

# Douglas County Law Library

## E-Mail Newsletter



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### Meeting and Event Announcements

**Solo Firm Group Lunch.** The next Solo Firm Group meeting will be held on Friday, March 21st at noon in the upstairs meeting room at Free State Brewery. If you have any questions, please contact Lauren Reinhold at 842-3222 or John Bodle at 843-0187. The Solo Firm Group meets the third Friday of every other month.

### First Annual Legal Essay Contest

The Law Library and the Douglas County Bar Association are co-sponsoring the first annual Douglas County, Kansas, Legal Essay Contest this spring. The contest is open to all high school seniors who attend high school in Douglas County and who will be advancing their formal education after graduation.

The topic for the 2008 contest is “The Importance of an Independent Judiciary”. Scholarships will be awarded for the top three essays as determined by a panel of judged that includes Gail B. Agrawal, Dean and Professor of Law, University of Kansas, Chair; Douglas Hamilton, Clerk of the Douglas County District Court and Treasurer of the Law Library; Kenzie Singleton, Managing Attorney at the Lawrence office of Sloan, Eisenbarth, Glassman, McEntire & Jarboe LLC, and member of the Library Board of Trustees; and David J. Brown, Managing Attorney for the Offices of David J. Brown, L.C., and former member of the Library Board of Trustees.

The 1st place essay will receive a \$1,100.00 scholarship; the 2nd place essay an \$850.00 scholarship, and the 3rd place essay a

\$500.00 scholarship. The Submission deadline is April 7, 2008. The winning students will be invited to attend the 2008 Law Day Luncheon on May 1.

For the complete set of rules and submission instructions, go to the Legal Essay Contest Rules and Submission Instructions page on the Law Library's website located at <http://www.douglascolawlibrary.org/essaycontest.html>. Questions on the contest should be directed to Judge Michael J. Malone at (785) 832-5124 or [division4@douglas-county.com](mailto:division4@douglas-county.com), or to the Law Library.

Plans are for a legal essay contest to be an annual event in conjunction with the local Law Day activities.

#### **New Juvenile Section in Library**

The Law Library has recently added a number of juvenile resources. To make them easier to locate, a shelf labeled "Juvenile" has been set aside for shelving the material. Most of the juvenile themed resources in the Library will be on this shelf, the exceptions being the *Practitioner's Guide to Kansas Family Law*, that will continue to be shelved with the other KBA manuals, *Kansas Family Law*, that will continue to be shelved in the "Kansas Practice" area, and periodicals that the Library does not subscribe to and so is in possession of only a few scattered issues.

#### **Bar Association Membership Not Required**

It has come to the attention of the Editor that there may be some confusion about who may obtain a key to the Law Library. Attorneys are not required to be members of any bar association in order to get one. All a licensed attorney has to do to get a key issued is to pay the Law Library Registration Fee of \$10.00, and then renew the registration

and pay the fee annually to maintain the key. This is true for attorneys who are statutorily required to register with the Law Library and those who simply want a key in order to use the Library's resources during non-public hours.

#### **Back on the Chain Gang**

The Kansas Association of Criminal Defense Lawyers is sponsoring a CLE seminar titled "Back on the Chain Gang" in conjunction with their annual meeting March 28th and 29th. It will be held at the Spring Hill Suites, 1 Riverfront Plaza, 6th and New Hampshire Streets, Lawrence, Kansas.

For more information or to register, contact the KACDL at PO Box 484, Olathe, Kansas, 66051 or [kacdl@hotmail.com](mailto:kacdl@hotmail.com).

#### **Current Art Gallery Exhibitions**

The March exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are photography by Patrick Emerson.

The exhibits will run through the end of March. All of the pieces are for sale and may be purchased directly from the artist. Contact information for Mr. Emerson is available in the Library.

The April 2008 Law Library and Division IV exhibitions are artwork by Kelsey Yankey. More information on the exhibits will be in the April 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 Bill Pendleton, the Library's Art Gallery Exhibitions Coordinator at 843-3536 ext. 19 or billpen@pendletonandsutton.com, or 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:

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.285:2/38:4 (Jan. 2008).

Child Law Practice: Helping Lawyers Help Kids, v. 26:12 (Feb. 2008).

Kansas Reports, v. 280.

Law Library Journal, v. 100:1 (Winter 2008).

### **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.

February's entry was:

- The Law Library will celebrate the fifth anniversary of its official opening on May 1, 2008.

### **This Month In Legal History**

Each month, an event from the history of law and jurisprudence of Douglas County that occurred during that month will be included in the Newsletter. Entries will also be posted on the Law Library's website for

the month. Submissions from readers are welcome and encouraged.

This month's entry was researched and written by Dennis Kuhnel, Library Assistant in the Law Library:

March 8, 1858 - Charles Freeman convicted of selling "spirituous liquors" without a license.

On March 8, 1858, in Lecompton, Kansas, the Second Judicial District indicted, tried, and convicted Charles Freeman of selling "spirituous liquors" without having procured a license as a "grocer, dram-shop keeper, or tavern keeper, contrary to the statute in such cases made and provided, and against the peace and dignity of the territory of Kansas." Freeman, who was a resident of Douglas County at the time of the offense, appealed the decision to the Supreme Court of the Territory of Kansas.

The Supreme Court struck down Freeman's conviction in *The Territory of Kansas v. Charles Freeman* in December 1858, on the grounds that the indictment in the case had been "clearly defective" because it had not named "any county of the district, or any place in the district." In 1858, the Second Judicial District contained eight counties, each of which had set separate jurisdictional limits within its own boundaries. The court found that the question of "In which of these [counties] was this offense committed?" impossible to determine because of the absence of such written information on the indictment.

Even more importantly perhaps, the court noted that in the 1855 Statutes of Kansas Territory, it had been decreed that: "A special election is hereby ordered, to be held on the first Monday of October, in the year of 1855, and on the first Monday of October every two years thereafter, in each municipi-

pal township, in every county in the territory, and in each incorporated city or town in the territory, to take the vote of the people upon the question, whether dram-shops and tavern licenses shall be issued in the said township, incorporated city or town, for the next two years thereafter.<sup>1</sup>” Without being able to identify the location of Freeman’s offense, the Supreme Court found it impossible to fairly imply any potentially applicable township statute to his case.

Historically speaking, the case of *The Territory of Kansas v. Charles Freeman* underlines the early significance of alcohol in Douglas County and territorial Kansas in the 1850s. The Santa Fe Trail, the main artery for a voluminous trade with Mexico, ran directly through the site of present day Baldwin City in southern Douglas County. Long trains of Conestoga wagons, laden with cottons and woollens, silks, velvets, and hardware would set out from Independence, MO, pass through Westport, and head southwest for Santa Fe. They would return with furs, blankets, and heavy bags of Spanish gold and silver. Cattle were drove on this trail in large numbers too, not only for trade but also for the benefit of the drovers themselves. Alcohol was a highly valued commodity among both the traders and cattle drovers. As early as 1843, the annual monetary value of the entire trade was an estimated \$450,000. The 1850s however, was an even more successful decade though for Douglas County alcohol traders, as during the “Bleeding Kansas” period in the 1850s, the California Trail was rerouted from the south and ran through the Wakarusa Valley south of Lawrence. All of this traffic gave rise to a large demand for “spirituous liquors” from willing peddlers, and subsequent calls to regulate this trade.

Unfortunately, during this period in Kansas, a large number of the alcohol traders were committed to selling their product to the

numerous Indians that lived in eastern Kansas. When Lewis Henry Morgan visited Kansas territories in 1859, among the tribes he visited, which included the Kansa, Osage, Pawnee, Delaware, Kickapoo, Potawatomi, Kaskaskia, Peoria, Wea, Piankashaw, Ottawa, Sauk, Fox, Iowa, Miami, and Wyandotte, he witnessed large numbers of illegally operating white alcohol traders targeting Indians primarily in their trade. Douglas County was a common residence for such traders, especially considering the close proximity to the Ottawa Reservation approximately ten miles south of Lawrence.

In the winter months of 1855, the widow of a missionary who had lived among the Ottawa, John Meeker, wrote upon his death about the conditions of the Ottawa on the reservation: "As to the poor forsaken Indians I know not what to say. They feel that they have lost a true friend, and will never find another. In addition to this, they are in a suffering condition. On account of the great failure of the crops last season, they are left without anything to eat. Some of them are now living on roots. I fear they will die of hunger. Provisions are very high here. The white people who are settling around us are some of the worst in the world, and are standing ready to injure the Indians in every possible way in their power. This little Church is smitten. The tender branches are surrounded by enemies."<sup>2</sup>

The white people that the missionary’s wife alluded to, no doubt, included alcohol traders like Charles Freeman from Douglas County, who were active participants in the thriving, and sometimes illegal, alcohol trade in Kansas. While Freeman was exonerated in *The Territory of Kansas v. Charles Freeman*, the case clarified for local officials the legal methods and manners with which illegal alcohol traders could be dealt. This realization, no doubt, contributed to the

gradual diminishment of the trade in Douglas County in coming decades.

<sup>1</sup> Statutes of Kansas Territory, 1855, chap. 64, sec. 1, page 322.

<sup>2</sup> Qtd. in Miner, H. Craig and William Unrau. *The End of Indian Kansas*. (Lawrence: U of Kansas P, 1978) 67.

### **Law Library Volunteer Opportunities**

The Library is looking for individuals to fill the following volunteer positions:

E-Mail Newsletter Editor.

Film Series Commentators

Patron Education and Training Assistant.

Publicity and Marketing Assistant.

Recycling Assistant

Reference Assistant.

Volunteer Coordinator.

Work Station Maintenance Assistant.

The Library also has opportunities for volunteers to create positions around their own interests and skills.

For more information and/or for position descriptions, contact the Library or visit the "Volunteers" page on the Law Library's website.

The Law Library Volunteer Program provides a capable and dependable voluntary work force to assist with the day-to-day operations of the Law Library and its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to local judges, attorneys, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community insti-

tution - 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 11<sup>th</sup> Street, Lawrence, Kansas, 66044. The Library's e-mail address is: [info@douglascolawlibrary.org](mailto: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.

## For Sale:

Antique Shaw-Walker Oak Legal Form File. 80 inches high; 24 drawers with space for 2 different forms in each, plus 4 larger drawers. Formerly owned by Forrest A. Jackson, Esq., and prior to that perhaps by Ord Clingman, Esq. I have owned it since 1970. It still has various older forms in it. The first \$5,000.00 submitted will be the proud owner of this historical item. William B. Pendleton, 785-843-3536.

### **Douglas County Law Library E-Mail Newsletter**

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