

# Douglas County Law Library

## E-Mail Newsletter



Vol. 7, No. 7; July 2010

---

### Contents

- Meeting and Event Announcements
- Reels of Justice Film Series
- 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
- Classified Ads

### Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting will be on the 9th.

### Reels of Justice Film Series

The next screening in the Library's free Reels of Justice Film Series will be *Legally Blonde*, starring Reese Witherspoon and Luke Wilson. It will be shown at 2:00 PM, Sunday, August 22nd in the Lawrence Public Library Auditorium. Mark your calendars.

### Current Art Gallery Exhibition

The July exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are portraits by David Gant.

The exhibits will run through the end of July. All pieces are for sale and may be purchased directly from the artist. Contact information for Mr. Gant is available in the Library.

The August 2010 Law Library and Division IV exhibitions are open for scheduling. More information on the exhibits will be in the August 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:

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.290:1/v.43:1 (Mar. 2010).

Child Law Practice: Helping Lawyers Help Kids, v. 29:4 (June 2010).

Drunk Driving Defense, Seventh Edition.

Search and Seizure Bulletin, v. 47:6 (June 2010).

West's Kansas Legislative Service, 2010:2.

## **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.

June's entry was:

- The Law Library publishes a monthly e-mail newsletter in PDF format. If you are not already a subscriber but would like to be one, submit a request to the Law Library including your name and the e-mail address where you want the newsletter sent.

## **This Month In Legal History**

July 25, 1859 - Dr. John Doy returns to Lawrence, Kansas, after having been broken out of jail in St. Joseph, Missouri.

Dr. John Doy was born in England and educated as a homeopathic doctor there. He came to the United States in 1846 and set-

tled in Rochester, New York. He arrived in Kansas Territory in the summer of 1854 as a member of the party that founded the town of Lawrence, Kansas. He had come to Kansas to work for the territory being admitted to the Union as a state that did not allow slavery. He staked a claim on 160 acres of land about a mile and a half northwest of the town site. By the time his wife Jane and nine children arrived in October, he had built a log house and was well on his way towards developing a fine farm. In 1855, a man who favored Kansas being admitted to the Union as a slave state tried to jump Doy's claim, and he had to mortgage his farm to raise the funds to fight for clear title to the land. His farm was well suited for livestock, and by the spring of 1856, he had a herd of breeding horses and a large number of cattle. On the night of May 21, 1856, after a large group of proslavery men had sacked and burned Lawrence, the headquarters of the Free-State movement in Kansas, men came to Doy's farm, stole all his livestock, and trampled his corn and wheat fields, destroying the crops. The next day twenty-eight men showed up and demanded to know if he was an abolitionist. He replied, "of course," so they broke into his house and cleaned it out. Many Free-State men, including Doy, formed into militias to defend themselves and their families against the proslavery men. He and his militia were among the forces led by the abolitionist John Brown when the severely outnumbered Free-State defenders were driven out of the town of Osawatimie on August 30, 1856, during the Battle of Osawatimie. Because of the constant pressure and raids from proslavery men, Doy was unable to provide his family with enough food to eat. Two of his sons died from disease brought on by poor diet. Despite all this, he and his family stayed, determined to make Kansas free. They survived, and relative peace resumed. Doy went about rebuilding what had been destroyed, going back to practicing

medicine and trying to put his farm back in order. By the Fall of 1858, other trouble was brewing. A gang of men in the area made several attempts to kidnap black people living in and around Lawrence, with the intention of selling them into slavery in Missouri. By the first of the year, these attempts had increased, with several having been successful. A meeting was held in town to decide what to do about this. It was concluded that there was no way to insure the safety of black people in Lawrence, so the decision was made to transport them to safety in Iowa. Money was raised to accomplish this, and Doy was recruited to convey the people to Holton, Kansas, approximately 60 miles northwest of Lawrence, on the first leg of their journey to Iowa. Originally, Doy and his party were to accompany a party of freed slaves being transported north by John Brown. John Brown had freed the slaves in a raid on Vernon County, Missouri, the previous month. At the last minute, Brown decided to proceed independently, and instead of leaving with Doy, hid the fugitives in the barn of Joel and Emily Grover near Lawrence. Early on January 25, 1859, Doy, Doy's son Charles, and another Free-State man named Clough set out alone with three wagons carrying eight men, three women, and two children. All but two of the adult passengers had shown Charles Doy papers proving they were free men and women, but having free papers would not matter if they were caught by proslavers. The party had gone about twelve miles when a group of at least twenty armed horsemen rode out from behind a bluff and ordered the wagons to halt. They forced Doy and the others to surrender, bound the black people, and took them all off towards Missouri. They first went to Leavenworth, Kansas, and early the next morning crossed the Missouri River on a ferry. They went on to Weston, Missouri, which was on the other side of the river. They were met in town by a howling mob, which pushed, mauled, struck, and insulted

the helpless captives. Doy, Charles, and Clough were taken in front of the Justice of the Peace. He decided that Clough had been on the trip only as a hired hand and released him. Doy and his son were committed to the Platte County, Missouri, jail to stand trial on the charge of abducting slaves. Clough made it safely back to Lawrence and informed the citizens as to what had happened. Doy and his son were taken to Platte City, the county seat of Platte County, Missouri, and put into jail on January 28. Their cell was an eight foot by eight foot by seven foot high solid metal box, the only opening in it being a grated metal door. The cell was bare except for a Bible and an iron bucket with a broken lid, which, as it turned out, went for weeks without being emptied. All the black men and women who had been captured with the Doys were taken off and sold into slavery, after several had been viciously beaten within earshot of the two men. The Doys were frequently deprived of water and were given no change of clothing. On February 18, Doy's wife and daughter arrived, bringing them fresh clothing and some candles. On March 19, the two men were brought out of the cell for the first time since they were locked up on January 28, and taken to the Court House to meet the Grand Jury. Doy could hardly walk, his ankles painfully swollen due to forced inactivity. He was so dazzled by the sun, having been living in nearly complete darkness for two months, that he ran into a door post. Trial was set for the next day. Doy and his lawyer decided to try for a change of venue to St. Joseph, the county seat of Buchanan County, Missouri, which the judge granted, much to the chagrin of the local inhabitants. The Doys were transported to St. Joseph, a town on the west bank of the Missouri River about 30 miles north of Platte City, on March 24. Doy and his son were put on trial, but after much oratory from the two councils, the jury failed to convict the two. The prosecution decided not to retry Doy's

son Charles, and he was released. Doy was held on a \$5000 bond for trial during the next term of the court, which was scheduled to begin on June 20. No one in Missouri would put up his bail, so he was returned to jail. Though he was treated much better in the Buchanan County jail than he had been in Platte City, Doy was very ill during most of his incarceration there. His second trial began on June 21, and he was found guilty on one count of slave stealing. He was sentenced to five years at hard labor in the penitentiary, but his lawyer asked for an appeal to the Missouri Supreme Court, which was granted. Doy learned that the prosecution had twelve other indictments ready to file against him, one for each of the black men, women, and children captured with him. He was remanded to jail for thirty days, supposedly waiting on word of his appeal. Doy languished in jail waiting for word from the court, which never came. By Saturday, July 23, his time was getting short. He was scheduled to be put on a steamboat on July 25 to be taken to the state prison in Jefferson City. On that Saturday, he was looking out the window of his cell when he recognized three men out in the street. One of them looked up towards Doy and made a secret sign known to Free-Staters. He turned to his fellow prisoners and said that he had seen angles walking about, and began bundling up his clothes. On towards dark, a young man escorted by the jailer was allowed in the cell. The young man said that he had seen Doy's wife and daughter recently and that they were coming to see him soon. While the young man was distracting the jailer, he slipped Doy a note. After they had left and the cell had been relocked, he read the note. It read, "Be ready by midnight." Around 9:00 pm, a storm broke out, and rain poured down outside. Around midnight, with the rain still coming down in torrents, there was a loud knocking at the outside door. The jailer asked who was there, and a man answered, saying that he and his

company were from out of town and had a horse thief they had captured that they wanted to put in the jail for safekeeping. After some discussion, the jailer let in four men, including the "horse thief." He brought them to Doy's cell and opened the cell door. When the door opened, one of the four pointed a revolver at the jailer and announced that they were there to free Doy. As they began to leave, the other prisoners in the cell moved towards the door, intending to escape. One of the rescuers told the jailer that they were there to right an injustice, not to interfere with justice, and helped him relock the door on them. Doy had been so weakened by his incarceration that he could hardly walk, so two men supported him as they made their way through the streets of St. Joseph, pelted by the driving rain. They were joined by six others, including Doy's son Charles, who had been on guard outside the jail, and headed towards the river. It was so dark that the party had trouble finding their boats, until two policemen, who did not know there had been a jailbreak, came over to investigate such a large crowd. By the light of the policemen's lanterns, they were able to see their boats. The policemen left them alone, and the men got in their boats and shoved off. They rowed across the river to Kansas, landed, and then moved off through the stormy night. They traveled twelve miles before taking time to stop for breakfast. About 3:00 pm, four of the rescuers fell back to see about a party of men who had been pursuing the group. The pursuers eventually gave up and did not trouble the group, who continued on until midnight before stopping. They started out again early the next morning, and arrived safely in Lawrence at 5:00 pm, after having been on the road for forty-four hours and traveling ninety miles. Doy, crippled and diseased from ill use and long imprisonment, was reunited with his family. A photograph was taken of Doy and his rescuers, who came to be known as the "Immortal

Ten." Doy spent the next two months writing an account of his adventures. No legal action was made to return him or any of his rescuers to Missouri, however, his son Charles was killed in late 1859 or early 1860. Doy's account was published in 1860 under the title *The Narrative of John Doy, of Lawrence, Kansas: a Plain, Unvarnished Tale*, and he went on a book signing tour back east to promote it. He soon moved his family to Battle Creek, Michigan, where he began practicing homeopathic medicine again. In 1869, Doy was accused of procuring an abortion and was put on trial in Marshall, Michigan. He was reported to have said that if convicted, he would never be sent to prison. On June 5, 1869, he was found guilty. That evening he was found unconscious in his cell. Physicians were called and managed to revive him. It was discovered that he had taken a large dose of morphine. At 9:00 the next morning, he again managed to take a large dose of morphine. He remained unconscious for the next few days and died on Tuesday, June 8, 1869. How he managed to get the drug was unknown. Apparently, his experiences in the Missouri jails had made him determined not to go to prison. He was buried in Oak Hill Cemetery in Battle Creek. His wife, Jane, died in 1888.

From: History of Homeopathy and Its Institutions in America, by William Harvey King, Lewis Publishing Co., New York, 1905, [Chapter XXXIX](#); [The Narrative of John Doy, of Lawrence, Kansas: a Plain, Unvarnished Tale](#), by John Doy, Thomas Holman, New York, 1860; and [The Attempted Suicide of Dr. John Doy](#), New York Times, June 10, 1869.

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**

Editor: Kerry Altenbernd

Published monthly by:

The Douglas County Law Library,  
Judicial and Law Enforcement Center,

111 East 11<sup>th</sup> Street,

Lawrence, Kansas 66044

Phone: 785-838-2477

Fax: 785-838-2455

E-mail: [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org)

Website: <http://www.douglascolawlibrary.org>