

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



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Contents

- Meeting and Event Announcements
- 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
- Back Issues
- Classified Ads

Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 11th.

The March 2016 Douglas County Bar Association Brown Bag CLE program will be on Thursday, March 17th, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. The topic and presenter were not available at the time of the newsletter's publication.

Check the [DCBA website](#) for more information on the program, on the CLE credits available, and for handout material.

Current Art Gallery Exhibition

The February/March 2016 Law Library and Division III art gallery exhibitions are abstracts by Aram Aghdaie. This is the first public showing of Ms. Aghdaie's work, and we are fortunate to have the inaugural exhibitions by an artist whose quality of work is outstanding, and who will soon become well known in the arts community and beyond.

The April/May 2016 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be paintings by Joanna Ward. More information will be in the April 2016 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. 20:3 (Jan/Feb. 2016).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 35:2 (Feb. 2016).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 302:3/v. 51:7 (Dec. 2015).

Law Library Journal, v. 108:1 (Winter 2016).

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 library has a small collection of juvenile related resources shelved in the bookcase located under the windows.

This Month In Legal History

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

The Santa Fe Trail was established in 1821 as a commerce route between the United States and the Mexican territory of Nuevo

México. Mexico had just gained independence from Spain, and businessmen in the United States wanted to establish trade between the two nations. The Trail began in Independence, Missouri, and wound its way southeast through the southern portions of the unorganized territory acquired by the United States in the Louisiana Purchase. It eventually entered Mexican territory before ending in Santa Fe. Traffic along the trail increased steadily, and the quantity of goods going back and forth increased proportionally. United States acquired Nuevo México as a result of its victory in the Mexican-American War, and trade to the newly renamed New Mexico Territory increased. Long trains of freight wagons loaded with cottons and woolens, silks, velvets, and hardware would set out from Missouri and go down the trail southwest to Santa Fe. They would return with furs, blankets, and gold and silver. Cattle were also driven on the trail in large numbers. Another commodity that the traders brought out of Missouri was alcohol. It was highly valued both for consumption by the traders, and for trade along the trail. Kansas Territory was established on May 30, 1854, to allow white settlement of the area, and men came into the territory to settle and look for the economic opportunities available in a new land. Many of them had previously worked on the Santa Fe Trail and had seen the value of the land and the potential for profit there. All this activity soon gave rise to a large demand for "spirituous liquors", and many willing peddlers soon became dealers in alcohol, which subsequently brought on calls to regulate the trade. A significantly large number of the alcohol traders were committed to selling their product to members of the numerous Indians nations that lived in eastern Kansas. Those nations included the Kansa, Osage, Pawnee, Delaware, Kickapoo, Potawatomi, Kaskaskia, Peoria, Wea, Piankashaw, Ottawa, Sauk, Fox, Iowa, Miami, and Wyandotte. Most of these Indians had previously

been settled by the United States government in the area that was to become Kansas Territory after they were forcibly removed from their ancestral lands in the east to make way for white settlement. In the winter of 1855, the widow of John Meeker, a missionary who had lived among the Ottawa, wrote upon her husband's 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." Many of those white people Mrs. Meeker wrote about sold alcohol to the Indians. Because of its proximity to a number of reservations, Douglas County was home to many such traders. The 1855 Statutes of Kansas Territory 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 municipal 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." A resident of Douglas County named Charles Freeman was arrested sometime in early 1858, charged with selling "spirituous liquors" without having first having obtained 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." He was brought before the Second Ju-

dicial District Court in Lecompton. Kansas Territory, on March 8, 1858, where he was indicted, tried, and convicted on the charge. He then appealed the decision to the Supreme Court of the Territory of Kansas. The Supreme Court heard the case in December 1858 and struck down Freeman's conviction 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" where the alleged crime had taken place. 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 was this offense committed?" impossible to determine because of the absence of such written information on the indictment. Without being able to identify the location of Freeman's offense, the Supreme Court found it impossible to determine if Freeman had sold alcohol in a location where a license would have been required. Although Freeman was exonerated, the case clarified for local officials the way they could deal with illegal alcohol traders, which aided the local authorities in their attempts to end the illegal trade. Progress was slow, evidence by a report from Lewis Henry Morgan who visited Kansas Territory in 1859. He witnessed large numbers of illegally operating white alcohol traders still targeting Indians in their trade.

From: Statutes of Kansas Territory, 1855, chap. 64, sec. 1, page 32; and, *The End of Indian Kansas*, by H. Craig Miner and William Unrau, University of Kansas Press, Lawrence, 1978, 67.

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 sugges-

tions 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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Editor: Kerry Altenbernd

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The Michael J. Malone Douglas County Law Library,
Judicial and Law Enforcement Center,

111 East 11th Street,

Lawrence, Kansas 66044

Phone: 785-838-2477

Fax: 785-838-2455

E-mail: info@douglascolawlibrary.org

Website: <http://www.douglascolawlibrary.org>