

# 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 12th.

### Annual Registration Fee Due January 17

This is a reminder that the 2011 Law Library Registration Fee for attorneys is due in the Court Clerk's office no later than 4:00pm

Monday, January 17, 2011. As reported in last month's newsletter, due to a decrease in the Library's primary funding source, the annual fee has been set at \$25.00 for 2011.

### Important User Survey on Law Library Resources

To ensure that Library funds are being expended on material that is valuable and useful to its users, the Law Library is conducting a user survey of Library resources. If these resources prove to be of little or no value to Library users, then they will be considered for elimination from the Library budget.

There are two ways to participate in the survey. 1. Fill out a printed survey form available in the Library; or, 2. Take the survey on-line by clicking below.

<http://www.surveymonkey.com/s/DV29ZBN>

Please take a few minutes to respond to the survey and give your feedback on these resources. If you have a favorite resource and you do not indicate it is important to you, it may no longer be available in the Library.

Titles in the survey are:

Child Law Practice: Helping Lawyers Help Kids.

Child Support Guidelines: Interpretation and Application.

Courtroom Criminal Evidence, 4<sup>th</sup>.

Criminal Investigation Handbook.

Criminal Trial Techniques.

Drunk Driving Defense, Seventh Edition.

Juvenile Justice Update.

Kansas Court Rules and Procedure, Volume I - State.

Kansas Court Rules and Procedure, Volume II - Federal.

Kansas Court Rules for Judicial Districts, Volume III - Local.

Pretrial Motions in Criminal Prosecutions, 4<sup>th</sup>.

Search and Seizure: a Treatise on the Fourth Amendment, 4<sup>th</sup> ed.

Search and Seizure Bulletin.

Search and Seizure Checklists.

Session Laws of Kansas.

Understanding DUI Scientific Evidence.

West's Kansas Statutes Annotated.

### **Attorney Needed for Special February Film Series Screening**

The Law Library is looking for an attorney who is interested in providing legal commentary at a special screening of the film *Amistad* at 1:00 pm on Sunday, February 27, 2011. The film, based on a true incident, recounts the case of a group of men who

freed themselves from bondage on board a Spanish slave ship off the coast of the United States in 1839, and who were tried for mutiny and murder for doing so. The case against the men eventually was heard by the Supreme Court.

The Lawrence Public Library is co-sponsoring this screening of the Law Library's February 2011 Reels of Justice Film Series entry. It will help celebrate Black History Month and serve a run-up to the beginning of the official Civil War Sesquicentennial in April.

If you an attorney who would be willing to share your knowledge and expertise with others, please consider volunteering to give post-screening commentary for this special event. Contact the Law Library to volunteer.

### **Current Art Gallery Exhibition**

The December exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are arts and crafts by Judicial and Law Enforcement Center staff.

The exhibits will run through the end of December. Some pieces are for sale and may be purchased directly from the artist. Contact information for the artists is available in the Library.

The January 2011 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](mailto:info@douglascolawlibrary.org).

### **New Acquisitions**

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

AALL Spectrum, v. 15:2 (Nov. 2010).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.290:5/v.44:1 (Sept. 2010).

Child Law Practice: Helping Lawyers Help Kids, v. 29:9 (Nov. 2010).

Internet guide for the legal researcher newsletter, v. 5:6 (Nov./Dec. 2010).

Juvenile Justice Update, v. 16:5 (Oct./Nov. 2010).

Kansas Court of Appeals Reports. Second Series, v. 37.

Law Library Journal, v. 102:4 (Fall 2010).

The Life and Times of Judge Roy Bean, DVD.

Reports of rules adopted by the Supreme Court of the State of Kansas, 2010.

Search and Seizure Bulletin, v. 47:11 (Nov. 2010) and v. 47:12 (Dec. 2010).

Search and Seizure: a Treatise on the Fourth Amendment, 4th ed., v. 1 - v. 6, 2010/2011 Pocket Parts.

### **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:

Feedback from users is vital to maintaining the high quality of resources and services available in the Library, and so is welcome and encouraged.

### **This Month In Legal History**

December 30, 1872 - Thomas Clark shoots William Adams on a Eudora, Kansas, street.

Thomas Clark was born into slavery in Virginia, probably in 1834. In 1862, he left Jackson County, Missouri, and came to Eudora, Kansas. Slavery was not abolished in Missouri until January of 1865, so if he was still a slave when he was in Missouri, and if his owner had not freed him, Clark would have been a fugitive slave when he came to Kansas. Because of all the troubles that had preceded Kansas being admitted to the Union on January 29, 1861, as a Free State, many Kansas had actively worked against slavery and slave owners, so few would have given any support to returning fugitive slaves to their slave masters. Eudora had been founded and settled by German immigrants, most of whom were hostile to slavery, so the citizens of the town would have been more likely to protect Clark than to try to return him to bondage. In addition, in March of 1862, President Lincoln had forbidden Union Army officers from returning fugitive slaves to their masters, so if Clark were a fugitive slave, he would have had no trouble from the authorities either. Clark settled in and began working as a day la-

borer in the Eudora area. After the Civil War ended and slavery was abolished in the United States, many ex-slaves left their old homes and moved to Kansas, searching for freedom and opportunity. Known as Exodusters, a good number of them settled in Eudora. At some time, Clark's sister Eliza came to Eudora. Whether she came with Clark in 1862, at some other time during the War, or after the War as part of the Exoduster movement, is unknown. Sometime after Eliza Clark arrived, she married a Eudora man named William Adams. Adams, whose experience with slavery is unknown, was probably born in 1845 in Missouri. When and how he came to Eudora is not known. Clark married a woman named Matilda, who was probably born in 1849 in Virginia. She was fifteen years his junior, which may have contributed to what happened later. Thomas and Matilda Clark had a son in early 1870. The Adams' marriage produced two daughters before Eliza Adams, Clark's sister, died in August of 1870. Two or three weeks after his sister's death, the 36-year-old Clark, his 21-year-old wife Matilda, and their infant son moved in with the 25-year-old Adams and his two children in the newly widowed man's house. A year or so later, Clark discovered that he had been replaced in his young wife's affection by Adams, and in response, took her away from his brother-in-law's house. Clark was reported to have believed that Adams had given Clark's wife something that gave Adams power over her, and had pleaded with him to leave his wife alone, but that he would not. In November of 1872, Matilda Clark left her husband, and taking their child with her, went to Olathe, Kansas. Although she did not move in with Adams, reports were that he visited her. Around Christmas, she came back to Eudora, though it is unclear where she was staying after she did. Clark then tried to get Adams to bring her back to him, with no success. Somewhere around eight o'clock on the morning of De-

ember 30, 1872, Clark confronted Adams on a street in Eudora. Words were exchanged before the two parted company. At around 11:00 that same morning, a reporter for the *Daily Kansas Tribune*, a Lawrence, Kansas, newspaper, was standing at the west end of the platform of the Missouri Pacific depot in Eudora, when he observed "two men, both colored, one driving a team and the other walking near him carrying a gun." The driver, later identified as William Adams, drove the wagon up to a house some distance from the depot, followed by the man with the gun, who later turned out to be Thomas Clark. The reporter's attention was distracted for a moment, but quickly went back to the wagon when he heard a shot. He saw a cloud of gun smoke around the wagon and observed the driver fall to the ground. Clark was seen moving away from the scene, sometimes walking, sometimes running. A group of people, including the reporter, slowly walked to where the wagon driver was laying. By the time they got there, Clark had reappeared without the gun. Someone asked who the man he had killed was, and he replied, "Bill Adams." He was asked why he had done it, and he reportedly said, "Because he separated me and my wife, but he won't separate any other man and wife." Someone called out "Catch Tom Clark, he has killed a man." Clark replied, speaking of himself, "You let Tom Clark alone. He is going to the Squire's to give himself up." The newspaper reported that Clark then went to "Esquire Richards", presumably Oscar Richards, a local attorney, and turned himself in to the authorities. He was handcuffed and "put in the dungeon under City Hall." A coroner's inquest was held in front of Justice Phenicie, presumably Erastus Phenicie, a local landowner who was probably serving as Justice of the Peace. It was found that Adams had died of a gunshot to the back of the neck, and that the deed had been done by Thomas Clark. It was reported that when questioned, Clark said that

when he and Adams had spoken earlier that morning, he had repeated his demands that Adams bring his woman back. Adams said that he did not have her, had told Clark to shut up, and then had threatened him. Clark said that Adams was stronger than he was, and could have whipped him. Besides, he understood that Adams was "packing something," meaning that he carried some kind of weapon. He also said that "another man had stole[sp] another wife from him once in Missouri," and that it was "time the traffic in his wives was stopped." Clark said he had loaded a musket with eight pistol balls, and then took "a small dram of whisky" before he went off after Adams. Clark freely admitted that he had intended to shoot and kill Adams. After the inquest, Clark was put "in the calaboose," but the authorities determined that it was too cold there, and he was moved to a saloon. He was kept there under guard until the 6:00 pm train came to take him the seven miles west to jail in Lawrence, Kansas. It was reported that many of the women in Eudora's Black community were hostile to Clark's wife, and "...were anxious to see Mrs. Clark dangling from the end of a rope..." At the beginning of the New Year, Matilda Clarke was taking care of her and Clark's son, the two orphaned Adam's children were staying with a man reported to be their 80-year-old grandfather, and Thomas Clark was in jail in Lawrence, awaiting trial for murder. No record of the trial, its outcome, or Clark's fate has been located. It is interesting that despite the widespread racism that existed in the nation at the time, the available information shows that Clark was not treated differently by the citizenry and authorities than would a white man have been in similar circumstances. Whether that would have been the case if Adams had been a white man instead of a black man is open to speculation.

From: Daily Kansas Tribune, v. 9: issue 306 (December 31, 1872), p. 1, Lawrence, Kansas; Western Home Journal, v. 4: issue 45 (January 2, 1873), p. 3,

Lawrence, Kansas; [Town Growth: 1860-1880](#), in *Where the Wakarusa Meets the Kaw: The History of Eudora, Kansas*, by Cindy Higgins, Author, Eudora, Kansas, 2010; and, the United States Census, 1870, Douglas County, Kansas.

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 11<sup>th</sup> Street, Lawrence, Kansas, 66044. The Library's e-mail address is: [info@douglascolawlibrary.org](mailto: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.

#### **Douglas County Law Library E-Mail Newsletter**

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