

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 12th.

Details for the June Douglas County Bar Association Brown Bag CLE program were not available in time to be included in this issue of the newsletter. Consult the [DCBA website](http://www.dcbaweb.org) for them.

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. 19:7 (May 2015).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 34:5 (May 2015).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 301:2/v. 51:2 (Apr. 2015).

Law Library Journal, v. 106:4 (Fall 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:

The Complete Manual of Criminal Forms is made available to patrons through the Law Library's WestlawNext account under "Forms" on the search home page.

This Month In Legal History

June 24, 1914 - Lawrence, Kansas, attorney Lizzie Shoemaker Sheldon becomes the first woman to file for election to the Kansas Supreme Court.

Elizabeth Shoemaker, known to everyone as "Lizzie," was born in Springfield, Sangamon County, Illinois, on March 15, 1851, the second of four children of Thomas C. Shoemaker and Tennessee Shoemaker, née Pierce. It is reported that Mr. Shoemaker studied law in the office of Abraham Lincoln¹, after which he began practicing law.

Shoemaker was a personal friend and political supporter of fellow Democrat Stephen Douglas, senior senator from Illinois. Douglas wished to open up the territories out west to settlement and statehood as rapidly as possible. To those ends, he began crafting a bill that came to be known as the Kansas-Nebraska Act. One provision of the bill would be to leave the question of whether a new territory would allow slavery up to a vote of the residents of that territory, thereby changing how this had been handled for more than thirty years. On May 30, 1854, Kansas Territory was created with the signing of the Act by President Franklin Pierce². Trouble quickly began to brew between partisans on either side of the issue who were coming into the territory. Since there was no government in Kansas Territory, President Pierce began appointing individuals to fill needed Federal positions there. The President was a northern Democrat who feared that if slavery was not accommodated nationally and allowed into new territories, southern states would secede and the national union would break up. He appointed men who, if not proslavery themselves, at least believed in the programs of the Democratic Party. Through his association with Douglas, Thomas Shoemaker was appointed by Pierce as Receiver of Public Monies for Kansas Territory. Shoemaker packed up his family, including his young daughter Lizzie, and brought them to Kansas Territory. Exactly when he did is unclear. One account has it being in late 1854, while another has it in April or May 1855³. Regardless of when they actually arrived, when they did, they settled in Leavenworth. At first, Shoemaker was "one of the strongest administration Democrats in the territory," but as things began to unfold there, he began to change his mind. He believed that the decision over slavery in Kansas should be made in free and open elections, but the first elections had massive voter fraud perpetrated by the proslavery factions in Kansas

and Missouri. Instead of repudiating the fraud, the Federal Government not only accepted the fraudulent results, but appeared to be participating in it in favor of Kansas becoming a slave state. The proslavery faction was also becoming more and more violent in the furtherance of its goals, and the Federal Government seemed to be ignoring the violence, if not actively aiding it. Shoemaker began to become disenchanted with the government and to look favorably on the Free State cause. He was described by, H. Miles Moore, a friend of his who knew him at the time as, "... one of the bravest, boldest, outspoken man I ever met, true as steel, bold as a lion, independent in thought and action, a man of untiring perseverance and great energy of character; at times a little reckless and imprudent for his own welfare." These qualities may have been too much at odds with the politics surrounding his position as Receiver of Federal Monies, as he was fired in 1856⁴ and replaced with William Brindle, a proslavery advocate. Shoemaker then practiced law in Leavenworth. Freed from the constraints of having an official governmental position, he "openly espoused and urged with all his zeal and energy the making of Kansas a free state." He became known to and disliked by the more militant proponents of slavery in Leavenworth. One of these men was William E. Murphy, who was mayor of Leavenworth. Under circumstances not entirely clear, Shoemaker was attacked⁵ on February 5, 1857⁶, "by some half dozen Irishmen who set upon him for abusing Mayor Murphy." They "broke his skull with an iron poker & beat him to a jelly." Shoemaker died of his injuries, leaving his wife Tennessee alone with Lizzie and her three siblings, all of whom were under the age of ten. A trial was held, but "the accused were discharged, amid applause accompanied by a speech from Mayor Murphy threatening a similar fate to all future assailants of his fame." Shoemaker was buried on February 7th in Pilot Knob Cemetery out-

side Leavenworth. It is not known how Tennessee supported her children for the years following Thomas' murder, but eventually she married Abraham Brown, an attorney who was originally from Virginia. The couple began a family of their own, and the Brown and Shoemaker children lived together with Tennessee and Abraham. Brown was executor of Thomas Shoemaker's estate, which apparently led to problems between the Shoemaker children and their mother's second husband. He claimed part of the estate as payment for his administration of it, and the children filed an unsuccessful suite seeking to block this. Lizzie attended the Episcopal Female Seminary of Topeka and was valedictorian of her graduating class. On June 21, 1871, she married Joseph Lemi Sheldon, a Civil War veteran, and the couple settled in Topeka. A daughter named Junia was born in 1872, followed by Marian in 1874, Carl in 1876, Roderick in 1879, and Ruth in 1885. Joseph worked in the music industry and tuned pianos to support his family. Lizzie was interested in following in her father's footsteps, and began studying law in the State Library in Topeka. Joseph became ill, and the family moved from Topeka to Lawrence. Exactly why they did so is unclear, but this gave Lizzie the opportunity to enroll in the University of Kansas School of Law, which she did. She graduated from there in 1900 with her J.D. and was admitted to the bar. Lizzie opened a law practice in Lawrence, and joined the Kansas Bar Association in 1901. She became interested in politics, and especially the cause of women's suffrage. Joseph also had an interest in the law, and after the children were all grown, he left Kansas in 1907 and moved to Boulder, Colorado, to study law at the University of Colorado, graduating from there with honors two years later. In 1910, he and daughters Marian and Ruth moved to Oregon to homestead there. It is unknown whether Lizzie and Joseph remained married, but she continued her law

practice in Lawrence and was referred to as Mrs. Sheldon for the remainder of her life. Lizzie wrote the text of an amendment to the Kansas Constitution to give suffrage to women in the state. It went before the legislature in 1912, and she worked hard for its passage in both houses. Her efforts were successful, and the amendment passed, giving the women of Kansas the vote eight years before women gained suffrage nationwide. Two years later, on June 24, 1914, Lizzie again made history by becoming the first woman to file for election as a justice on the Kansas Supreme Court, which was an elective office at the time. Although she received 156,000 votes in the November 3rd election, the total was not sufficient for her to be elected to office. Joseph died February 26, 1917, and was buried in Oregon. Lizzie continued to practice law in Lawrence. She died there on March 23, 1942, at the age of 91, the oldest member of the Douglas County Bar Association. She was buried in Oak Hill Cemetery in Lawrence.

¹ No direct confirmation of this has been found. Both Lincoln and Shoemaker's father-in-law lived in Springfield, and they both served in the Black Hawk War. They likely knew each other, and this connection could have led to Shoemaker reading law in Lincoln's office. In addition, there is a reference in the *Collected Works of Abraham Lincoln* that Mr. Lincoln was aware of the death of Shoemaker and that he "got very pathetic" over it, indicating that he knew or at least knew of Shoemaker, and that his death troubled him.

² There is no indication that Tennessee Pierce and President Franklin Pierce were related.

³ In census records for 1860, the family's third child, Charles, was listed as five years old and having been born in Illinois. If correct, this would indicate that the family came to Kansas in 1855 after his birth.

⁴ One account has this occurring in September, but this has not been verified.

⁵ It appears that the incident occurred at a public location where there were a number of people present.

One account has it taking place during a "barroom brawl," while others hint that it may have occurred at a political gathering.

⁶ Different sources have the date as February 6, 1856; April 1857, February 6, 1859, and August 1863. An important primary source referring to the incident is a letter from Marcus Parrott, written in Leavenworth, to his brother Edwin in Ohio. In it, Parrott records that he observed the funeral procession of his friend Shoemaker who had been murdered on the Thursday before the letter was written. The month and date of the letter are clearly February 9th, but the year is indistinct. It has apparently been interpreted by other authors as 1856, but this is incorrect. The murders of William Phillips and R.P. Brown are referred to in the letter. Although Brown was killed in January of 1856, Phillips' death did not occur until September 1, 1856, so the letter cannot have been written in February of 1856. The letter also refers to William E. Murphy as "Mayor Murphy". Murphy resigned from the office of Leavenworth Mayor on March 25, 1857, to be appointed Federal Agent of the Potawatomi Indians, so the letter could not have been written after that date. The only February 9th that occurred after September 1, 1856, and before March 27, 1857, would be February 9, 1857. Supporting evidence is a second letter, also addressed from Marcus to Edwin, but this time from Washington, D.C., that is clearly dated February 11, 1856, just two days after the letter in question has been assumed to have been dated. Considering the limitations on travel in 1856, it would have been impossible for Parrott to have been in Leavenworth, Kansas Territory, on February 9th and in Washington, D.C. on February 11th. The February 11th letter also mentions an attempt to remove Shoemaker from office, so even if Parrott had somehow made it halfway across the country in only two days, he would not have been writing on February 11th about attempts to remove Shoemaker from office if he had written about his murder just two days earlier on February 9th. Taking all this into consideration, one must come to the conclusion that the correct date of the letter recounting Shoemaker's death is February 9, 1857. That was a Monday, so since the letter records that Shoemaker died on the previous Thursday, the date of his death was February 5, 1857.

From: Lawrence Daily Journal-World, v. 86, no. 71 (March 24, 1942), p. 1; Tavner B. Pierce, *Genealogical and Biographical Record of North-Eastern Kansas*, Lewis Publishing Company, Chicago, 1900, [pp. 147-148](#); Tennessee Shoemaker, 1850 U.S. Census, Springfield, Sangamon County, Illinois, 10/17/1850; *Early History of Leavenworth City and County*, by

H. Miles Moore, Samuel Dodsworth Book Co., Leavenworth, Kansas, 1906, [pp. 102-104, 214, 271](#); Charles [Shoemaker], 1860 U.S. Census, Leavenworth City, Leavenworth County, Kansas, 6/21/1860; [Letter, Marc \[Parrott\] to Dear Edd \[Edwin Parrott\], February 9, 1856](#), Territorial Kansas Online website; [Letter, Marc \[Parrott\] to Dear Edd \[Edwin Parrott\], February 11, 1856](#), Territorial Kansas Online website; [Municipal Organization](#), William G. Cutler's History of the State of Kansas, Leavenworth County, Part 8; Showmaker v. Brown, Kansas Reports, v. 10, [pp. 383-394](#); [College of the Sisters of Bethany](#), Wikipedia website; [Joseph Lemi Sheldon](#), Find-A-Grave website; Lawrence Daily Journal-World, v. 58, no. 150 (June 24, 1914), p. 1; and, Lawrence Daily Journal-World, v. 58, no. 167 (July 14, 1914), p. 3.

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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