rifles for the Free-State men in the Territory to use to defend

against the depredations of proslavery men there. Hoyt had the rifles loaded on the Steamboat *Arabia* in St. Louis for the trip across Missouri. The rifles were discovered by passengers on the boat, and they were seized by proslavery men when the *Arabia* reached Lexington, Missouri. Hoyt had taken the precaution of removing the breechblocks, an "essential part," from each gun and had sent them on ahead by another route. Without them, the rifles could not be fired, so they were useless to the men who had taken them. Hoyt barely managed to avoid being lynched by a huge mob in Lexington, and was eventually released. After arriving in Kansas, he "served the cause of freedom faithfully and without interruption...." He joined a Free-State militia and was appointed to serve as a Major. In addition to Hoyt, a number of other men arrived in Kansas Territory that spring, but unlike him, many were proslavery and had been recruited to come to the territory to settle and make Kansas a slave state when it entered the Union. One who had organized a company of these proslavery emigrants was a man from South Carolina known as Colonel Treadwell. By the summer of 1856, a number of proslavery groups were concentrating under Treadwell, furnishing themselves with military stores and building fortifications. They constructed a well-built log cabin on a claim owned by a Mr. Saunders on Washington Creek in Douglas County, Kansas Territory, approximately 10 miles southwest of Lawrence, the headquarters of the Free-State movement in the Territory. Known both as Fort Saunders and Camp Saunders, it became a major threat to Free-State settlers in the surrounding area when word supposedly went out from there that, "all Free State men must leave the Territory or be killed...." The settlers applied to Major John Sedgwick, commander of the United States Dragoons stationed at LeCompton, the Territorial Capitol and headquarters of the proslavery movement in Kansas, to do

something about the situation. A troop of dragoons was sent over to investigate, but did nothing more than confirm that there was building activity going on there. The frightened settlers applied to Lawrence for assistance, and the officials there determined that a messenger should be dispatched to find out what were Treadwell's intentions. Hoyt volunteered to be that messenger. He was a Freemason, and Treadwell was purported to have stated that all Freemasons, regardless of which side of the slavery issue they were on, would be safe with him (1). Apparently, Hoyt was not completely trusting to this, for in a document written some time later, John E. Stewart wrote that, "I think he had some apprehension of danger, for he told us when leaving that if he was not back by a certain time, we might conclude there had been foule [*sic*] play." Despite this, Hoyt reportedly was unarmed when he left Lawrence on his trip to Fort Saunders. The exact sequence and timing of what followed is clouded by different resources giving differing accounts of subsequent events (2). By utilizing what seems to be the most accurate of those resources, and piecing together the information they contain, what actually transpired can be approximated. It appears that Hoyt left Lawrence in the afternoon of August 11, 1856, and stayed overnight with a friend near Bloomington, a small settlement about 8 miles southwest of Lawrence, before continuing on to Fort Saunders the next day, August 12th. He stayed at the Fort until after dinner that day, when he left to return to Lawrence. Hoyt was followed by several men from the Fort, and had not gone far when they shot him dead through the back of the head. The shooting was witnessed by several boys. He was placed in a shallow grave and "his face was thickly coated with corrosive sublimate so as to destroy his identify as soon as possible." His attackers then made an apparent halfhearted attempt to bury him. It is not known when Hoyt had

said he would return to Lawrence, so it is not known exactly when the Free State men there became worried by his failure to do so. A previously planned attack on a fortified structure in the proslavery town of Franklin was carried out by men from Lawrence late the night of the 12th. By the time Franklin had been captured, Hoyt's friends in Lawrence had probably given up on seeing him alive again. In addition, it was reported that word had come to Lawrence that a man had been shot in the vicinity of Fort Saunders, so his friends "became painfully anxious for his fate." Early on the 13th, a large company of Free-State men led by Captain Henry J. Shombre set out from Lawrence for Fort Saunders. They established a camp about three miles from the Fort at Dr. E.G. Macy's place on Rock Creek, about eight miles southwest of Lawrence. At about the same time that Shombre's militia set out, a rider left Lawrence for Topeka with news of the fighting at Franklin and that Shombre's militia was moving on Fort Saunders. After pitching camp, Shombre's men may have been visited by the boys who saw Hoyt killed, who then related their story to the men there. In response to the message from Lawrence, a group of Free-State men from Topeka arrived in Shombre's camp at 2:00 a.m. on the 14th, and were told of Hoyt's murder. Later on the 14th, Captain Shombre led a scouting party of thirty men to reconnoiter the Fort and look for Hoyt's body. They went to Fort Saunders to ask Colonel Treadwell if he knew where the body was, but got no answer. After searching most of the rest of day without success, they encountered a party of surveyors who had seen a grave and were directed to it by them. The Free-State men found a partially buried body whose knees were projecting from the ground. They exhumed the body, and though the face was damaged, they recognized it to be that of their friend, Major Hoyt. They put it in a wagon and took it back to the Free-State camp. According to

N.W. Spicer (3), "They returned late in the P.M. bringing in the mutilated remains of the Murdered man. When the corpse was exposed the men seemed indignant & swore revenge." Dr. Macy examined the body and determined that Hoyt had been shot in the back of the head, with the ball passing out through the forehead. It was also determined that had the corrosive material been left on the face "twelve hours more, it would have been destroyed." Henry Hyatt, perhaps the friend Hoyt had stayed with in Bloomington the night of the 11th, supplied a strongly built box to use as a makeshift coffin, and Hoyt was given a temporary burial in a grove of trees on Rock Creek. The Free-State men were incensed by Hoyt's murder and mutilation, and in revenge, moved to attack Fort Saunders on the 15th. Treadwell and his men got word of the impending attack and abandoned the Fort. Finding the Fort unoccupied, the Free-state men burned it to the ground. The next day, August 16th, the Free-State men attacked and captured Fort Titus, another proslavery stronghold located near Lecompton. Captain Shombre was mortally wounded during the battle. On June 23, 1857, ten month after his murder, Hoyt's body was exhumed from his grave on Rock Creek and brought to Lawrence for reburial with full military honors. After the service in the Unitarian Church, his remains "were followed to the grave by the Oread Guards and by a large contingent of citizens, accompanied by music from the [Lawrence Brass] Band." He was laid to rest between Thomas Barber, who had been murdered on December 6, 1855, at the time of the Wakarusa War, and Captain Shombre, who had been mortally wounded in the Battle of Fort Titus on August 16, 1856. The fate of Mathilda Hoyt is unknown, but Hoyt's daughter Helen grew up, married, and lived to be 95, dying in Arizona on April 20, 1946.

(1) There are numerous accounts of situations that occurred during the Kansas-Missouri Border War, known as "Bleeding Kansas," and in the American Civil War that followed, in which a man who was in a dire situation somehow made known to his tormentors that he was a Freemason, and was instantly welcomed by them as a brother Freemason, thereby saving his life and property, and restoring his freedom. The bond between Freemasons was understood by everyone to be very strong, and could bridge the gap in any disagreement.

(2) Some contemporary sources report that Hoyt was killed on the 11th, while others report it to be on the 12th, and at least one has it on the 13th. The June 27, 1857, edition of the Herald of Freedom carries an article on Hoyt that is the most detailed of the reports consulted. Since it was written a full ten months after the events, some might argue that the memory of the reporter could have been altered by intervening events and so not be accurate, but it might also be argued that the time between when the events occurred and when they were reported could have helped to clarify them and make them more accurate. An article in the August 23, 1856, edition of The New York Times included information that conflicts with some details in the other newspaper. Even though the Times article was published less than two weeks after the events occurred, it seems to rely on less accurate sources. One reason to suspect the article is that it indicated the Second Battle of Franklin occurred on the 13th, but it is a widely accepted fact that the attack on Franklin was on August 12th. In a report dated December 6, 1856, recording testimony given before the National Kansas Committee, an anti-slavery organization formed to support Free-State settlers in Kansas, N.W. Spicer related his experiences concerning the recovery of Hoyt's body and the response to it. Since Spicer was on the scene when several of the important events occurred, his account can probably be trusted as accurate.

(3) Spicer arrived in Topeka with a party of men on August 13th, after a long and difficult overland journey from Chicago. They had not yet arrived in Topeka when word came from Lawrence that Franklin had been attacked the day before, August 12th, and that they were needed by a Free-State militia on its way to Fort Saunders. Spicer and the other men left immediately, and arrived at the camp of the Free-Staters at 2:00 a.m. on the morning of August 14th.

From: [David Starr \[Hoyt\]](#), A Genealogical History of the Hoyt, Haight, and Hight Families, by David Webster Hoyt, 2nd enl. ed., Providence Press Co., Providence, 1871; [David Starr Hoyt](#), Find A Grave web-

site; [Standard Certificate of Death, Helen Hoyt Bartlett](#), Maricopa County, Arizona, on FamilySearch.org website; [Stevens, Isaac Ingalls \(1818-1862\)](#), History-Link.org website; Rutherford, Phillip R. "The Arabia Incident." Kansas History, Spring 1978, [pp.39-47](#); Herald of Freedom, June 27, 1857, v.2, no. 44, p.4; [Experience of John E. Stewart](#), 1856?, Territorial Kansas Online; History of Kansas: from the first exploration of the Mississippi valley, to its admission into the Union ..., by J. N. Holloway, James Emmons, and Co., Lafayette, ID, 1868, [p.281](#); Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc. ..., Standard Pub. Co. Chicago, 1912, Vol. 1, [p.671](#), on Blue Skyways website; [The War in Kansas](#), The New York Times, August 23, 1856; and, [Experiences of R. S. Griffith, N. W. Spicer, and J. A. Harvey](#), December 6, 1856, Territorial Kansas Online.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if

you would like more information on our program and/or the positions we have open, please contact the Library or visit the “Volunteers” page on the Law Library’s website.



Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most pages of the Law Library's website. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library’s mailing address is: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library’s e-mail address is: info@douglascolawlibrary.org. The Law Library’s telephone number is: 785-838-2477.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.

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