

Douglas County Law Library E-Mail Newsletter

10th Anniversary Issue



Vol. 11, No. 1; January 2014

Contents

- 10th Anniversary Issue of the E-Mail Newsletter
- Meeting and Event Announcements
- 2014 Law Library Registration Fee Due By January 15th
- Current Art Gallery Exhibition
- New Acquisitions
- Did You Know?
- This Month In Legal History
- Law Library Volunteer Opportunities
- Feedback
- Submitting Articles for Newsletter
- To Subscribe
- Back Issues
- Classified Ads

10th Anniversary Issue of the E-Mail Newsletter

This month's issue marks another milestone in the publication history of the Law Library's monthly e-mail newsletter. It is the 10th anniversary of the first two-page ex-

perimental issue being published at 3:33 p.m. on Monday, January 5, 2004. Not counting the current issue, 120 issues have been published and distributed to subscribers since that time.

Those ten years have witnessed a significant amount of change; change in the Library, change in the lives of Library staff and those who frequent our establishment, and change in the newsletter itself. Over the years, a number of additions to the content of the newsletter have been made. These have included monthly articles on art gallery exhibitions, new library acquisitions, law library trivia, local legal history, and quarterly articles on upcoming film series screenings.

We hope you have enjoyed what the newsletter has brought to you since that early January day in 2004, and that you have been enlightened, informed, and perhaps some times amused by our efforts. Thank you.

Meeting and Event Announcements

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

The January Douglas County Bar Association Brown Bag CLE program will be on Thursday, January 16, 2014, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Kansas Disciplinary Administrator Stan Hazlett will present *Money of Others: Accounting for Lawyer Trust Accounts*. One hour of ethics CLE credit is pending approval. Handout material can be downloaded from the [DCBA website](#).

2014 Law Library Registration Fee Due By January 15th

The 2014 Law Library Registration Fee for attorneys required* to register with the Law Library is due in the Law Library no later than 5:00 p.m., January 15, 2014. It is also time for attorneys who do not have to register and pay the fee, but do so anyway to have access to a Library key, to renew their annual registration and pay their fee.

A 2014 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 2014 fee, please fill out, print, sign, and date the form, and, along with your 2014 fee payment of \$25.00 made out to the Douglas County Law Library, get it to the Law Library no later than January 15th.

* K.S.A. 20-3126(e) states: "For the purposes of this section, an attorney shall be

required to be registered in the county: (1) Where the attorney's principal office is located, if such attorney is a resident of Kansas or a resident of another state; or (2) where the attorney resides, if such attorney's principal office is located in another state. The principal office shall be the principal office of the attorney and not the principal office of such attorney's firm."

Current Art Gallery Exhibition



The December 2013/January 2014 Law Library and Division IV art gallery exhibitions are quilts by Carol Gilham Jones.

The exhibitions will run through the end of January 2014.

The February/March exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be Silk paintings by Sophia Compton. More information on these exhibitions will be in the February 2014 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.

New Acquisitions

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

AALL Spectrum, v. 18:3 (Dec. 2013).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 30:12 (Dec. 2013).

The Articulate Advocate: New Techniques of Persuasion for Trial Lawyers, by Brian K. Johnson, and Marsha Hunter.

Juvenile Justice Update, v. 19:5 (Oct./Nov. 2013).

Kansas Appellate Practice Handbook, 5th ed.

Modern Trial Advocacy: Analysis and Practice, by Steven Lubet.

Pretrial Motions in Criminal Prosecutions, 4th., 2013 Cumulative Supplement.

Search and Seizure Bulletin, v. 50:11 (Nov. 2013) and v. 50:12 (Dec. 2013).

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.

December's entry was:

The six district court judges in the county and five local attorneys elected at large by a vote of the registered attorneys in the county make up the Law Library Board of Trustees.

This Month In Legal History

January 1859 - John Brown brings fugitive slaves into Douglas County, Kansas Territory.

On January 24, 1848, gold was discovered at Sutter's Mill in Alta California, the western

part of the larger Mexican territory of California. Just nine days later, on February 2, 1848, the Mexican-American War ended with the signing of the Treaty of Guadalupe Hidalgo. One of the results of the treaty was that the United States acquired ownership of Alta California from Mexico. When news of the discovery of gold reached the wider world, it set off the California Gold Rush, and by 1850, there was a movement to bring Alta California into the Union as the new state of California. Prior to this time, new states had been brought into the Union in pairs, one that allowed slavery and one that did not, in an attempt to keep Congress balanced over the divisive issue of slavery. This was the spirit of the Missouri Compromise of 1820, which brought the Territory of Missouri into the Union as a slave state and Maine into the Union as a free state. In 1820, there had been no free territory to bring into the Union to balance Missouri, so land belonging to Massachusetts known as the District of Maine was converted into the Territory of Maine so that it could become a free state at the same time Missouri became a slave state. In 1850, there was no land to convert into a slave territory that could be admitted to the Union as a slave state to correct the unbalancing of Congress that admitting California to the Union as a free state would cause, so there initially was talk of splitting California into two, bringing in the two sections as individual states, with a North California that would be a free state and a South California that would be a slave state, thereby keeping Congress balanced. This option did not get very far, and the movement advanced to bring California into the Union undivided as a free state. In order to overcome this potential diminishing of the influence of the slave holding powers in the nation, a series of five acts favoring the slaveholding interests in the country were proposed by Congress. They were known collectively as the Compromise of 1850. The acts were passed,

and California was admitted to the Union as the 31st state on September 9, 1850. Nine days later, on September 18, 1850, President Millard Fillmore duly signed into law one of the acts comprising the Compromise of 1850, a new Fugitive Slave Act. Prior to the 1850 Act, the capture and return of slaves who had run away from bondage in the United States was covered by the Fugitive Slave Act of 1793. There had been many challenges to the Act in the fifty-seven years since its enactment, and the slaveholding interests in the nation had always felt that it was too weak and that enforcement of it had been far too feeble, especially in the northern free states. They had long sought a toughening up of their rights to retrieve fugitive slaves. The Fugitive Slave Act of 1850 was what they had desired. The new act required that all fugitive slaves be returned to their masters. It required that Federal marshals and all other officials actively seek out, capture, and return to their owners any fugitive slave, from anywhere in the United States, regardless of the laws of the state in which the fugitive was found. Failure to do so made the official liable to a \$1,000 fine. In addition, any person who aided a runaway slave in any manner was subject to imprisonment for six months in a Federal penitentiary and a \$1,000 fine. This strengthening of the laws for returning fugitive slaves was a blow to abolitionists, causing many to question whether their old way of doing things, trying to convince the populace of the evils of slavery which would lead to it eventually being abolished, might not succeed, and that they might have to do more in the future than just talk and publish against it. Action might need to be taken. The stage was set when four years later, the Kansas-Nebraska Act was passed and signed into law on May 30, 1854. The Act allowed the decision as to whether Kansas Territory would be a free state or a slave state to be left up to a vote of the residents of Kansas, something that changed a stipulation in-

cluded in the Missouri Compromise. Abolitionists became more enraged, and determined not to let Kansas become slave. Many came to the Territory to make Kansas free. They ran headlong into southerners who were coming into Kansas to make it slave, and violence erupted. The trouble eventually brought the abolitionist John Brown to Kansas. Although the Territory had seen significant violence, by the latter part of 1858, the Free State cause was in the ascendancy and the violence had all but ended. On December 19, 1858, Brown received a request from Jim Daniels, a slave who had had been allowed to come into Kansas from his home in Vernon County, Missouri. Daniels was in Kansas ostensibly to sell brooms, but in reality, was seeking help for himself and his family. Daniels asked Brown to go into Missouri and rescue his wife and children who were about to be sold and sent away south. The next day, December 20th, Brown took around two dozen men and traveled to Vernon County. They divided into two groups and raided the homesteads of three men, James Lawrence, Isaac Larue, and David Cruise. The group led by Brown liberated five slaves from the Lawrence property, including Jim Daniels' family. The other group liberated one slave from Cruise, who resisted and was killed, and five from Larue. In addition to freeing the eleven slaves, wagons, livestock, and other supplies were taken, the wagons to transport the newly freed slaves and the livestock and other supplies to feed the liberators and the liberated. Brown, his men, and their passengers made their way back into Kansas and then headed north. Because of the Fugitive Slave Act, the escapees would not be safe anywhere short of Canada. Although it was winter, the weather had been unusually mild with frequent rain and little snow. Because of the need to avoid detection by the authorities, they traveled by night and hid by day, so despite the favorable weather, progress was slow. Most

of the men who had gone into Missouri with Brown had left the party by the time they camped near the town of Garnett, Kansas Territory. A baby boy was born there to Daniels' wife, and she named her new free-born son John Brown Daniels. They continued north along the Lane Trail, which had originally been established in 1856 as a north-south route far enough in from the Missouri Border to allow safer travel for free state immigrants into Kansas Territory. The Trail also served as a route on the Underground Railroad from Missouri, through Kansas, and on to safety in the north. The group entered Douglas County, and arrived at the homestead of Joel and Emily Grover, outside Lawrence, Kansas Territory, on January 24, 1859. The Grovers took the party in and sheltered them in their barn, thereby violating the Fugitive Slave Act themselves. This was nothing new for the couple, as they were conductors on the Underground Railroad and had taken in refugees before. After staying for four days, the party left early on January 28th, and traveled to Topeka, where they were taken into several "trusted anti-slavery homes." They then left Topeka and continuing their journey on north. The decision had been made that they were far enough along on the journey that they could travel by daylight, and they continued on to near Holton, Kansas Territory, arriving in the afternoon of January 29th. Two deputy United States Marshals discovered that they were in the area, and went to round up a force of proslavery men to come and capture the refugees. Brown got word of this, and sent a request back to Topeka for assistance. When Brown's message got to Topeka, the Free State men rallied there and prepared for the journey north to help. As they needed to move in secret so that the government officials in town would not get wind of it, their preparations took quite some time. They eventually set out, traveling all night, and arrived at Brown's position in the afternoon of January 31st. They found Brown ready-

ing the wagon. When asked what he intended to do, he responded "Cross the creek and move north," ... there is no use to talk of turning aside. Those who are afraid may go back, ... The Lord has marked out a path for me and I intend to follow it. We are ready to move." Forty-five proslavery men had responded to the Marshals' call and were entrenched on the north bank of Straight Creek, facing south at a place know as Fuller's Crossing, the place where Brown intended to cross the creek. The proslavery men were no more than 100 yards from where the old abolitionist stood next to the wagon loaded with the freedom seekers. Brown began to drive the wagon toward the creek, and all of the twenty-one Free State men fell in alongside. One volley of fire from the entrenched proslavery men could have wiped out the entire Free State force, including Brown, but as the wagon approached the crossing, everyone held their fire. As the first Free State man reached the ford, a commotion broke out across the creek. First one, and then several, proslavery men jumped up and ran to their horses, which were tied up not far away. Within seconds, the entire proslavery force was in "a wild panic." There was a mad rush for the horses, with men jumping into their saddles, spurring their mounts, and riding off as fast as they could make their animals go. One or two horses were spooked by the panic, and ran off with their would-be riders holding onto their tails while being drug across the prairie by the frightened animals. The Free State men crossed the creek without a shot ever being fired and found four men on the other side. They were asked, "Do you surrender?" They replied, "Yes, you may take us, ... We simply wanted to show you that there were some men...who were not afraid of you." This action became known as "The Battle of the Spurs," because they were the only weapons employed by the proslavery men. Brown took his charges into Nebraska, and helped them cross the

Missouri River. He escorted them across Iowa, Illinois, Indiana, and on to Detroit, Michigan, where he watched them cross the Detroit River to freedom in Canada.

From: [Treaty of Guadalupe Hidalgo](#), Wikipedia website; [California](#), Wikipedia website; [Fugitive Slave Act of 1850](#), Wikipedia website; [Fugitive Slave Act of 1793](#), Wikipedia website; [Bushwhacker Museum Podcast Transcript](#), Kansas Humanities Council website; [Kansas Historical Collections - The Battle of the Spurs and John Brown's Exit from Kansas](#), Kansas Historical Society website; and, [Lane's Trail and the Underground Railway](#), Kansas Heritage Group 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.

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.



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