

# Douglas County Law Library E-Mail Newsletter



Vol. 6, No. 3; March 2009

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## Contents

- Meeting and Event Announcements
- Board of Trustees Election Update
- Silent Auction Scheduled for March 9-16
- 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 will be on the 13th.

A Silent Auction is scheduled in the Library for March 9-16. See full article below.

### Board of Trustees Election Update

The slate of candidates has been set for this spring's election of attorneys to fill the five attorney member positions on the Douglas

County Law Library Board of Trustees. The candidates are:

Michael J. Allen  
Julia Butler  
Juanita Carlson  
Elbridge Griffy IV  
Joyce W. Halie Selassie  
Jody M. Meyer  
Carolyn Simpson  
Kenzie Singleton  
Craig A. Stancliffe  
Amanda Vogelsberg  
Charles Edward Whitman  
Stephanie J. Wilson

Ballots will be sent out by postal mail on March 30, 2009, to eligible\* attorneys who have paid their 2009 Law Library Registration Fee\*\*. Ballots must be received in the Law Library no later than 5:00 PM on April 13, 2009, the voting deadline.

Attorneys who are required to pay the 2009 Law Library fee and have not done so will not be eligible to vote. If you wish to vote and have not already paid your fees, please do so before March 30.

More information on the election will be in next month's Newsletter.

\*An attorney whose principal office, i.e.: main practice, is in Douglas County, or, if the practice is in another state, resides in Douglas County.

\*\*Unless employed solely as a public defender by the State Board of Indigents' Defense Services, an attorney must pay the current year's annual Douglas County Law Library Registration Fee of \$10.00.

### **Silent Auction Scheduled for March 9-16**

The Law Library will be holding a silent auction in March to dispose of legal reference materials withdrawn from use or otherwise unneeded in the Library's collection. A list of titles being offered as of publication of this Newsletter appears at the end of this article.

The auction will run from noon on Monday, March 9, to noon on Monday, March 16. Items will go to the person placing the highest bid received in the Library by noon on the 16th. Those wishing to bid on a particular title will need to fill out a bidding slip in the Library or submit their bid by telephone or e-mail. Bidding slips should be deposited in the Suggestions/Ballot box on the table next to the Library's copier/printer.

All bids must include the title being bid on, the bid amount, the date and time of the bid, the bidder's name, and the bidder's telephone number or e-mail address.

In the case of tie bids, the bid with the earliest date and time will be the successful one. Because of this, it is essential that all bids include the date and time the bid is placed.

The material being auctioned will be available for inspection in the Library during the auction. A supply of bidding slips will be provided. Winning bidders will be notified after the close of the auction and will need to pick up and pay for their material in the

Library as soon as possible after the auction ends.

Law Library staff may add additional titles to this list or may remove listed titles from it prior to the beginning of the auction. A full list of available titles will be posted in the Library and on the Library's website.

Titles to be auctioned:

*Code of the City of Lawrence, Kansas. December 31, 2003 edition.*

*Drunk Driving Defense, Sixth Edition, 2007 Supplement, Includes a CD-ROM of Forms.*

*Ensuring Sustainability for Drug Courts: An Overview of Funding Sources. National Drug Court Institute, Monograph Series [no.] 8 (April 2008).*

*Fourth National Conference on Children and the Law, Sept. 29-Oct. 1, 1988.*

*Hungry Ghosts: One Woman's Mission to Change Their World, by Mary Taylor Pre-vite.*

*Kansas Court Rules and Procedure, Federal.*  
2005, including 2005 Supplement  
2006, including 2006 Supplement  
2007, including 2007 Supplement (4 copies)  
2008, including 2008 Supplement

*Kansas Court Rules and Procedure, Local.*  
2007

*Kansas Court Rules and Procedure, State.*  
2007 (3 copies)  
2007 Supplement (4 copies)  
2008, including 2008 Supplement

*Kansas Estate Administration. Sixth ed.*  
Includes 1997 and 1999 Supplements.

*Kansas Legal Directory.*  
2002/2003 (2 copies)  
2003/2004  
2004/2005

*Kansas Long-Term Care Handbook*, Includes 2001 Supplement.

*Kyle's Story: Friday Never Came - The Search for Missing People*, by John Dixon Clinkscales. Inscribed by the Author.

*Lawyers Guide to Kansas Evidence, 3rd ed.*

*Legal Advocacy for Children and Youth: Reforms, Trends, and Contemporary Issues*, 1986.

*Paint the Current Picture: A National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States*, v. 2: no. (May 2008).

*Pattern Instructions Kansas, Civil, 3d.* (2 copies).

*Pretrial Motions in Criminal Prosecutions, 3d*, including 2007/2008 Supplement.

*Quality Improvement for Drug Courts: Evidence-Based Practices.* National Drug Court Institute, Monograph Series [no.] 9 (April 2008).

*Reports of rules adopted by the Supreme Court of the State of Kansas.* 2003.

*Search and Seizure Checklists.*  
2006/2007  
2007/2008

### **Current Art Gallery Exhibition**

The March exhibit in the Douglas County Law Library Art Gallery is photography by local attorney Hudson Luce.

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

The April 2009 Law Library exhibition is open for scheduling. More information on the exhibit 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](mailto:billpen@pendletonandsutton.com), or the Law Library at 838-2477 or by e-mail at [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org).

### **New Acquisitions**

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

AALL Spectrum, v.13:4 (Feb. 2009).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v.287:2/v.40:3 (Jan. 2009).

Attacking and Defending Marital Agreements, by Laura W. Morgan and Brett R. Turner.

Child Law Practice: Helping Lawyers Help Kids, v. 27:12 (Feb. 2009).

Code of the City of Lawrence, Kansas, January 1, 2009 edition.

Law Library Journal, v. 101:1 (Winter 2009).

Practical Jury Dynamics 2: From One Juror's Trial Perceptions to the Group's Decision-Making Processes, Second ed., by Dr. SunWolf.

Search and Seizure Bulletin, v. 46:2 (Feb. 2009).

### **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 has recently purchased the new multi-volume set of *West's Kansas Statutes Annotated* and added it to the Library's collection.

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

March 1872 - Dr. Medlicott is freed.

Around 8:00 AM on the morning of Thursday, April 27, 1871, Isaac M. Ruth was found dead in his bed at his residence in Lawrence, Kansas. He had spent part of the previous evening at home, playing chess with his friend John J. Medlicott, a physician and surgeon who served as the Ruth family doctor. Ruth's wife was absent, and there was no one else in the house that night except the children of Mrs. Ruth by a previous marriage. Along with Ruth's body, a letter from Ruth to his wife was found. The letter stated that Medlicott had given him quinine powder, which he had taken at about 10:30 PM, and that by 11:00 PM he was becoming numb and blind, that he felt terrible,

and that Medlicott had poisoned him. At 10:00 AM on the same morning that the body was discovered, Dr. W. Saunders was called in and performed a preliminary examination of the body. Then, at 2:30 PM, Dr. Saunders began a post mortem examination of Ruth's body, assisted by a Dr. A. Fuller. They determined that Ruth had ingested morphine and atropine, a drug extracted from deadly nightshade and other similar plants, and had indeed died of poison. A coroner's jury was subsequently convened and it returned a verdict that Ruth had died from the effects of poison administered to him by his friend, Dr. Medlicott. Sometime during the investigation, the authorities directed that the body of Dr. Medlicott's wife, who had died six months earlier with what were supposedly the same symptoms as had Mr. Ruth, be exhumed and tested for poison. Morphine and atropine were identified in her body as well, but in smaller amounts than that supposedly present in Ruth's body. Medlicott was arrested on a charge of murdering Ruth, and was jailed, awaiting trial during the next term of the district court of Douglas County, Kansas. Medlicott filed a petition for a change of venue, citing bias and prejudice against him by the citizens of Douglas County. The court granted a change of venue and ordered that the case be moved to Anderson County, Kansas, for trial. The eighteen-day trial began on October 9, 1871, with jury selection taking two days. The prosecution team included John Hutchings, County Attorney of Douglas County, and the defense team included Judge Solon O. Thacher, who had once been a District Court Judge in Douglas County. Many leading newspapers in the country, including the New York Times, sent reporters to cover the proceedings. The trial became a sensation as accounts were published each day as the trial progressed. Many eminent scientific witnesses were called to testify. Prominent among them was Dr. Theodore G. Wormley,

professor of chemistry and toxicology at the Sterling Medical College, Columbus, Ohio, and author of *Wormley on the Micro-Chemistry of Poisons*, the first book on poisons published in America. One of the witnesses called by the state was a man named Henry Johnson, who was under indictment for burglary. He testified to having had several conversations with Medlicott while Medlicott and he were in jail together, in which Medlicott had confessed to the crime. The defense held that Johnson's testimony was false, and that it had been induced by the prosecuting attorney's promise to drop charges against Johnson in exchange for his testimony. In his own defense, Medlicott testified that before he left Ruth's house the night Ruth died, his friend had complained that he was ill. Medlicott testified that he had prescribed quinine for his friend, and, that when he left Ruth's house at about half past ten that night, Ruth had not yet taken the medication. The case went to the jury on October 26th, and the next morning, the jury returned a verdict of guilty of murder in the first degree. The court sentenced Medlicott to be executed by hanging by the neck until dead. The defense appealed the case to the Kansas Supreme Court. The Court heard the case in January 1872 and reversed the judgment of the district court, granting Medlicott a new trial. The Supreme Court found that that the trial court erred in admitting evidence of Ruth's final letter to his wife because it did not fall within the hearsay exception for a dying declaration. Although the letter had been composed prior to death, it had not been written when Ruth was at the point of death, so it was inadmissible. In addition, the Court found that the circumstances of the letter were rather suspicious, being as there was evidence that Ruth could have called for help, but did not. During the trial, a neighbor of Ruth's had testified that on the night Ruth died, he had heard groans coming from an open window in the Ruth house, but had not investigated. The Court

felt that had Ruth called for help, the neighbor would have heard and would have come to his assistance. Because the letter from Ruth to his wife was all the evidence that connect Medlicott with Ruth's death, the County Attorney of Douglas County appeared during the March 1872 term of the Anderson County District Court and entered a nolle prosequi in the case, in effect, dropping the charges against Medlicott. After the case was dropped, Medlicott was released from jail and immediately left the State. Apparently, no action was ever taken concerning Mrs. Medlicott's death. The whole truth about how Mrs. Medlicott and Mr. Ruth actually met their deaths remains unknown.

From: The History of Anderson County, From Its First Settlement to the Fourth of July, 1876, by W. A. Johnson, Chairman of Historical Committee, Published by Kauffman & Iler, Garnett Plaindealer, 1877; The State of Kansas v. John J. Medlicott, January Term 1872. 9 Kan. 257; 1872 Kan. LEXIS 113; The Ruth-Medlicott Poisoning Case, by W. Saunders, M.D., North American Journal of Homoeopathy, v. 21, New Series, v. 3, 1873, pp. 15-24; and, The Antagonistic Action of Atropia to Morphia, by P. B. Rose, M.D., *ibid*, pp. 24-32.

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 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.

No Ads this Month.

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

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