

Michael J. Malone 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 10th.

There will not be a Douglas County Bar Association Brown Bag CLE program for July, but instead there will be a special CLE on Friday, July 17, 2015. The DCBA Young Lawyers Section will present a free seminar entitled *Nuts and Bolts of Family Law Prac-*

tice for Young Lawyers. This program is highly recommended by the district court judges for lawyers with less than seven years' experience in this district. It will run from 1:00 p.m. to 4:50 p.m. Four hours of CLE credit, including one hour of ethics, is pending approval. Handout material can be downloaded from the [DCBA website](#) the morning of the presentation.

Content Available on WestlawNext

If you are ever unsure of what resources are available to you on the Law Library's workstations through our WestlawNext Patron Access account, you can consult the "My Content" section of the database.

To do so, first sign on to WestlawNext. Locate and click the "Tools" tab. It is the far right tab in the "Browse" section immediately under the main search box at the top of the page. A list of options will open, and My Content is the fourth from the top. Click on the link, and an alphabetical listing of all WestlawNext content opens. The resource names available through our Patron Access account are highlighted in blue text. Clicking on the link will open the navigation page

for that resource. Access to the resource names in black text is not available through WestlawNext Patron Access contracts, and Patron Access accounts are the only ones available to libraries.

Current Art Gallery Exhibition

The June/July 2015 Law Library and Division III art gallery exhibitions are oil paintings by Charlotte Neese.

The exhibitions will run through the end of July 2015.

The August/September 2015 exhibitions in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be paintings by Alice Minghsiang Kuo. More information on these exhibitions will be in the August 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.

New Acquisitions

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

AALL Spectrum, v. 19:8 (June 2015).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 34:6 (June 2015).

Juvenile Justice Update, v. 21:2 (Apr./May 2015).

Pattern Instructions Kansas-4th Criminal, 2014 Supplement.

Search and Seizure Bulletin, v. 52:5 (May 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.

June's entry was:

Search & Seizure: A Treatise on the Fourth Amendment has been made available to patrons of the Law Library on Library workstations by subscribing to WestlawNext. It is in "All Criminal Law Texts & Treatises", accessed through "Criminal Law" under the "Secondary Sources" on the WestlawNext search home page.

This Month In Legal History

July 8, 1936 - Retired District Court Judge Charles A. Smart dies.

Robert Smart and Euphemia McArthur were natives of Scotland. They were married there in 1847, and their first child, Andrew, was born in 1848. Elizabeth came next in 1849, and that same year Robert immigrated to the United States. It was common for the husband to come over first, establish a way to make a living, and arrange for shelter before the rest of the family came over. Euphemia and the children followed Robert to America in 1850. The Smarts settled in Porter, Rock County, Wisconsin, where Robert took up farming. Their first child was Frank, born in 1852, followed by James in 1855. On January 5, 1858, Charles Arthur Smart was born, followed by Ellen in

1860, Arthur in 1863, Winfield in 1868, and finally Effie in 1870. The young Charles grew up, eventually attending Milton Academy in Milton, Wisconsin, a town about 15 miles east of Porter, from 1877 to 1882. It was reported that "he taught eight terms of school during that period." After leaving the Academy, Charles moved eight miles southwest to Janesville, where he read law in a law office there. He joined the Wisconsin Bar in 1883, but did not practice long in his home state. Charles Smart moved to Kansas in 1884, where he was advised by Judge Solon O. Thacher of Lawrence, Kansas,



Charles A. Smart

that he should open a law office in Ottawa, Kansas. He took the judge's advice and opened an office there on April 7, 1884. Smart was made Ottawa City Attorney in 1885. He traveled to Wisconsin that same year to marry Lola Sophia Sherman Bedford, daughter of James Bedford, Jr., and Mary Jane Bedford, née Taylor, on April 28, 1885. Smart brought his new bride back to Kansas, and a daughter, Georgia Ethel., was born to the newlyweds on March 19, 1886. A second daughter, Lola Lucille., was born January 31, 1888, and later that year, Smart was elected as County Attorney of Franklin County, whose county seat was Ottawa. Euphemia Mary joined the family on March 11, 1890, and later that year Smart was defeated in his bid for a second term as Franklin County Attorney due to the power of the Populist Party in Kansas. A fourth daughter, Charlotte Ellen, was born to the Smart family on April 3, 1892. In 1896, Smart ran on the Republican ticket for election as judge of the 4th Judicial District that included Anderson, Douglas, and Franklin counties. He was declared the winner in a close election on November 3rd, and began hearing cases after being sworn in in January 1897. Each of the three counties in Judge Smart's judicial district had specified terms when the

district court would be in session in those counties during the judicial year. Douglas County had terms that began on the first Monday in February, May, and November of each year, and Franklin and Anderson County would alternate court terms on other months, all avoiding the hot summer months. Judge Smart's challenger in the November 1896 election, Samuel Agnew Riggs, contested the results of the election to the Kansas Senate. The Senate was dominated by the Populist Party, which put Judge Smart at a disadvantage. Although Judge Smart had already presided for one court term in each of the three counties, the Senate voted to overturn his election in favor of Riggs, who then became judge in the 4th Judicial District. The Smart family received another blow that year, when Lola delivered a baby girl on September 6th that died unnamed soon after her birth. Judge Smart ran again for district court judge in 1900, and this time won "a majority that left no room for a contest" in the November 6th election. He took office in 1901. On April 25th that year, a sixth daughter named Carolee Bedford was born, thereby completing the Smart Family. After serving four years on the bench, Judge Smart was reelected in 1904. In addition, he served as President of the Kansas Bar Association for 1905. On September 5th of that year, Judge Smart was handed a hot potato when a petition was filed in Douglas County District Court concerning custody of "The Incubator Baby", a nationally famous case that began in St. Louis, Missouri, in 1904 and kept being revisited in various jurisdictions for a decade. On January 25, 1906, Judge Smart ruled in favor of the adoptive mother in the case. Upon an appeal of Judge Smart's ruling, the Kansas Supreme Court overturned his decision on October 6, 1906, and issued a writ of mandamus to grant the birth mother a new trial. Despite the fact that his ruling in the Incubator Baby case was overturned and had subsequently made national news, the voters

in his judicial district did not think any less of him for it, and he was reelected as district judge in 1908, 1912, and 1916. In early 1920, Judge Smart declared that he would not seek another term as district judge. Then in September, Lola became ill. His tenure as district judge ended when he retired in January 1921, having served twenty years on the bench. After leaving the bench, Judge Smart and Lola moved to Lawrence, Kansas, where he opened a law practice. During his time on the bench, he had served on the boards of several banks in the area, and he continued to be associated with the banking industry the rest of his life. Lola died on October 24, 1927, and was buried in Memorial Park Cemetery in Lawrence. Judge Smart married Gertrude Standing on February 10, 1929. On the evening of July 8, 1936, Judge Charles A. Smart died at his home in Lawrence. His obituary reported that "He possessed rare charm as an orator and was in great demand for public gatherings of many kinds. As a speaker on patriotic occasions he had few equals." Judge Smart was buried next to Lola and their unnamed baby daughter in Memorial Park Cemetery.



The Smart Family around 1903.

From the left: Carolee, Judge Charles A. Smart, Lola, Charlotte, Georgia, Euphemia, and Lola S. B. Smart.

From: [Robert Smart - Euphemia McArthur](#), kenbrower.com; Smart, Robert, 1900 U.S. Census, Milton Town, Rock County, Wisconsin, 7/7/1900; Smart, Robert, 1870 U.S. Census, Porter, Rock County, Wisconsin, 7/8/1900; [Judge Charles Arthur Smart - Lola Sophia Sherman Bedford](#), kenbrower.com website; Lawrence Daily Journal-World, v. 80, no. 164 (July 9, 1936), p. 1; [Charles A. Smart](#), Kansas: a cy-

clopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc. ... / with a supplementary volume devoted to selected personal history and reminiscence. Standard Pub. Co., Chicago, 1912, Vol. 3; [Milton College](#), Wikipedia website; Smart, Charles A., 1910 U.S. Census, Ottawa, Franklin County, Kansas, 5/13/1910; [Lola S. Smart](#), Find-A-Grave website; and, Lawrence Daily Journal-World, v. 65, no. 7 (January 8, 1921), p. 2.

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 11th Street, Lawrence, Kansas, 66044. The Law Library's telephone number is: 785-838-2477. The Library's e-mail address is: 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.



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