

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 13th.

The June Douglas County Bar Association Brown Bag CLE program will be on Thursday, June 19, 2014, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Stan Hazlett will present *Anatomy of a Complaint*. One hour of ethics CLE credit is

pending approval. Handout material can be downloaded from the [DCBA website](#)..

Converting PDFs to Word Documents

An attorney recently asked whether it was necessary for him to purchase software to convert PDFs to Word documents. The answer to his question is no, at least for Law Library patrons. The Library's three desktop patron workstations all have Adobe Acrobat installed on them, which can quickly convert any PDF to Word.

To do the conversion, open the PDF in Acrobat. If the PDF is being taken from an Internet site, it may first need to be saved to the desktop of the workstation before it can be opened with Acrobat. After it has been opened in Acrobat, click "File," then "Save As", and then "Microsoft Word." There will be two options under Microsoft Word, either saving it in Word 2010 or as a document compatible with earlier versions of Word. After one of the two options is clicked, rename the Word document as needed and save it to the workstation desktop or to a flash drive. The PDF to Word conversion process is now done.

In addition to Word documents, Acrobat can be used to convert PDFs to JPEG, PNG, and TIFF images; Excel workbooks; and a number of other formats.

Current Art Gallery Exhibition

The June/July 2014 Law Library and Division IV art gallery exhibitions are quilts by Dee Boeck.

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. 18:7 (May 2014).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 33:4 (Apr. 2014).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 298:4/v. 49:6 (Apr. 2014).

Juvenile Justice Update, v. 20:2 (Apr./May 2014).

Kansas Court of Appeals Reports. Second Series, v.43.

Kansas Reports, v. 291.

Pattern Instructions Kansas, 4th Criminal, 2013 Supplement.

Search and Seizure Bulletin, v. 51:5 (May 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.

May's entry was:

A notice of "What's New in the Law Library?" is posted at the beginning of each month on the Library's bulletin board next to the printer/copier/scanner.

This Month In Legal History

June 5, 1856 - Jacob Cantrell is kidnapped by proslavery men on his way home to Palmyra in Douglas County, Kansas Territory.

Jacob Cantrell was born in 1820 in either Kentucky or Tennessee¹, to William and Mary Cantrell. By 1847, Jacob was living in Jackson County, Missouri, where he married Thirza² Land on October 31st that year. It is not known how long he had lived there prior to his marriage³, but future events make it likely that he had been in Missouri for some time. In December 1848, Thirza gave birth to a daughter that the couple named Mary Jane. In September of 1850, the three were

living in the household of a Perry Shoemaker in Sni-A-Bar Township in Jackson County. Cantrell was likely working as a hired hand on the Shoemaker farm. Later that year Thirza gave birth to a second child, a boy they named Hiram. Sometime after Hiram's birth, tragedy struck the family when Thirza died. Cantrell then married Rebecca Stacey on August 8, 1852. A year later, a son, Joshua Louis, was born. Another son, William, was born, but did not survive long. His birth and death dates are unknown. In 1854, Cantrell was living in Blue Township, near Independence in Jackson County on the farm of a slave owner named Otho Hall, and was engaged in hauling produce from Missouri to Lawrence, a town in the new Territory of Kansas some 50 miles to the west. Kansas had been opened up for white settlement in May of that year, and would quickly become a battleground over the issue of slavery in the United States. Partisans on both sides of the issue were contending to decide whether Kansas would enter the Union as a free state or a slave state, and this would be the cause for increasing violence in the Territory. Lawrence was the headquarters of the Free State movement in Kansas, and soon became the object of hatred by proslavery men. Anyone associated with the town quickly drew their wrath. In 1855, Cantrell brought his family into Kansas, and built a small log cabin south of Palmyra, in southern Douglas County⁴. Years later, Mary Jane wrote that the cabin "had neither floor nor door. Only an opening for the door and at night the wolves would come in and we could hear them sniffing around. Then Father would make a noise and they would run out." Cantrell was apparently still making the trip between Jackson County, Missouri, and Lawrence, and had painted "Kansas a Free State" in big black letters on the canvas cover of his wagon. On one trip he encountered his former landlord Otho Hall. Upon seeing the lettering on Cantrell's wagon,

Hall took a knife and began cutting the letters out. Cantrell's family was accompanying him on this trip, and Mary Jane recounted that "I was sitting there in the wagon and saw the knife cutting through." Hall then turned on Cantrell, threatened his life, and struck at him with the knife, wounding him severely. Cantrell was unarmed, and called out for help to two neighbors of Hall's who were standing nearby. They ignored his pleas, and in desperation, Cantrell started his team and drove them off as fast as he could. He brought Hall before the court in Independence on a charge of assault with intent to kill. The two men who had witnessed the attack and who had done nothing to help Cantrell swore that Hall was drunk at the time, and he was released by the court. According to Mary Jane, her father was told that "they would kill him if it took them twenty years." In the spring of 1856, the trouble over the question of slavery in Kansas increased, and Cantrell and his other Free State neighbors banded together for mutual protection. Mary Jane wrote that proslavery men "hunted him many times. He slept in the woods ... [and f]or months they ... would ride up from Missouri in the night to see if they could catch him" On June 2, 1856, Cantrell joined in the fight in the Battle of Black Jack on the side of a Free State militia that was led by the abolitionist John Brown. After three hours of intense fighting, Henry Clay Pate, the leader of the proslavery militia, capitulated, and his men were taken prisoner by the Free State men. Cantrell recognized some of the prisoners as having been neighbors of his, asked that they not be treated harshly, and even provided them with provisions. The Free State men first took their prisoners three miles west to Prairie City, a small Free State settlement along the Santa Fe Trail not far from Palmyra, and negotiated surrender terms and a prisoner exchange. John Brown's men then moved their prisoners approximately eight miles southwest to land owned by John

Tecumseh Jones, known as "Ottawa" or "Taui" Jones, a friend and supporter of John Brown, and camped there until the prisoner exchange that had been agreed upon could be carried out⁵. The timing of subsequent events makes it appear that Cantrell either did not accompany the Free State men and their prisoners on their journey south, or if he did accompany them, that he soon left to go home⁶. Territorial Governor Wilson Shannon heard what had happened at Black Jack and that the prisoners had been moved to Taui Jones' land. He ordered Colonel Edwin Sumner to take a force of dragoons from Fort Leavenworth, proceed to the Free State camp on Jones' land, free the prisoners, and disband all militias in the area. Proslavery men had also got wind of Pate's predicament, and a force of around 300 of them under the command of "General" John Wilkins Whitfield had come into the area. They had made camp near Palmyra, with the intent of going south to attack the Free State men and free their prisoners. The dragoons arrived at John Brown's camp on June 5th. Sumner informed John Brown of his orders, and at first, Brown argued with the Colonel. After some intense negotiations, Brown acquiesced to Sumner's demands and released Pate and his men. Following the Pottawatomie Massacre committed on the night of May 24th-25th, Pate had been appointed as a deputy United States Marshal to "get Old Brown", and as soon as he was released, he tried to get Sumner to help him arrest Brown, which Sumner refused to do. Sumner ordered Pate and his men to return to Missouri, and to not cause any trouble on their way back. Pate and his men left, and made their way to Prairie City. They intended to take the Santa Fe Trail, known locally as the Santa Fe Road, and at least look as if they were going back to Missouri. As they approached the town, they encountered Cantrell and two of his neighbors, Leonard Snyder and W.H. Stillwell, near Prairie City. Cantrell had gone there to purchase butter

for his family, and was on his way home, accompanied by the two men, when they ran into the proslavery men, who compelled the trio to go with them. They first went to Cantrell's house, and upon arriving, told his wife Rebecca that they would not hurt her husband, but that they just wanted to talk with him. Cantrell told his anxious wife not to be alarmed, that these men had been his neighbors and would not harm him. He attempted to give Rebecca the butter he had purchased, but one of the proslavery men took it, saying they would need it for their supper. The men then left, taking Cantrell with them, but leaving Stillwell behind⁷. He went immediately to where the dragoons had set up camp near Palmyra and told Colonel Sumner about what had happened. Sumner told Stillwell that his troops were tired, and that he had ordered the proslavery men to commit no outrages on their way back to Missouri, so he was certain that Cantrell would not be harmed. He promised to send out a detachment the next day, June 6th, to retrieve him. As they moved east, Pate's men joined up with the proslavery men under Whitfield, who had been intercepted by Sumner and who had also been ordered back to Missouri by him. They too had taken some Free State men prisoner, and Cantrell was added to them. The men left Douglas County and stopped to camp at Bull Creek⁸, approximately 10 miles east of Palmyra in Johnson County. Instead of protecting him, his former neighbors accused Cantrell of being a traitor to Missouri. They organized a kangaroo court, put him on trial for treason, and found him guilty. An article in the *Herald of Freedom* newspaper gives an account of what happened on June 6th, as observed by a man known as Judge Butt, a former resident of Jackson County, Missouri, who was serving under a Colonel Coffee⁹ in Whitfield's "army." Butt had known Cantrell from when he lived there. According to Butt, Cantrell was lying on his back on the ground, his hands tied, guarded by

four men with a good sized crowd around him. One of the men, who apparently knew Cantrell, approached him saying, "Mr. Cantrell, I am sorry to find you among our enemies and fighting your old neighbors." Cantrell supposedly responded, "Your clan invade my home." The other man continued, "Will you join us against the abolitionists if you could get your freedom? If we release you will you join your old neighbors to assist in driving these damned fanatics from our border?" Cantrell replied, "No Never." The other man said, "Then you will die, by God!" Butt went to Pate and Whitfield and told them to use their authority to prevent the killing. They both replied that they had no authority to do so. Cantrell was taken to a ravine and stood up next to a tree. He was shot, and cried out "My God," or "Oh God, I am shot." He was shot a second time, and screamed in terror. He was shot a third time, and died¹⁰. His killers buried him in a shallow grave. Instead of them all going back to Missouri as Sumner had ordered, the proslavery men formed two separate forces, one under Whitfield that headed for Westport, Missouri, and the other under Pate and John William Reid, that moved south to the Free State town of Osawatomie, which they pillaged the next day, June 7th. After hearing nothing from her husband for several days, Rebecca asked the military to find him. It is not clear if Sumner had already sent out the detachment of troops to locate Cantrell as he had promised Stillwell on the 5th, or if he sent them in response to Rebecca's pleadings, but either way, troops came across the site of the proslavery men's camp and discovered the grave of Cantrell. Wolves had been able to dig up his body from its shallow grave and eat it, so all they found were his scattered bones. They reburied them near the creek, marking the grave with a stake inscribed "Jacob Cantrell." It was reported that when Sumner was informed of Cantrell's fate, he was heard to say "that he could never forgive

himself." Rebecca and the children were left with no means of support but the kindness of neighbors. She decided she could not care for all of the children, so she gave up Mary Jane and Hiram, the issue of Cantrell's first marriage, to J.W. Hague, a Methodist Episcopal minister living a few miles from Lawrence, who took them in and made "a good and Godly home" for them. The violence in Kansas Territory continued for the rest of the summer of 1856, and was a major factor in the coming Civil War. Mary Jane, Hiram, and their half-brother Joshua all married and raised families of their own. What happened to Rebecca is unknown. A *Herald of Freedom* article alluded to "measures...being taken to remove the remains of Mr. C[antrell]., hither¹¹, and to erect over them a suitable monument.", but as far as can be determined, this was never accomplished, and the site of Jacob Cantrell's grave is lost to history.

¹ There is confusion as to where Cantrell was actually born. An entry in the 1850 Census records Cantrell's birthplace as Tennessee, an article in the October 24, 1857, edition of the *Herald of Freedom* newspaper gives his birthplace as Jackson County, Missouri, the entries in the 1900 United States Census for his daughter Mary Jane and his son Hiram record Cantrell's birthplace as Kentucky, and the entry in the 1920 Census for his son Joshua records Cantrell's birthplace as Tennessee. A genealogy website lists his birthplace as Tennessee. The reference in the newspaper to a Missouri birthplace was simply a mistake by the publisher, but lacking more definitive evidence, his actual birthplace, Kentucky or Tennessee, cannot be determined at this time.

² Her name is recorded in the 1850 Census as what appears to be "Thusey" or "Thersey", either of which could be how the census taker spelled what he thought Cantrell was saying.

³ An entry on a genealogy website provides information on where and when Cantrell's brother and sisters were born, which give an indication of the location and movement of the family. The validity of the information on this website entry is unknown. The entry notes a brother Alfred being born in 1823 in Missouri. It notes three sisters, Sarah "Sallie", born in 1825 in the Choctaw Nation, Indian Territory,

Oklahoma, an unnamed girl born in 1827 in Missouri, and Elizabeth, born in 1837 in the Choctaw Nation, Indian Territory, Oklahoma. There was no Oklahoma at this time, so the genealogist has apparently added the modern name of the location of the Choctaw Nation. In 1825, most Choctaw still lived in the State of Mississippi, and the majority of them were not removed from their ancestral lands until after 1830. This complicates determining if the actual location of Sarah's birth in 1825 is correct in the genealogical entry, as it may not have been on land that would eventually become the Choctaw Nation after 1830. The Choctaw did occupy land in 1837 that would eventually become Oklahoma, so the location of Elizabeth's birth there is likely correct. Assuming that the information provided by the genealogical website entry is correct, after Jacob's birth, the family moved to Missouri in time for Alfred to be born there in 1823. They did not stay there long, but moved southwest into unorganized land occupied by members of the Choctaw Nation in what would one day be Oklahoma in time for Sarah to be born there in 1825. They did not stay there long, and moved back to Missouri in time for an unnamed daughter to be born there in 1827. Sometime later, they moved back to what by that time was officially land of the Choctaw Nation in time for Elizabeth to be born there in 1837. There is no indication whether the entire family moved back to Missouri again, but assuming Jacob had accompanied them on their second move southwest, at least he came back to Missouri.

⁴ The cabin was the first structure built in what would later become Baldwin City, Kansas.

⁵ An article in the *Herald of Freedom* implies that they camped at Palmyra, but it is generally understood that they had moved the prisoners to Taub Jones' land. It is more likely that the article's author was confusing the location of Brown's camp with the camp of John Wilkins Whitfield, who was leading around three hundred proslavery men planning to rescue Pate and his men. Whitfield was camped near Palmyra, and Sumner had forced him to disband his militia the same day as he did Brown's. Sumner had then camped his dragoons at Palmyra.

⁶ The available historical documentation for the last few days of Cantrell's life contains inconsistencies. This narrative attempts to incorporate material common to both of them to relate what most likely occurred.

⁷ It is not known if Snyder was also released or if he remained a prisoner along with Cantrell.

⁸ There is some confusion in contemporary accounts as to the location of the camp. Most give the location as Bull Creek, but several give it as Cedar Creek. In her 1924 article, Cantrell's daughter wrote "Bull Creek or Cedar Creek." The Santa Fe Trail would have crossed Bull Creek a little over a mile northeast of where Edgerton, Kansas, now is. It would have crossed Cedar Creek approximately nine miles farther to the northeast of the Bull Creek crossing. There is nothing at either location to indicate which one was where the proslavery men would actually have camped. Other accounts that refer to the camped proslavery men are vague enough to not help in identifying which location is the correct one. Barring further information coming to light, the assumption here will be that they camped at the Bull Creek crossing.

⁹ This is most likely John T. Coffee, a Greenfield, Missouri, resident who had served for a short time in 1855 with the 1st United States Cavalry Regiment at Fort Leavenworth, Kansas Territory.

¹⁰ An article in the *Herald of Freedom* reports that he was also scalped.

¹¹ The *Herald of Freedom* was published in Lawrence, so when it used the word hither, it meant bringing Cantrell's remains there.

From: [Jacob Cantrell](#), Our Dead Relatives website; Jacob Cantrell, 1850 U.S. Census, Sni[-A-]Bar Township, Jackson County, Missouri, 9/30/1850; Mary Tuttle, 1900 U.S. Census, Lawrence City, Ward 6, Douglas County, Kansas, 6/2/1900; Hiram Cantrell, 1900 U.S. Census, Eudora Township, Douglas County, Kansas, 6/18/1900; Joshua Cantrell, 1920 U.S. Census, 7th Ward, Kansas City, Wyandotte County, Kansas, 4/23-25/1920; [Re: William Cantrell who was his father](#), GenForum, genealogy.com website; Otho Hall, 1860 U.S. Census, Blue Township, Jackson County, Missouri, 6/20/1860; *Herald of Freedom*, v. 4[3], no. 10[11], October 24, 1857, p. 1; Jacob Cantrell, 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, [p. 280](#); [Mary Jane Cantrell Tuttle](#), Notable Women Ancestors, RootsWeb website; [Kansas Territory - The Summer of 1856](#), Blueskyways website; and, A standard history of Kansas and Kansans, Vol. 1, William E. Connelley, Chicago, Lewis Publishing Company, 1918, [p. 561](#).

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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