Douglas County Law Library E-Mail Newsletter



Vol. 8, No. 7; July 2011

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 is on the 8th.

Reels of Justice Film Series

The next screening in the Library's free Reels of Justice Film Series will be *True Believer*, starring James Woods and Robert Downey Jr. It will be shown at 2:00 PM, Sunday, August 28th in the Lawrence Public Library Auditorium. Mark your calendars.

Current Art Gallery Exhibition

The June/July exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are paintings by Jo Flager.

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

The August/September 2011 Law Library and Division IV exhibitions are scheduled to be paintings by Anastacia Drake. More information on these exhibitions 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.

New Acquisitions

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

AALL Spectrum, v. 15:8 (June 2011).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.291:5/v.45:2 (Apr. 2011).

Child Law Practice: Helping Lawyers Help Kids, v. 30:3 (May 2011).

Juvenile Justice Update, v. 17:2 (Apr. 2011/May 2011) and v. 17:3 (June/July 2011).

Kansas Court of Appeals Reports, Second Series, v. 39.

Kansas Family Law, v. 1 and v. 2, 2011.

Search and Seizure Bulletin, v. 48:5 (May 2011)

West's Kansas Legislative Service, 2011:1 and 2.

West's Kansas Statutes Annotated: Interim Annotation Service, 2011, Directly Supplementing 2010 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.

June's entry was:

In addition to being available in print in the Law Library, the Kansas Association of Legal Secretaries Handbook is now available in electronic format through the Library's patron workstations.

This Month In Legal History

July 28, 1856 - Charles Robinson, future Governor of Kansas, writes to John C. Fremont from prison in Camp Sackett, Douglas County, Kansas Territory.

Doctor Charles Robinson arrived in Kansas Territory in the late summer of 1854, leading a party sent out by the New England Emigrant Aid Company. The Company had been formed in Massachusetts to send Free-State emigrants out to the newly organized territory to work for it to be admitted to the Union as a state that did not allow slavery. The Kansas-Nebraska Act, signed into law by President Franklin Pierce on May 30 of that year, had opened up the possibility that, through a vote of the residents, the territory could become a slave state. The signing of this Act had repealed the Missouri Compromise of 1820, which had set the southern boundary of Missouri to be the northern boundary of new slave states. The rules had suddenly changed, and because Kansas should have been a free state under the old rules, eastern abolitionists were determined not to let it become a slave state. Immediately upon arriving in Kansas, Robinson and the others in the party set out helping establish the city of Lawrence, which became know as the headquarters of the Free-State movement. The first Territorial election was scheduled on March 30, 1855, with the intent to elect a territorial legislature. On that day, thousands of men from Missouri came over the border and took control of the polling places. Even though they were not residents of the Territory and so should not have been eligible to vote, they did so anyway. In addition, they kept Free-State men from voting. The resulting proslavery legislature, know to the Free-State men in the

Territory as the "Bogus Legislature," went about writing a proslavery constitution, known as the Lecompton Constitution after the then proslavery capitol of the Territory, and began setting up a proslavery government. The Free-State men in the Territory were not willing to let the illegally elected legislature form a proslavery state government, so they wrote their own Free-State constitution, known as the Topeka Constitution, and set about organizing a competing Free-State government. On January 15, 1856, Robinson was elected Governor of the Territory under the Topeka Constitution. The Federal Government did not recognize the Topeka Constitution as legitimate, and President Pierce considered all the officers elected under it to be committing treason. In March, the officers elected under the Topeka Constitution were sworn in and the proslavery sheriff of Douglas County, Sam Jones, recorded their names for future action. Robinson attempted to avoid conflict with federal authorities who did not recognize the legitimacy of the Topeka Constitution, but he incurred their wrath by ignoring laws passed by the proslavery territorial legislature. After taking office, Robinson left on a trip back east to promote the Free-State On May 5, a grand jury of the cause. United States District Court at Lecompton under the presiding Judge Samuel Lecompte, chief justice of the Kansas Territorial Supreme Court, issued indictments against the Free-State officials, indicting Robinson for treason and usurpation of office. On May 10, Robinson was arrested in Lexington, Missouri. He was brought back to Kansas and taken to Camp Sackett, a United States military camp in northwest Douglas County, Kansas Territory. The camp was a tent city, named for Captain Delos Sackett of the 1st Cavalry at Fort Leavenworth, that occupied a prairie covered ridge about 3 1/2 miles southwest of Lecompton. As many as 500 troops were garrisoned there throughout most of 1856 in

an attempt to keep peace between Free-State and proslavery militias. Eventually, seven Free-State men, including Robinson, collectively known as the "Treason Prisoners", were incarcerated at Camp Sackett. On July 28, 1856, Robinson wrote a letter to John C. Fremont, who was running as the first Republican nominee for President of the United States using the political slogan, "Free soil, free labor, free speech, free men, Fremont." In the letter, Robinson comments on his imprisonment, writing, "Affairs here are as bad as they can be. Tyranny rules with a rod of iron." He continues with a more ominous statement, "It is unknown as yet whether Pierce has fully decided to hang us or not. However, if our hanging can change this infernal administration they will not make much by the investment." On the day set for the trials of the imprisoned Free-Staters, neither judge nor jury, clerk nor marshal appeared, so the proceedings had to be postponed until their arrival the next day. After their arraignment, the prisoners' council pressed Judge Lecompte for an immediate trial. The prosecuting counsel argued for a postponement, basing their arguments on the grounds that a jury could not be obtained and that important witnesses were absent, due to the Territory being in insurrection. Judge Lecompte denied all motions for postponement. The next day, September 10, Charles Robinson was arraigned for trial, separately, on a charge of usurpation of office. Reversing his decision of the previous day, Judge Lecompte decided to continue all the defendants' cases because "the great excitement prevailing in the country was such as to prevent a fair trial of the prisoners." Robinson was granted bail of \$500 on the charge of usurpation of office. He and the other prisoners were then arraigned again for treason, granted bail of \$5,000 each, had their new cases continued, and were released. It was speculated that the real reason for Judge Lecompte's granting a continuance was the supposed imminent arrival of the new Kansas Territorial Governor John Geary, who was known as sympathetic to the Free-State cause and who might have influenced the trial in the defendants' favor. The treason charges against all the defendants, including Robinson, were dropped prior to their coming to trial. In August 1857, Robinson was brought before Judge Sterling G. Cato, associated justice of the Kansas Territorial Supreme Court, on the charge of usurpation of office. Judge Cato, who was well know as a proslavery activist, did his best to get a conviction, but the jury acquittal Robinson of the charge on August 20, 1857. His council had convinced them that, owing to the Topeka Constitutional Convention being illegitimate, all offices created under it were void, and there could be no usurpation of an office that did not exist. Kansas was admitted to the Union as a Free-State on January 29, 1861, and Robinson became the first Governor of the State of Kansas on February 9, 1861. During his term of office, he became involved in a dispute with the state legislature over the sale of some bonds, and they passed an article of impeachment against him. He was not convicted, and was able to serve his full term in office, leaving on January 12, 1863.

From: Charles Robinson, Kansapedia website; A History of Lawrence from the earliest settlement to the close of the rebellion, by Richard Cordley, E. F. Caldwell, Lawrence, Kansas, 1895, Chapter 1; Charles Robinson, Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc., Standard Publishing Co, Chicago, 1912, v. 3; The Sack of Lawrence, the Civil War Muse website; William G. Cutler's History of the State of Kansas, Territorial History, Part 41; Camp Sackett, Historic Lecompton website; History of the United States Republican Party, Wikipedia website; List of Governors of Kansas, Wikipedia website; and, Letter, C. Robinson, Camp Sacket, to Hon, J. C. Fremont, July 28, 1856.

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 sugges-

tions 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.

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 11th Street, Lawrence, Kansas 66044 Phone: 785-838-2477 Fax: 785-838-2455

E-mail: <u>info@douglascolawlibrary.org</u>
Website: <u>http://www.douglascolawlibrary.org</u>