

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 11th.

The date, title, and presenter for the July Douglas County Bar Association Brown Bag CLE program were not announced prior to publication of this newsletter. For information and handout material on the program, visit the [DCBA website](#).

Free NITA Instructional Webcasts

The National Institute for Trial Advocacy (NITA) offers free on-line training sessions for attorneys on a number of trial related topics. According to their website, the 501(c)(3) not-for-profit organization based in Boulder, Colorado, is the nation's leading provider of legal advocacy skills training.

Their next free webcast is "Evidentiary Foundations" on July 7th at 1:00 p.m. CDT. To enroll for the webcast, go to their website at <http://www.nita.org/>, click on "Studio71 Webcasts" in the middle of the page, scroll down and click on "Evidentiary Foundations," and follow the instructions there.

There is also an archive of previously presented Studio71 Webcast offerings that can be viewed, some of which are free, and other that have a cost associated with them.

According to the NITA website, their on-line content is not accredited for CLE, and they cannot provide a Certificate of Completion.

In order to determine if it would be worthwhile to announce future NITA webcasts in this newsletter, the Library would appreciate

feedback on the quality of the July 7th webcast from anyone who views it.

Current Art Gallery Exhibition

The June/July 2014 Law Library and Division IV art gallery exhibitions are quilts by Dee Boeck. Her work is also being exhibited in the Clerk of the District Court's Office.

The exhibitions will run through the end of July 2014.

The August/September exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be paintings by P Jenny. More information on these exhibitions will be in the August 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. 18:8 (Jun. 2014).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 299:1/v. 50:1 (May 2014).

Kansas Sentencing Guidelines, Desk Reference Manual, 2013.

Kansas Sentencing Guidelines, Desk Reference Manual, CD-ROM ed., 2013.

Law Library Journal, v. 106:2 (Spring 2014).

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 has a collection of superseded volumes of the Kansas Administrative Regulations that allow research on regulations that have been repealed or older versions of regulations that have been revised. They are shelved next to the current set of regulations.

This Month In Legal History

July 4, 1855 - Armed resistance against "Bogus" Territorial laws is proposed in Lawrence, Kansas Territory.

An election to choose members of the first Territorial Legislature for the newly formed Kansas Territory was held on March 30, 1855. The Territory had been opened up to white settlement the previous year with the signing of the Kansas-Nebraska Act on May 30, 1854, and a legislature was needed to pass laws and write a constitution with which Kansas would enter the Union as a state. On Election Day, thousands of pro-slavery men from Missouri came into Kansas with the intension of voting. They were not residents of the Territory, but they asserted that Territorial Governor Andrew Reeder had said that voters need not be residents of Kansas, but merely needed to have

a land claim there. When the Missouri men arrived at polling stations, they would claim a small parcel of land, and then proceed to vote. At many polling stations, they would not allow legal residents who supported Kansas being a state that would not allow slavery to vote in the election. Though there were approximately 2,700 legal residents of Kansas Territory, when the ballots were counted nearly 6,000 votes had been cast. Proslavery men were elected to all but two of the legislative positions. This was an important result, as the Kansas-Nebraska Act had changed how new states would be allowed to join the Union. Prior to the signing, the United States Congress had been responsible for deciding whether a new state would be a free state or one that allowed slavery. New states had usually been admitted in pairs, one slave and one free, to keep the two factions balanced in Congress. The Kansas-Nebraska Act allowed the decision over slavery to be left up to a vote of the residents of the new territories. Because of the way it was carried out, the vote on March 30, 1855, was perceived as anything but fair by the Free State supporters in Kansas, and they cried foul. Some Free State men began organizing militias to protect against what they saw as an invasion from Missouri, and commenced quiet discussions about forming an armed resistance. Hoping to head off any trouble, Governor Reeder decided to allow a new election to take place in some of the contested precincts. Most proslavery men boycotted that election, so Free State men were elected. This resulted in there being a number of seats in the new legislature to which two men, one proslavery and one Free State, had been elected. To solve this, a credentials commission was appointed to decide whom to seat. The commission was composed of proslavery men, who decided that the second election was void and that the March 30th election results should stand. Free State men were outraged by this. They felt that free elections in Kan-

sas Territory had been hijacked, and that they had been colonized by Missouri. They immediately began referring to the Territorial Legislature as the "Bogus Legislature." Governor Reeder decided to have the legislature meet at Pawnee, a small community on the upper Kansas River approximately 125 miles from the Missouri border. Reeder did so in part hoping that holding the meeting that far into Kansas Territory would diminish the influence proslavery factions from Missouri would have on the legislature. The legislature convened at Pawnee on July 2, 1855. The first order of business was to decide who had the right to be seated as members of the legislature. The credentials commission formally announced their decision to accept only men elected at the March 30th election. On the second day, July 3rd, one of the two Free State men who had been elected in March resigned in protest of the blatant violation of a free election, and a proslavery man was appointed in his place. In addition to the two Free State legislators, other Free State men attended the session and witnessed the proceedings. Word of what was transpiring there quickly spread to Free State communities across the Territory, including Lawrence, the headquarters of the Free State movement in Kansas. The news from Pawnee confirmed the worst fears of the Free State men in Lawrence, and brought out a strong reaction at the July 4th celebration there. Between 1,500 and 2,000 people "... in Eastern and Western dress, Delaware and Shawnee Indians in picturesque garb, a heterogeneous people of many political views..." were in town that day to mark the 79th anniversary of the Declaration of Independence. There were several companies of Free State militia in town. They gave an exhibition of their marching skills, and were presented a silk flag by an organization of women. A number of speeches were made, including a particularly fiery one by Charles Robinson, who would later become the first Governor of the State of Kansas. He spoke

of the residents of Kansas as being slaves of Missouri and Missourians, who were tyrants, and that the freedom-loving men of the Territory should react to that tyranny the same way as their forefathers had done in 1776. They should resist it, and free themselves. The message was plain; the movement for armed resistance to the Bogus Legislature that had been secret up to that time had been made public. This did not sit well with all Free State men. Many opposed what was happening in Kansas, but did not believe that armed resistance to the laws the legislature would enact was the way to react to them. On July 5th, the legislature voted to adopt the laws of Missouri as the laws of Kansas, which included the statutes allowing slavery. On July 6th, they voted to abandon Pawnee and reconvene at the Shawnee Indian Mission, which was less than a mile from the Missouri border. Cholera had broken out at Pawnee, and the legislators could legitimately have feared for their health, but Free State men saw the move as a blatant attempt to have the seat of government close to Missouri. In a meeting on July 11th in Lawrence, a movement to form a Free State government in Kansas to oppose the proslavery government was proposed. This, combined with the movement for armed resistance that was revealed the week earlier, threatened to cause a rift between factions of the Free State movement that could potentially doom the cause and allow Kansas to become a slave state. The actions of the Territorial Legislature after they reconvened at the Shawnee Indian Mission on July 16th did nothing to inspire hope in Free State men or lessen the tension. The Legislature proceeded to enact a series of extreme proslavery laws to add to those previously borrowed from Missouri. This became too much for the one remaining Free State legislator, who resigned on July 23rd, leaving the legislature composed entirely of proslavery men, who proceeded to do everything in their power to make Kansas a slave state.

They passed many laws calculated to totally suppress all Free State activities and make slavery supreme in Kansas. Speaking or writing that "persons have not the right to hold slaves in this Territory" was made punishable by two years in prison at hard labor; printing or publishing a book or pamphlet that would produce "dangerous disaffection" among slaves was made punishable by five years in prison at hard labor; and "decoying" a slave away from his master was made punishable by death. In addition, persons opposed to slavery were disqualified as jurors and all attorneys were required to swear an oath to support the Kansas-Nebraska Act and the Fugitive Slave Law. In spite of this, many Free State men continued to support using only peaceful means to oppose the proslavery powers in the Territory. The actions of the Legislature made those that supported armed resistance even more determined, and the rift in the Free State movement threatened to become wider and more problematic. As the summer progressed, there was increased pressure to hold a convention to work out the difficulties between the Free State supporters in Kansas. A convention was called for September 5, 1855, in Big Springs, a small community on the Oregon Trail located about halfway between Lawrence and Topeka. Free State men from all over the Territory came that day, and worked out a compromise to ensure that slavery would not be allowed to get a foothold in Kansas. The majority agreed that the Bogus Legislature and the Territorial Government it represented were illegal, and that resistance to them would be "by every peaceful means." Most attendees left the convention feeling satisfied that the Free State cause would not come apart. Subsequent events would prove that the hope for the issue to be resolved by peaceful means was not fulfilled. Violence, first by proslavery men attacking Free State men, and then by Free State men defending themselves by attacking proslavery men, would soon earn

the Territory the label of "Bleeding Kansas." The following year, 1856, was particularly violent, and the violence did not begin to subside until the next election for the Territorial Legislature in 1857, when a Free State majority was elected. The new legislature repealed the draconian laws passed by the Bogus Legislature, and began the work that eventually resulted in Kansas being admitted to the Union as a Free State.

Report of the Committee on Credentials, Journal of the Council of the Territory of Kansas, at Their First Session, Shawnee Manual Labor School, Kansas Territory, John T. Brady, 1855, Appendix, pp. [17-21](#); Charles Robinson, the First Free-state Governor of Kansas, by Frank Wilson Blackmar, Twentieth Century Classics, no. 15 (November 1900), [pp. 22-45](#); The Kansas Conflict, by Charles Robinson, Lawrence, Kansas, Journal Publishing Company, 1898, [pp. 145-152](#); Big Springs Convention, Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc., edited by Frank W. Blackmar, Chicago, Standard Publishing Company, 1912, [pp. 181-185](#); [Missouri Statutes](#), KansasBogusLegislature.com website; and, [Slavery](#), KansasBogusLegislature.com 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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