

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 14th.

The December Douglas County Bar Association Brown Bag CLE program will be on Thursday, December 20, 2012, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement

Center. Ron Schneider will present *Land Use and Historical Preservation Law*. Handout material can be downloaded from the [DCBA website](#).

Mandatory Misdemeanor Panel CLE

The Douglas County Criminal Bar Association will be conducting a CLE on December 7, 2012, that is mandatory for all attorneys who wish to take misdemeanor/non-felony appointment cases in Douglas County in 2013. This free CLE will be held from 8:30 a.m. to 5:00 p.m. that day in the Jury Assembly Room in the Judicial and Law Enforcement Center in Lawrence.

2013 Law Library Registration Fee Due By January 15

The 2013 Law Library Registration Fee for attorneys is due in the Law Library no later than 5:00 pm, January 15, 2013. A 2013 Law Library Registration Renewal Form/Invoice was e-mailed to all attorneys for whom the Library had an e-mail address. If you need it re-sent, please contact the Library. The form is also available in fillable PDF format on the Law Library's website by clicking [here](#).

If you have not already paid your 2013 fee, please fill out, print, sign, and date the form, and, along with your 2013 fee payment of \$25.00 made out to the Douglas County Law Library, get it to the Law Library no later than January 15th.

Re-evaluation of Periodical Subscriptions in the Law Library

The periodicals use survey that is part of the extensive re-evaluation of all the journals, supplements, pocket parts, and other periodical publications in the Law Library is continuing.

Whenever possible, please record your use of such material in the Library by marking such use on the forms available in the Library.

Titles that fail to meet the use requirements set by a committee formed for that purpose will be cancelled, so it is extremely important for all patrons to participate in this survey to ensure that valuable material is not cancelled inadvertently.

Current Art Gallery Exhibition

The December 2012/January 2013 Law Library and Division IV art gallery exhibitions are artwork from [The Dream Rocket Project](#).

The exhibitions will run through the end of January 2013.

The February/March 2013 exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be cut paper art by Angie Pickman. More information on these exhibitions will be in the February 2013 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. 17:2 (Nov. 2012).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 31:11 (Nov. 2012).

Kansas Code of Civil Procedure Annotated, 5th, 2012, [v. 1 - v. 3].

Law Library Journal, v. 104:4 (Fall 2012).

Search and Seizure Bulletin, v. 49:10 (Oct. 2012)

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:

There will be an election in early 2013 to choose the five attorneys who will serve on the Douglas County Law Library Board of Trustees for the 2013/2015 biennial term.

This Month In Legal History

December 8, 1855 - A peace treaty is signed to end the Wakarusa War.

With the signing of the Kansas-Nebraska Act by President Franklin Pierce on May 30, 1854, the new Territory of Kansas was created directly west of the State of Missouri, and was opened up to white settlement. The Act included a provision for Popular Sovereignty, which meant that the residents of the new Territory would be able to vote on whether it would come into the Union as a slave state or a free state. This effectively threw out the Missouri Compromise, which had made the line of latitude described by the southern border of Missouri the northern limit that any new slave state could form west of Missouri. This had been the law of the land since the Compromise's enactment in 1820, and those who opposed slavery saw this abrupt change in federal law as being unfair and something that should be resisted. As a result, anti-slavery societies began organizing in the east to send men to Kansas Territory to settle, and to vote for Free State status when the time came. One of those anti-slavery societies was the New England Emigrant Aid Company, who sent a number of parties of settlers to Kansas, the first one arriving at the site of the future town of Lawrence on August 1, 1854. The second party of New England Emigrant Aid Company settlers arrived there on September 16th, and merged with the first party. Two days later on the 18th, the settlers met "...to form an association to lay out the town." They also discussed what to name the town. Since the arrival of the first emigrant party, it had been informally called "New Boston" or "Wakarusa", and in addition to those names, the discussion on naming the town included "Quindaro" and "Eureka." Finally, "Caleb Pratt proposed we take our name after Amos Lawrence, as he thought it would be gratifying to him, and would be the means of obtaining many valuable bequests

from him to our public library, as well as to our institutions of learning, to which Mr. Lawrence had then pledged ten thousand dollars." The seventy-nine men present voted unanimously to name the new town "Lawrence." The settlers proceeded to form a town company which would lay out the town site. A surveyor was elected and he began marking off the lots and streets. The Free Staters from back east were not the only men coming into Kansas Territory to settle. A large number of proslavery men from Missouri moved to Kansas and began making land claims, many times on land abutting claims made by Free State men. Having men, who held differing opinions on such a controversial issue as the expansion of slavery in the west, living in such close proximity to each other, invariably lead to trouble. That trouble quickly took the form of violence, and early on the victims of that violence were almost exclusively Free-State men. There was much enmity felt by the proslavery men against the Free-State men, who they saw as foreign usurpers trying to impose foreign ideas on "their" territory, and a considerable part of that enmity was directed towards Lawrence, which had become the headquarters of the Free-State movement in Kansas. According to Joseph Savage, a Free State supporter in Kansas, "...it was universally spoken of [by them] as the 'd[amne]d Yankee town'." The violence continued to escalate, and men soon began dying as a result of that violence. On March 30, 1855, the first election was held to choose members for the territorial legislature who would organize the territorial government, pass territorial laws, and apply to Congress for statehood when the time came. On that early spring day, thousands of proslavery Missourians poured across the border into Kansas Territory, took over the polling places, prevented Free-State residents from voting, and then voted themselves, even though they were not residents of the Territory. When the ballots were

counted, there were nearly three times as many votes cast as there were legal residents of the Territory. Even though the Free-State partisans cried foul, President Pierce declared the election to be valid, allowed the vote to stand, and put pressure on Kansas Territorial Governor Andrew Reeder to bring the territorial government into alignment with the election results. The proslavery legislature that was formed after the election, known ever after by the Free-Staters in Kansas as the "Bogus Legislature," met and began to enact proslavery laws with extreme punishments for anyone who would dare to break them. In response, Free-Staters formed their own anti-slavery government, elected officials and a legislature, and began competing with the Bogus Legislature for control of the Territory. The actions of one of the proslavery men who had come into Kansas on election day had caught the eye of Acting Territorial Governor Daniel Woodson. Woodson had been appointed as acting governor when Reeder was dismissed from his position as Territorial Governor of Kansas by President Pierce on allegations that he had engaged in illegal land speculation. It is more likely that the real reason he was dismissed was for not doing enough to promote Kansas becoming a slave state, as President Pierce wanted. Reeder was from Pennsylvania, and was attempting to be neutral on the slavery issue in Kansas, while Woodson was a Virginian and a supporter of slavery. The man who had caught the eye of Woodson was Samuel J. Jones, a fellow Virginian. Jones' fervent efforts on the day of the election preventing Free-State men from voting and seizing ballot boxes had so impressed Woodson that on August 27, 1855, the Acting Governor appointed Jones as the first sheriff of Douglas County, Kansas Territory. Lawrence was in Douglas County, so Jones had jurisdiction over the Free-State town. He quickly began going about his duties as he saw them, and soon became notorious with Free-State supporters

in Kansas for what they saw as his blatant use of the office to aid the proslavery movement. Jones' actions did nothing to calm the escalating violence in the Territory. Then, on November 21, 1855, a proslavery man named Franklin Coleman shot Charles Dow, his Free-State neighbor, in the back with a shotgun over a land dispute. The killing took place at Hickory Point, a small settlement in Douglas County about ten miles south of Lawrence. Coleman fled to Westport, Missouri, and Free-State friends of Dow complained that Sheriff Jones made no effort to capture the killer. Jacob Branson, a Free-State supporter and friend of the murdered man, made comments about Coleman that prompted a friend of Coleman to swear out a warrant against Branson. On the night of November 26, 1855, Sheriff Jones took some fifteen men and went to Branson's house to arrest him. Some of Branson's neighbors got word of this, banded together, and confronted Sheriff Jones and his posse at about 1:00 a.m. After a tense standoff lasting over an hour, Sheriff Jones released Branson to the Free State men. Branson was taken to Lawrence for safekeeping. Jones told newly appointed Territorial Governor Wilson Shannon that Lawrence was in rebellion, and in response the Governor order out all proslavery men that could be mustered in the Territory. Sheriff Jones also sent a dispatch to Colonel Albert Gallatin Boone, grandson of Daniel Boone, in Westport, Missouri, to mobilize forces in Missouri for assistance. The Sheriff had befriended Boone¹ when Jones moved his wife and two young children to Westport in the fall of 1854. Boone was an influential man, and both he and Jones were strong proponents of slavery and of Kansas being a slave state. Between 1,500 and 2,000 proslavery men from Kansas and Missouri responded to the calls from Shannon and Jones, and they marched on Lawrence. Beginning on December 1st, they laid siege to the town. The citizens of Lawrence had

rapidly been fortifying the town in anticipation of trouble. They had also managed to bring a howitzer in just ahead of the advancing proslavery army. A standoff developed, the citizens of Lawrence being unwilling to surrender their town to the proslavery men, and the proslavery men being unwilling to attack a fortified town protected by a howitzer. The standoff had continued for several days when a delegation managed to get out of Lawrence and go to the Governor, apprising him that Lawrence was not in rebellion, and that he should come see this for himself. Shannon came to Lawrence on the 7th, and began organizing a conference between the besiegers and the besieged. Colonel Boone and the other leaders of the proslavery men were escorted into town and, overseen by Shannon, met with Charles Robinson and James Lane who were representing Lawrence. A draft peace treaty was negotiated, and was signed on December 8, 1855, by Shannon, Robinson, and Lane. Shortly before the peace treaty was signed, the abolitionist John Brown and four of his sons arrived in Lawrence with arms and ammunition. In a letter to his wife and children written on December 16th, Brown gave an addition to the account of the actions of Governor Shannon while he was in Lawrence that does not appear in other sources. Brown wrote that, "When there, the leading Free-state men, finding out his [Shannon's] weakness, frailty and consciousness of the awkward circumstances into which he [Shannon] had really *got himself*, took advantage of his cowardice and folly, and by means of that and the free use of whisky and some trickery succeeded in getting a written arrangement with him, much to their own liking." Regardless of the means by which the peace treaty was arranged, it was implemented on December 9th, and the proslavery men broke their siege on Lawrence and went off on their separate ways, ending the Wakarusa War, the "War Without a Battle." It was a war without a battle, but not a war

without a death. On December 6, 1855, the day before Shannon arrived in town to broker the peace treaty, Thomas Barber rode out of Lawrence with his brother Robert and their brother-in-law Thomas Pierson², intending to head home to chop wood for their families. They had gone about four miles when they were stopped by two proslavery men on horseback, who told Barber that he must come with them. He replied that they had no authority over him and began to ride away. Both men drew pistols and fired on the unarmed Thomas Barber, shooting him dead. Although they made no attempt to conceal the fact they had killed Barber, neither man was ever arrested or tried for the crime. Sam Jones was back in Lawrence on May 21, 1856, at the head of a large group of proslavery men who sacked and burned the town that this time was undefended.

(1) At least one account identifies Colonel Boone as being Sheriff Jones' father-in-law, but this is in all likelihood incorrect. Jones came from Virginia, and had a wife and two small children when he arrived in Westport, Missouri, in 1854. Boone had lived most of his life in Missouri, having been in Westport since 1838. It is extremely unlikely that Jones would have come to Missouri sometime earlier than 1854, married Boone's daughter, moved away, and fathered two children before moving back to Westport in 1854. It is therefore safe to say that Boone was probably not Jones' father-in-law. Where this confusion came from is not known. One possible answer is that for a time, Mary Bent, daughter of William Bent of Bent's Fort fame, lived with Boone and his family in Westport. Jones' wife was also named Mary, so perhaps someone misunderstood the relationship between Mary Bent and Colonel Boone, and confused the two women named Mary, which resulted in confusing the relationship between Boone and Jones.

(2) There is conflicting information as to the spelling of Thomas Pierson's last name. Several contemporary books giving accounts of the killing of Barber spell it "Peirson," and at least one modern book also spells it this way. However, genealogical records, including the entry for his father in the 1820 United States Census for Pennsylvania, have the spelling as "Pierson."

From: [Recollections of 1854](#), by Joseph Savage, Western Home Journal, June 23-September 29, 1870; [Andrew H. Reeder, 1807-1864](#), - Territorial Kansas Online website; [A.G. Boone](#), KansasBogusLegisla-ture.org website; [Samuel J. Jones \(Sheriff\), ca.1820-ca.1880](#), Territorial Kansas Online; [Letter, John Brown to Dear Wife and Children, Every One, December 16, 1855](#), "Bleeding Kansas," E Pluribus Unum collection, Assumption College website; [Wakarusa War](#), Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc., edited by Frank M. Blackmar, Standard Publishing Co, Chicago, 1912, v. 1; and, [Wakarusa Treaty, December 8, 1855](#) - Territorial Kansas Online website.

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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