

Douglas County Law Library E-Mail Newsletter



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Contents

- Meeting and Event Announcements
- 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 10th.

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. 15:7 (May 2011).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.291:4/v.45:1 (Mar. 2011).

Criminal Trial Techniques, v. 1 - v. 3, 2011 Supplement.

Kansas Court of Appeals Reports, Second Series, v.38.

Law Library Journal, v. 103:2 (Spring 2011).

Manual of Procedure for Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 2009 ed. and 2010 ed.

Search and Seizure Bulletin, v. 48:4 (Apr. 2011).

Standard Traffic Ordinance for Kansas Cities, 37th ed. and 38th ed. (2009 and 2010).

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.

May's entry was:

Access to FullCourt, Amicus, and various audio and video players is available through a dedicated terminal in the Law Library.

This Month In Legal History

June 29, 1875 - Bud McDaniel, reputed member of the James Gang, dies in the Douglas County, Kansas, Jail.

On the morning of December 8, 1874, Mary Steel, who lived near the bridge that spanned the Kansas River at Kansas City, Kansas, saw three horsemen heading north toward the town of Muncie, Kansas. Muncie was six miles west of Kansas City, Kansas, and was formerly the old Delaware Indian town

known as both Secondine and Delaware. Though small, the town was an important point for shipping the area's agricultural products on the Kansas Pacific Railroad. The three men that Ms. Steel saw were eventually joined by two others, and the five arrived at the railroad station in Muncie at around 3:00 pm. They robbed the stationmaster at gunpoint, and then forced some section hands to pile rails and ties onto the tracks. They then locked the hands in a hut and prepared to meet the 4:30, the next train due. As the train approached, the gunmen forced one of their captives to flag it down. When the train's engineer saw the flag, he stopped the train. Two of the gunmen jumped into the cab of the locomotive and captured the engineer and fireman. Two others took charge of the express manager and baggage man in the baggage car, and the fifth man went through the passenger compartments warning those inside not to make any trouble. The robbers ordered the express manager to unlock the Wells Fargo safe in the baggage car, which he did. They took the contents of the safe, later reported to be \$5,000 in gold dust and \$18,000 in currency, and rode off, firing several warning shots to keep the passengers on the train. As they made their escape, they passed two local men who recognized three of the robbers. They were chased by a posse, but the pursuers were forced to abandon the chase when the outlaws fled into Missouri. Several days later, William J. "Bud" McDaniel, also know as "McDaniels", was arrested in Kansas City for "rowdy behavior and public drunkenness." He was found to be carrying four pistols, a large amount of money, and items that linked him to the train robbery in Muncie. He was charged with participating in the crime. McDaniel was the son of a Kansas City saloonkeeper and his brother Thompson was a known member of the Jesse James Gang. Bud McDaniel's ties to the James Gang complicated the duties of the local authorities, because the gang had a

significant amount of influence in Missouri and along the Kansas-Missouri border. They were concerned that their prisoner would be too much trouble for them to handle, and the report that prior to his arrest, McDaniel had been drinking with the Chief of Police of Kansas City did not give anyone confidence that he would stay in jail there. To assure that he would remain in custody until his trial, he was moved to Lawrence, Kansas, and put in the Douglas County Jail. The hope was that the forty or so miles separating Lawrence from Kansas City would be a safe distance from the Missouri border and anyone wishing to free him. Why they would have thought this is not clear, since William Clark Quantrill and 400 of his armed Confederate guerrillas, including Jesse James' older brother Frank, came out of Missouri and sacked, burned, and killed over 150 men and boys in Lawrence on August 21, 1863. The distance from the Missouri border to Lawrence did not dissuade Quantrill and his men. At about 6:30 in the evening of June 27, 1875, just a few days before McDaniel's trial was to begin, J.P. Estes went to the jail cell where McDaniel and a number of other prisoners were housed. Estes was the jail guard, and the only officer on duty watching the prisoners that evening. One of the prisoners had called for water, and Estes responded. He opened the cell door and was jumped by McDaniel, William Dunn, Robert Ingals, and Elijah Ledford. The jailer was hit in the head with an empty bottle and a shovel, and although he was cut on his head and stunned, he remained conscious. The four prisoners forced their way into the office, ransacked it, took a number of firearms and ammunition, and escaped. McDaniel and Dunn rode off on one horse, and Ingals and Ledford ran. McDaniel and Dunn came across a wagon being pulled by two horses, stopped it, and forced the driver to unhitch one of the horses. Dunn mounted it, and he and McDaniel rode together out of town to

the west. The alarm was sounded and after about twenty minutes, a group of men rode off after the fleeing escapees. Word was sent out by telegraph to keep a watch for the escaped men. The posse had no luck, and one by one they returned to town over the evening hours to wait until the search could resume with the new day. At around 2:30 the next afternoon, June 28, a man rode into Lawrence announcing that McDaniel and Dunn had been spotted about five miles up the Kaw River in the Lakeview area northwest of Lawrence. Men hurried to the area to aid in the search. Louis Beurman, sometimes referred to as Bierman or Biermann, a local farmer who was known to be a good shot, heard of the proximity of the fugitives and joined the search. Beurman later recounted, "I had been harvesting Monday, and soon after midday I met Constable Phillips, who told me he had just seen McDaniels and Dunn seated on a log a short distance off ... I ran back to my house, got out my rifle, an old squirrel rifle, and started in pursuit. ... I ran about a quarter of a mile, when on coming to an open space I saw the two men. ... They saw me at the same time, and McDaniels slipped from his horse and brought his gun to his shoulder. I took quick aim and fired. He felt the shot and almost fell forward on his face, but recovered himself immediately, pulling the trigger at me, the ball whistling over my head. Then he mounted, and together the two men dashed into the woods...." The two fugitives rode on for about a quarter mile before McDaniel became so weak that he nearly fell from his horse. They dismounted, tied up their horses, and walked on another quarter of a mile before lying down to hide. McDaniel and Dunn stayed hidden until dark. Several times during the day, their pursuers came very close to their hiding place, but did not discover them. McDaniel later reported that on three separate occasions he drew a bead on Beurman, intending to kill him, but that Dunn begged him not to, since that would

mean Dunn would then be shot or captured. Shortly after dark, Dunn announced that he was leaving to try to get across the river. They shook hands, and then he left, taking all the arms and leaving McDaniel behind. McDaniel stayed in hiding until around midnight, when his burning thirst compelled him to crawl to the river to get a drink. He later reported that he was in agony the rest of the night, and then at daybreak he decided to give himself up. Shortly after, he emerged from the brush on the farm of Judge Solon O. Thacher, where he was met by a farm employee. McDaniel asked for a drink of water. He was helped to a nearby cabin, given water, and then readied to be taken into town. Several men put McDaniel into a wagon and brought him back to town, meeting a group of men, led by the sheriff and a deputy, who were coming out to recommence the search that day. He was taken back to the jail where, "Nearly every physician in town examined the wound, each pronouncing it fatal." McDaniel had been shot in the abdomen near the naval, the bullet perforating the small intestine. He was kept as comfortable as possible the rest of the day. An agent of Wells Fargo arrived and questioned him about the Muncie robbery, but McDaniel would not reveal anything about it. At about five in the afternoon, he began to sink rapidly, and died soon after, never revealing who his accomplices were. The next day, June 30, a coroner's inquest was held, and the Bud McDaniel case was closed. That same day, word came that Dunn had been seen in Vinland, Kansas, a town about ten miles southeast of Lawrence. A posse hurried down and found Dunn hiding in timber along the west branch of Coal Creek, a little west of Vinland. The fate of Ingals and Ledford is not known. Thompson McDaniel, Bud McDaniel's brother, was shot in Kentucky while trying to escape from a robbery in West Virginia. He died on September 18, 1875, just three months after his

brother. It is uncertain whether Bud McDaniel was actually a member of the James Gang. It is also uncertain whether the Muncie train robbery was done by members of the James Gang, or was carried out by associates of the gang using methods pioneered by them. In 1958, the old "squirrel gun" that killed Bud McDaniel, actually a German Schuetzen rifle, was donated to the Kansas Historical Society by a nephew of Louis Beurman. It is in the collections of the Kansas Museum of History in Topeka.

From: [Muncie, Wyandotte County](#), Ghost Towns of Kansas: Revisited (2009), DanielcFitzgerald.com website; [Description](#), Historic Spots or Mile-Stones in the Progress of Wyandotte County, Kansas, Kansas City Public Library, Missouri Valley Special Collections website; Republican Daily Journal and Kansas Daily Tribune, v. 7: issue 96 (June 29, 1875), issue 97 (June 30, 1875), and issue 98 (June 1, 1875); Quantrill and the border wars, by William Elsey Connelley, Torch Press, Cedar Rapids, Iowa, 1910, p. 317; Cool Things - [Rifle from James Gang Shootout](#), Kansas Historical Society website; [The James-Younger Gang Also Rans](#), The James-Younger Gang website; [The James-Younger Gang](#), Wikipedia website; and, [The Jesse James Gang](#), 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, 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 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.

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