

# Michael J. Malone Douglas County Law Library E-Mail Newsletter



Vol. 12, No. 3; March 2015

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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 February Douglas County Bar Association Brown Bag CLE program will be on Thursday, March 19, from 12:00 p.m. to

12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Patrick Nichols will present *Ethics of Negotiation and Settlement: What's Truth Got to Do With It?* One hour of CLE credit is pending approval. Handout material can be downloaded from the [DCBA website](#).

### 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:

Curtis G. Barnhill  
Kyle Brittingham  
Carolyn Craycraft Clark  
Napoleon Crews  
Sarah Warner  
Charles E. Whitman

Ballots will be sent out by postal mail on March 25, 2015, to eligible\* attorneys who have paid their 2015 Law Library Registration Fee\*\*. Ballots must be completed as per the instructions that will accompany them,

and be received in the Law Library no later than the voting deadline of 5:00 p.m. on Wednesday, April 8, 2015.

Attorneys who are required to pay the 2015 Law Library fee but have not done so will be ineligible to vote. If you wish to vote and have not already paid your fees, please do so before March 25th.

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 \$50.00.

### **Legal Research CLEs in Law Library**

The CLE sessions on performing legal research using WestlawNext that were conducted on February 6th by a representative from West were well attended and the feedback that was received was positive.

The Library will schedule another CLE day sometime in mid to late summer. The number of sessions and the topics to be covered have yet to be determined. Announcements will be made when the sessions have been scheduled.

### **Coffee Maker Available in Library**

There is now a Keurig coffee maker in the Law Library for the use of Library patrons. It currently is available on a bring-your-own K-Cup and coffee mug system.

### **Current Art Gallery Exhibition**

The February/March 2015 Law Library and Division III art gallery exhibitions are paintings by Mary Jane Grinter.

The exhibitions will run through the end of March 2015.

The February/March 2015 exhibitions in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be pastels by Cris Chapin. More information on these exhibitions will be in the April 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](mailto:info@douglascolawlibrary.org).

### **New Acquisitions**

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

AALL Spectrum, v. 19:4 (Feb. 2015).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 34:2 (Feb. 2015).

Juvenile Justice Update, v. 20:6 (Dec. 2014/Jan. 2015).

Search and Seizure Bulletin, v. 52:2 (Feb. 2015).

### **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:

By making arrangements with local court reports, audio recordings of select hearings may be accessed and listened to through an audio player on the Amicus/FullCourt terminal in the Law Library.

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

**March 9, 1859** - Samuel Dexter Lecompte leaves his position as the first chief justice of the Kansas Territorial Supreme Court.

Samuel Dexter Lecompte<sup>1</sup> was born in Dorchester County, Maryland, on December 13, 1814, the eldest child of Samuel D. Lecompte and Araminta Lecompte, née Frazier. Both his parents had previously been married and widowed, so in addition to three younger sisters, the junior Samuel had two half-brothers and two half-sisters, all older than he was. He attended Kenyan College in Gambier, Ohio, for two years, and then transferred to Jefferson College in Cansburg, Pennsylvania, graduating with honors from there in 1834. After graduation, Lecompte settled in Cambridge, Maryland, where he studied law. On September 7, 1837, he was admitted to the bar, and set up a practice in Carroll County, Maryland. In 1840, Lecompte ran for the State Legislature, and was elected to the Maryland House of Delegates. He took office in January 1841. Later that year, on April 28, 1841, he married Camilla Anderson of Baltimore, Maryland, who was about 19 years old at the time. Sometime in 1842, a son, Samuel E., was born to the couple. Lecompte served only one term in the legislature, leaving office in 1843. A second child was born later that year, and in 1844, Lecompte moved his growing family back to Cambridge. While living in Cambridge, Camilla gave birth to

eight more children, most of whom died in infancy. In 1850, Lecompte ran as the Democratic Party candidate for the United States Congress, but was defeated. The family moved to Baltimore in 1854, where Lecompte continued to practice law and be an active member of the Democratic Party. As such, he was known to be a supporter of the institution of slavery. On May 30, 1854, President Franklin Pierce signed the Kansas-Nebraska Act, opening up the remainder of the Louisiana Purchase to white settlement. The Territory of Kansas was directly west of the slave state of Missouri, and was to quickly become a battleground over the issue of slavery in the United States. One of the provisions in the Act was that the issue over whether slavery would be allowed in Kansas would be open to a vote of the residents. The Missouri Compromise of 1820 had set the line of latitude of the southern border of Missouri to be the northern boundary for any new slave state to form west of there, so under it, Kansas should have been a state without slavery. The Kansas-Nebraska Act threw out that boundary, and in so doing, set the stage for what was to become a bloody conflict between Free State and proslavery supporters in the Territory. Men on both sides of the issue poured into Kansas, and violence erupted. President Pierce began naming men to fill governmental positions in the new territory, and he decided to name Lecompte to be the first chief justice of the Kansas Territorial Supreme Court<sup>2</sup>. The reasons for that appointment are obscure, but the fact that Pierce was a Democrat and Lecompte was active in the Democratic Party undoubtedly had something to do with it. In early December 1854, Lecompte, his wife Camilla, their surviving children<sup>3</sup>, and "two negro women"<sup>4</sup> arrived in Kansas. After arriving in Kansas, Justice Lecompte began his duties as Chief Justice. He and the other two justices on the Supreme Court also served as district court judges. Lecompte was ap-

pointed district judge of the First Judicial District of Kansas. That district consisted of all the counties north of the Kaw, or Kansas, River and south of the Nebraska border. Soon, Douglas County was added to the district. Douglas County was the location of the town of Lawrence, the headquarters of the Free State movement in Kansas, which was hated by many proslavery men. Lecompte rode circuit throughout the First District, hearing many cases involving clashes between Free State and proslavery men. Many of his decisions and actions became notorious to the Free State men in the Territory, who claimed that Justice Lecompte was allowing his support of slavery to influence his decisions and so favor the proslavery faction in Kansas. He was reported to have answered this with, "To the charge of a pro-slavery bias, I am proud, too, of this. I am the steady friend of Southern rights under the constitution of the United States. I have been reared where slavery was recognized by the constitution of my state. I love the institution as entwining itself around all my early and late associations." The March 30, 1855, election for the territorial legislature witnessed thousands of proslavery men from Missouri crossing into Kansas, taking over polling stations, many times preventing Free State men from voting, but voting themselves. When the ballots were counted, out of the approximately 2,700 legal residents of Kansas, there were nearly 6,000 votes cast. The Free State men cried "foul", but eventually the proslavery men were allowed to form the legislature, and began passing laws to make Kansas a slave territory. That "Bogus Legislature," as it was known to the Free State men, received significant support from the decisions that Justice Lecompte made from the bench. Because of his support of their cause, proslavery men in the town of Bald Eagle in northwest Douglas County, Kansas Territory, renamed their home Lecompton in his honor. The first session of the Territorial

Supreme Court was July 30, 1855, at the Shawnee Manual Labor School. The Territorial Legislature had been meeting there, but soon after adjourned to the newly renamed Lecompton, which became the headquarters of the proslavery movement as well as the Territorial Capital. Many of the seemingly proslavery decisions from Justice Lecompte continued to anger the Free State men, and pressure was put on the Federal Government to get him out of office. In December 1856, President Pierce appointed James O. Harrison to replace Lecompte. Whether this was because of pressure from Free State supporters, because the summer of 1856 in Kansas had been the most violent and bloody time in recent United States history, because Lecompte had clashed over policy with then Territorial Governor of Kansas John W. Geary, because of internal Democratic Party politics, or from some other reason is unclear, but whatever the reasons, it became a moot point when the Congress refused to confirm Harrison, leaving Justice Lecompte still in office. The tide began to turn against the proslavery cause in Kansas, and a Free State dominated Territorial Legislature was elected in 1857. Sometime in 1858, Justice Lecompte's wife Camilla delivered a son, who they named James. By 1859, it was becoming apparent that Kansas would come into the Union as a Free State, but considering the opposition from slavery's supporters in Congress, when it would was unclear to everyone. On March 9, 1859, Justice Lecompte retired from the Kansas Territorial Supreme Court. During his tenure on the court, he speculated in real estate and railroads. He was president of the Lecompton Town Company, and for a time actively promoted it to eventually become the state capital when Kansas was admitted to the Union. He sponsored a charter for a medical college to be located in Lecompton, and promoted the establishment of a state university in Leavenworth, Kansas. He was involved in the incorporation of

three railroads, the Kansas Central Railroad Company; the Leavenworth, Pawnee and Western Railroad Company; and the Leavenworth and Lecompton Railroad Company. After his retirement from the court, Lecompte moved his family to Delaware City, a town in Leavenworth County, Kansas Territory, south of the town of Leavenworth. He soon opened a law office in Leavenworth. On the night of December 4, 1860, Lecompte's 19 year-old son Samuel fell over what was described as "a steep embankment, 30 or 40 feet deep," and was so severely injured that he died around 8:00 a.m. the next morning, leaving three children surviving in the family. At the end of the Civil War, Lecompte renounced his allegiance to slavery and the Democratic Party, and joined the Republican Party. He served as probate judge for four years in Leavenworth County and was elected to the state legislature for the 1867 and 1868 sessions. He was named Poet Laureate of the Kansas Legislature and wrote a satirical poem containing comments about each legislator. Lecompte's earlier support of slavery and his actions on the bench in the 1850s continued to cause him problems. A newspaper controversy prompted him to write a defense of his actions, which was published on February 4, 1875, as "A Defense by Samuel D. Lecompte" in the *Weekly Kansas Chief*. That same year, he was elected chairman of the First District Republican Congressional Committee. On October 22, 1877, Lecompte's wife Camilla died in Leavenworth. In 1887, he moved to Kansas City, Missouri, to live with his son James, and died there on April 24, 1888. Lecompte is still strongly associated with the proslavery cause in Kansas, and his memory is tarnished with what many believe was an unfair bias.

<sup>1</sup> In some sources the name is spelled LeCompte.

<sup>2</sup> There is some confusion as to when Lecompte actually took office. In Reports of Cases Determined in

the Supreme Court of the Territory of Kansas, published in 1870 by James McCahon, it is reported that his commission began on June 11, 1854, while a footnote on page 389 of the Transactions of the Kansas State Historical Society, Vol. 8, 1903-1904, published in 1904, reports that he held the position from October 3, 1854. The two dates might record different stages in his becoming a justice, or one of them could just be incorrect. It is also possible that the October date is when the family left Maryland bound for Kansas. Determining which of these possibilities is correct will need to wait on additional sources of information coming to light.

<sup>3</sup> The date may be suspect, as it comes from a source that may have incorrectly reported the date that Lecompte assumed office, but until additional sources of information become available, this is the best estimation of when Lecompte arrived in Kansas Territory. Several sources note that he and his wife brought five children with them to Kansas Territory. The 1860 U.S. Census for Leavenworth County, Kansas Territory does indeed list five children, but while the four oldest were recorded as being born in Maryland, the youngest, two-year-old James, is recorded as being born in Kansas. It is therefore probable that the Lecompte family had only four children when they came to Kansas in 1854, and that the sources confuse the fact that the fifth one was born after the family had been living in Kansas. The four who came in 1854 were Samuel E., Eugene D., Edward, and Camilla.

<sup>4</sup> It is not recorded as to whether the women were free servants or slaves, but considering the fact that Maryland was a state that allowed slavery, and that Lecompte was a known supporter of the institution, it is likely that they were enslaved. There is also a question as to whether both of the servants were women. The 1860 U.S. Census for Leavenworth County, Kansas Territory, records two blacks in Lecompte's household. One is 65 year-old John Phillips, a laborer, and the other is a 60 year-old female cook whose name is apparently spelled "Mentary." Both are recorded as being born in Maryland. Whether these are the two "women" who came from Maryland with the family is unknown.

From: [Samuel Dexter Lecompte, 1814-1888](#), Territorial Kansas website; In Judge Lecompte's Court, by M.H. Hoeflich, University of Kansas Law Review, June, 2014, [pp. 1169-1225](#); Reports of Cases Determined in the Supreme Court of the Territory of Kansas, by James McCahon, Chicago, Callaghan & Cockcroft, 1870, [vi-x](#); A Defense by Samuel D. Lecompte, Transactions of the Kansas State Histori-

cal Society, 1903-1904: Together With ..., Vol. VIII, Topeka, Geo. A. Clark, State Printer, 1904, [pp. 389-405](#); [Judge Samuel Dexter LeCompte](#), LeComptes of Castle Haven,, Sketches of Some Famous LeComptes, lecompte.net website; History of Western Maryland: Being a History of Frederick, Montgomery, Carroll, Washington, Allegany, and Garrett Counties from the Earliest Period to the Present Day; Including Biographical Sketches of Their Representative Men, Vol.2, [p. 816](#); Samuel D. Lecompte, 1860 U.S. Census, Delaware Township, Leavenworth County, Kansas Territory, 8/21/1860; [History of the Kansas Appellate Courts](#), Kansas Judicial Branch website; [Letter, J. \[John\] W. Whitfield to Dear \[John A.\] Halderman, by Whitfield, John W. \(Wilkins\), February 1, 1857](#), Territorial Kansas Online website; Delaware City and Township, William G. Cutler's History of the State of Kansas, [Leavenworth County, Part 32](#); and, The Easton Gazette [Easton, Maryland], Vol. 43, no. 51, (December 29, 1860), p. 2.

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 11<sup>th</sup> Street, Lawrence, Kansas, 66044. The Law Library's telephone number is: 785-838-2477. The Library's e-mail address is: [info@douglascolawlibrary.org](mailto: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.



### **Michael J. Malone Douglas County Law Library E-Mail Newsletter**

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