

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 will be on the 11th.

Current Art Gallery Exhibition

The December exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are artwork by Susan Sinclair Shields.

The exhibits will run through the end of December. All pieces are for sale and may be purchased directly from the artist. Contact

information for Ms. Shields is available in the Library.

The January 2009 Law Library and Division IV exhibitions are open for scheduling. More information on the exhibits will be in the January 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.14:2 (Nov. 2009).

Anatomy of a Murder DVD.

Child Law Practice: Helping Lawyers Help Kids, v. 28:9 (Nov. 2009).

Internet guide for the legal researcher newsletter, v. 4:6 (Nov./Dec. 2009).

Juvenile Justice Update, v. 15:5 (Oct./Nov. 2009).

Practical Jury Dynamics 2: From One Juror's Trial Perceptions to the Group's Decision-Making Processes, Second ed., 2009 Supplement.

Pretrial Motions in Criminal Prosecutions, 4th., 2009 Cumulative Supplement.

Reports of rules adopted by the Supreme Court of the State of Kansas, 2009.

Search and Seizure Bulletin, v. 46:11 (Nov. 2009).

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.

November's entry was:

- For the convenience of Library users, a full-length mirror and coat hooks have been installed in the Library's restroom.

This Month In Legal History

December 6, 1855 - Thomas W. Barber murdered on his way home to chop wood.

In the first week of December 1855, during what was to become known as the Wakarusa War, the war without a battle, a large force of armed men who supported the Territory of Kansas being admitted to the Union as a state that allowed slavery were besieging the town of Lawrence, Kansas. Lawrence was

the headquarters of the movement to have Kansas admitted to the Union as a state that banned slavery, and had already experienced a significant amount of trouble over the issue since the town was founded a little over two years before. One of the leaders of the besieging men was the pro-slavery sheriff of Douglas County, Sam Jones. The Free-State defenders in Lawrence included the abolitionist John Brown and the Free-State leader James Henry Lane. They had been able to organize a strong defense, with numerous fortifications having been quickly thrown up. The citizens of the town were also well armed. Many had Sharp's Rifles, one of the most modern firearms of the time, and a cannon had been smuggled into town and was manned by determined men. The current trouble had begun on November 21 when Charles Dow, a Free-State man, had been gunned down by his neighbor, Franklin Coleman, a pro-slavery man. Although the incident was supposedly over a land claim and not over the slavery issue, the two sides quickly began to agitate against each other. The fact that Coleman was able to flee the territory without being arrested made the situation worse. On the night of November 26, Jacob Branson, a friend of Dow's, was arrested by Sheriff Jones and a posse of pro-slavery men because he had allegedly made threatening comments about Coleman. A group of Branson's Free-State friends confronted the posse and was able to free him without gunfire. His rescuers had then brought Branson to Lawrence for safekeeping. The pro-slavery men claimed that Lawrence was in armed rebellion against the government and began organizing a force to suppress this supposed insurrection. The besiegement of Lawrence was the result. Around noon on December 6, at the height of the siege, three Free-State men, brothers Robert and Thomas Barber and their brother-in-law Thomas Peirson, slipped out of town and headed home to chop wood for their families. Thomas Barber had come to

Kansas from Indiana and had settled with his wife in the Bloomington area near the present day town of Clinton, about eight miles southwest of Lawrence. He had become a private in the Bloomington Company (D) of the 1st Regiment, Kansas Volunteers, and was in Lawrence to help defend the town. The three Free-State men rode west from town by the California Road, planning eventually to turn to the south toward home. Unlike his two companions, Thomas Barber was unarmed. They had gone about four miles when they were stopped by two men on horseback. One of the men, later identified as George W. Clarke, Indian Agent for the Pottawatomie and a pro-slavery man, asked the trio, "Where are you going?" Thomas Barber supposedly answered, "We are going home." Clarke then asked, "Where are you from?" Barber answered, "We are from Lawrence." "What is going on in Lawrence?" was the next question. "Nothing in particular," said Barber. "Nothing in particular, hey?" replied Clarke. "We have orders from the Governor to see the laws executed in Kansas." Thomas Barber then asked, "What laws have we disobeyed?" Clarke replied, "Then, turn your horses' heads and go with us," pointing in the direction of a group of riders a short distance from them. Barber said, "We won't do it." Clarke rode his horse to Barber's right side saying, "You won't, hey?" As he did so, he fired his pistol at Thomas Barber. Clarke's companion, later identified as James N. Burns, a merchant from Weston, Missouri, also fired his pistol. Robert Barber managed to fire three shots in return but to no effect. Peirson had trouble getting his pistol out, and the two assailants rode off before he could use it. Thomas said, "Let us be off," and the three rode off at top speed. They had ridden about a hundred yards when Thomas said, "That fellow shot me." Robert asked, "Where are you shot." He pointed at his right side. Robert said, "That is not possible, Thomas."

Thomas smiled, said, "It is," dropped his reins, and began to fall. Robert as able to support him in the saddle for a few moments, and then Thomas fell to the ground. Robert dismounted and found that his brother was dead. He remounted his horse and he and Peirson rode off to escape the other riders. When Clarke arrived back in the camp of the pro-slavery men, he is reported to have said, "I have sent another of these damned abolitionists to his winter-quarters." Later, Barber's body was retrieved and taken to Lawrence, lying in state in the Free State Hotel. His grief-stricken widow arrived in town the next day. In a letter to his wife, John Brown called the scene of Barber's wife and friends morning around his body "heart rending." While Barber was lying in state, Wilson Shannon, Kansas Territorial Governor, came to Lawrence and brokered a peace treaty that succeeded in ending the siege, allowing everyone to go home for the winter, but postponing an attack on the town for only five months. Thomas Barber was buried with full military honors on December 16 in Oread Cemetery, now Pioneer Cemetery, on a hill west of Lawrence, attended by three companies of Free-State militia. There was a large crowd of mourners, a band, and five ministers present at the services. Future Kansas governor Charles Robinson and future Kansas senator James Henry Lane made speeches. Thomas Barber was seen as a martyr to the Free-State cause. John Greenleaf Whittier, the noted 19th-Century poet, wrote a poem titled *Burial of Barber* honoring his martyrdom. In 1873, Barber County, Kansas, was named in honor of Thomas Barber. Although he claimed to have been the one to shoot Barber, there is no indication that Clarke was never tried for the killing. He was forced to leave Kansas in 1858, and as to his fate, no record of him after that has been found. James Burns, Clarke's companion who also claimed to have shot Barber, became a lawyer in

Leavenworth, Kansas, eventually moving to St. Joseph, Missouri, where he agitated for the secession of Missouri from the Union at the beginning of the Civil War. He later became a politician and was elected to Congress, and was reported to have lived to a ripe old age, something that his and Clarke's actions on that December day denied Thomas Barber.

From: War to the Knife: Bleeding Kansas, 1854-1861, by Thomas Goodrich, Stackpole Books, Mechanicsburg, PA, 1998, [pp. 80-82](#); Chosen Land: A History of Barber County, Barber County Historical Society, Medicine Lodge, KS, 1980, [pg. 6](#); Biographies - [Thomas W. Barber](#), February 22, 1814 - December 6, 1855; [George Clarke Desk](#); Geary and Kansas: Governor Geary's administration in Kansas: with a complete history of the territory until June 1857: embracing a full account of its discovery, ...: all fully authenticated, by John H. Gihon, Charles C. Rhodes, Philadelphia, 1857, [Chapter 11](#), Produced by Connie Snyder for the Kansas Collection website; Letter, John Brown to Dear Wife & Children every one, December 16, 1855, [p. 2](#); Letter, Hiram Hill to Dear Wife, December 12, 1855, [p. 2](#); Early history of Leavenworth City and County: also an appendix containing a list of lawyers...of the State, by H. Miles Moore, Samuel Dodsworth Book Co., Leavenworth, Kansas, 1906, [pp. 257, 284, 324](#).

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, please let us know. 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.

Juvenile Panel Attorney Wanted:

Attorney with experience in juvenile law (child in need of care and juvenile offenders) wanted. Position carries one-sixth of the appointed-council juvenile workload in Douglas County District Court. Required: Kansas license; GAL training. Send resume and letter of application by Wednesday, December 9, 2009, to Judge Jean Shepherd, Douglas County District Court, 111 East 11th, Street, Lawrence, Kansas 66044.

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