

# Michael J. Malone Douglas County Law Library E-Mail Newsletter



Vol. 12, No. 2; February 2015

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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 13th.

The February Douglas County Bar Association Brown Bag CLE program will be on Thursday, February 19, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in

the Judicial and Law Enforcement Center. Joe Jarvis will present *Update on Kansas Business Entity Laws*. One hour of CLE credit is pending approval. Handout material can be downloaded from the [DCBA website](#).

### Legal Research CLEs in Law Library

The free CLE on performing legal research using WestlawNext conducted by a representative from Thomson West will be in the Law Library on Friday, February 6, 2015. Three duplicate one-hour CLEs will be offered in the Library from 10:00 a.m. to 11:00 a.m., from 11:00 a.m. to noon, and from 1:00 p.m. to 2:00 p.m. that day. One pre-approved hour of Kansas CLE credit will be available for attending a session. The three sessions cover the same material so are duplicates of each other.

Seating is limited, but there is still space available to pre-register. See Library staff to sign up for a session.

## **Self-Nominations for Law Library Board Election Sought from Attorneys**

The nominating process to identify candidates for this spring's election of the five attorney members to serve on the Douglas County Law Library Board of Trustees for the 2015/2017 term has begun.

The attorneys current serving as members of the Board are Julia V. Bellemere, Hatem Chahine, Jody Meyer, Sarah Warner, and Charles E. Whitman. Their terms expire on May 1, 2015.

In order to ensure that only attorneys who are willing to serve are nominated, only self-nominations will be taken. Eligible\* attorneys who have paid their 2015 Law Library Registration Fee, and for whom the Library has a postal mailing address on file, will be sent a copy of an Attorney Members Self-Nomination Form by postal mail. The self-nomination form is also available through the Law Library's website by clicking [here](#).

Local attorneys who would like to nominate themselves to be placed on the ballot for the election in April should complete a nomination form and return it to the Law Library. All nominations must be received in the Law Library no later than 5:00 PM on March 2, 2015, the deadline for nominations.

More information on the election will be in next month's E-Mail Newsletter.

\* To be eligible to serve as an attorney member on the board, one must be an attorney whose principal office, i.e.: main practice, is in Douglas County, or, if the practice is in another state, resides in Douglas County.

## **Current Art Gallery Exhibition**

The February/March 2015 Law Library and Division III art gallery exhibitions are paintings by Mary Jane Grinter.

The exhibitions will run through the end of March 2015.

The February/March 2015 exhibitions in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be pastels by Cris Chapin. More information on these exhibitions will be in the April 2015 E-Mail Newsletter.

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

If you would like to exhibit your art in our galleries, 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:

ABA Child Law Practice: Helping Lawyers Help Kids, v. 34:1 (Jan. 2015).

AALL Membership Directory, 2014/2015.

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 300:1/v. 50:3 (Nov. 2014).

Kansas Reports, v. 292.

Search and Seizure Bulletin, v. 51:12 (Dec. 2014) and v. 52:1 (Jan. 2015).

## **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.

January's entry was:

There will be three duplicate, one-hour CLE sessions on "Research Fundamentals on WestlawNext" in the Library on February 6th, at 10:00 a.m., 11:00 a.m., and 1:00 p.m. Pre-registration for these free CLE sessions is highly recommended.

## **This Month In Legal History**

February 17, 1897 - The New England Emigrant Aid Company transfers its claim for the destruction of the Free State Hotel to the University of Kansas.

On January 4, 1854, a bill to create the territories of Kansas and Nebraska was reported to the main body of the United States Senate. The bill, that came to be known as the Kansas-Nebraska Act, had been introduced by the senior senator from Illinois, Stephen A. Douglas. There was a significant amount of pressure coming from proponents of slavery to end restrictions on slavery in new territories. The Missouri Compromise of 1820 had set the line of latitude of the southern border of Missouri as the northern boundary for new slave states to form in the remainder of the Louisiana Purchase, and the proslavery powers were pushing to end this. Douglas knew he would need support from southern senators to get his bill passed, so he included the concept of "popular sovereignty" in it. Popular sovereignty meant that the residents of a territory could vote on whether it would come into the Union as a slave or free state,

in effect, throwing out the Missouri Compromise. As the winter of 1854 turned to spring, the word out of Washington was that the bill would likely pass. Eastern abolitionists began to plan on how to respond to this dramatic change in the prospects for the future of slavery in the country. In April the Massachusetts Emigrant Aid Company was formed under the guidance of Eli Thayer of Worcester, Massachusetts. It was established as both a benevolent and moneymaking venture, and its initial aims were to secure reduced transportation fares to the west for Free State emigrants traveling in companies organized and directed by the company, to provide temporary accommodations for settlers, to build or buy steam saw and grist mills, and to establish a weekly newspaper in Kansas to act as the voice of the company. The company planned to make a profit on investments by purchasing the land upon which its hotels and mills stood, and when land values increased, sell for the benefit of the stockholders. The Kansas-Nebraska Act was passed by Congress and was signed into law by President Franklin Pierce on May 30, 1854. The first party of Massachusetts Emigrant Aid Company settlers arrived at the future site of Lawrence, Kansas Territory, on August 1, 1854. That summer and fall, five other parties arrived bringing a total of around 450 settlers. In February 1855, a new charter of the company was written, changing the name of the company to the New England Emigrant Aid Company. The company established other towns in Kansas, but Lawrence became the headquarters of the Free State movement in the territory, and the focus of anti-abolitionist hatred from the proponents of slavery both in and outside Kansas. That spring, seven more company parties brought out another 800 Free State settlers. Work was begun on a hotel in Lawrence to house new settlers that arrived in town until houses could be built for them. George W. Hunt, who had lead one of the company's settler parties to

Kansas, joined with another man to be the contractors for the building of the hotel, destined to be named the Free State. The hotel was also intended to serve as the headquarters for the New England Emigrant Aid Company in Kansas. It was a very substantial three-story structure made of stone. Proslavery partisans, including many territorial officials, accused it of being built as a fortress for the Free State men in Lawrence to illegally resist the lawful authorities. The Free State Hotel opened in April 1856, just before the violence between pro and anti-slavery factions in the territory, which had led to it becoming known as "Bleeding Kansas," dramatically escalated. In May, United States Marshal Israel B. Donaldson<sup>1</sup> was issued warrants for the arrest of several Lawrence residents for their supposed activities against the government. He began to assemble a posse of proslavery men to help him enforce the warrant. They camped a few miles west of the town while the men assembled. On the morning of May 21, 1856, the proslavery posse ate breakfast, and then was drawn up into a hollow square formation. Marshal Donaldson was introduced, and gave his orders for the day to his men, to march into Lawrence and enforce his warrants. Next to speak was David Rice Atchison. Atchison was a United States Senator for Missouri. He had served as President pro tempore of the United States Senate for six years, and had requested that Senator Stephen Douglas introduce the Kansas-Nebraska Act. Atchison was strongly in favor of Kansas becoming a slave state, and bitterly opposed the Free State men in Lawrence. He made a fiery speech to the assembled proslavery posse, excoriating the town, and telling the posse to crush out "the last sign of damned abolitionism in the territory of Kansas." Donaldson then led the posse into Lawrence, took over the town, and began serving his warrants. When he was finished, the Marshal left Lawrence. The proslavery sheriff of Douglas County, Sam

Jones, took command of the proslavery posse. Jones had had several previous run-ins with citizens of Lawrence, and blamed the town for the attempt on his life when he had been shot there by an unknown gunman the month before. Jones claimed that he was a deputy United States marshal and had a warrant from the federal court in the territory to suppress what he said was an insurrection against the government. He led the posse as they proceeded to sack and burn the town. They had brought a cannon with them, and they fired several rounds at the Free State Hotel. It was so well built that the shot did little structural damage, but instead only knocked off pieces of the stone exterior. One piece of the stone landed on a proslavery man and killed him. They gave up trying to destroy the hotel with the cannon and instead lit it on fire. The hotel was gutted, leaving only smoking ruins of the stone walls standing when the proslavery posse left town. The violence in the territory continued to be intense for the rest of the summer of 1856, but slowly decreased in later years as the Free State cause became ascendant, with Kansas being admitted to the Union as a Free State on January 29, 1861. The following year, the stockholders of the New England Emigrant Aid Company ordered that all of its properties in Kansas and Missouri be sold. When this was completed, the company realized sufficient funds to just about pay its outstanding debts. Early on, the stockholders had been advised to not invest more money than they could afford to lose, so despite the lack of a profit, they were pleased with the results of its operations. After Kansas became a state, the company transferred its activities to other areas. In 1864 and 1865 it promoted the migration of working women to Oregon, and from 1866 to 1868 it was active in bringing Northerners to Florida. By 1870, the company had ceased activities, and held no more stockholders' meetings until 1897, when it requested and was granted an extension to

its charter. On February 17, 1897, the stockholders transferred to the University of Kansas its only asset, a claim against the United States government for the loss of the Free State Hotel when it was destroyed on May 21, 1856. The University filed a claim with the United States Court of Claims in 1903 seeking damages for the loss. On January 28, 1907, the court denied the claim, finding that when Sheriff Jones and his posse destroyed the hotel, "it does not appear that the said Sheriff had any official connection with the United States." It was true, the court said, that Jones had announced that he was a deputy United States marshal, that he was acting under an order of the "United States Court for Douglas County," and that he had a writ from the court, but all those announcements were untrue. Less than a month later, on February 19, 1907, the extended charter for the New England Emigrant Aid Company expired, and the company ceased to exist. Not satisfied with the ruling from the claims court, the University continued to seek legislative relief for their claim off and on until 1934, when it finally abandoned the effort.

<sup>1</sup> There is a question about the spelling of the Marshal's last name. Although most if not all secondary sources that discuss the Marshal's activities in Kansas spell his name as "Donaldson", there is strong evidence that he may have spelled it "Donalson". Not having access to any primary material that was signed by him limits the ability to determine which spelling is correct, so in effect, the two spellings of the Marshal's name are interchangeable. There is a question about the spelling of the Marshal's last name. Although most if not all secondary sources that discuss the Marshal's activities in Kansas spell his name as "Donaldson", there is strong evidence that he may have spelled it "Donalson". Not having access to any primary material that was signed by him limits the ability to determine which spelling is correct, so in effect, the two spellings of the Marshal's name are interchangeable

From: [Kansas-Nebraska Act](#), Wikipedia website; [New England Emigrant Aid Company Papers](#), Kansas Historical Society website; Proceedings of the Fitchburg Historical Society and Papers Relating to

the History of the Town Read by Some of the Members, Volume II, Fitchburg, Mass., The Historical Society, 1897, [pp. 290-292](#); [Massachusetts Street: Monuments and Milestones, The Eldridge Hotel](#), Watkins Museum of History website; [Speech, David R. Atchison to Pro-Slavery "Soldiers", May 21, 1856](#), Territorial Kansas On-Line website; The University of Kansas and the Sack of Lawrence: A Problem of Intellectual Honesty, by C. S. Griffin, Kansas Historical Quarterly, Winter 1968 (Vol. XXXIV. No. 4), [pp. 409-426](#); and, Letter from the assistant clerk of the court of claims transmitting a copy of the findings of the court in the case of the regents of the University of Kansas against the United States, 59th Congress, 2nd Session, Senate, Document 274, Unites States Congressional Serial Set, Issue 5072, [pp. 75-80].

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 Michael J. Malone 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: Michael J. Malone Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11<sup>th</sup> Street, Lawrence, Kansas, 66044. The Law Library’s telephone number is: 785-838-2477. The Library’s e-mail address is: [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org).

### **Back Issues**

Back issues of the Newsletter are [archived](#) on the Library's website.

### **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.



#### **Michael J. Malone Douglas County Law Library E-Mail Newsletter**

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