

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



Vol. 12, No. 5; May 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 8th.

The May Douglas County Bar Association Brown Bag CLE program will be on Thurs-

day, May 21, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Mira Mdivani of Mdivani Corporate Immigration Law Firm will present *Myth and Reality: Immigration Law Reform by Executive Action and How to Make Sense of It*. One hour of CLE credit is pending approval. When available, handout material can be downloaded from the [DCBA website](#).

Board of Trustees Election Results

The successful candidates in this spring's biennial election of attorneys to fill the five attorney member positions on the Douglas County Law Library Board of Trustees are:

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

The five took office on May 1, 2015.

Jody Meyer leaves the Board after having served three terms, and Julia V. Bellemere and Hatem Chahine leave the Board after

having each served two terms. The editor wished to thank them for their service.

WordPerfect Available in Law Library

WordPerfect word processing software has been added to the Library's desktop computers for use by patrons.

Screws v. United States

There is a very interesting article in the Spring 2015 issue of *Marquette Lawyer*. The article is titled "Screws v. United States and the Birth of Federal Civil Rights Enforcement" and is authored by the Honorable Paul J. Watford, judge in the U.S. Court of Appeals for the Ninth Circuit.

Robert Hall was a thirty-year-old leader in the black community of Newton, Georgia. At some point, Baker County Sheriff M. Claude Screws seized a pistol, belonging to Hall, stating that "[I]f any of these damn Negroes think they can carry pistols, I am going to take them." Hall first visited Screws at his house, asking for the gun to be returned. He then contacted a grand jury about the seizure, and when he was informed that there was nothing they could do about it, he contacted an attorney, who sent a letter to the Sheriff about the wrongful seizure of the gun. Around midnight of January 29, 1943, Screws sent two of his deputies to arrest Hall. He was brought in handcuffs to the town square in front of the courthouse, where the three law enforcement officers proceeded to beat Hall to death with their fists and a two-pound blackjack.

Numerous attempts were made by the Department of Justice to get the State of Georgia to bring charges against the three men. All of them proved to be unsuccessful, so the Department indicted them for depriving Robert Hall of his federal constitutional rights.

A jury in Albany, Georgia, found the three defendants guilty, and the Fifth Circuit upheld the conviction. The Supreme Court granted the defendants' petition for certiorari, and heard arguments in October 1944. Although their May 1945 decision reversed the conviction for a new trial, the case preserved a federal role for enforcement of civil rights.

The [article](#) is available on the Marquette University website.

Current Art Gallery Exhibition

The April/May 2015 Law Library and Division III art gallery exhibitions are pastels by Cris Chapin.

The exhibitions will run through the end of May 2015.

The June/July 2015 exhibitions in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be oil paintings by Charlotte Neese. More information on these exhibitions will be in the June 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. 19:6 (Apr. 2015).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 34:4 (Apr. 2015).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 301:1/v. 51:1 (Mar. 2015).

Juvenile Justice Update, v. 21:1 (Feb./Mar. 2015).

Kansas Family Law, v. 1, 2014-2015 ed.

Kansas Family Law, v. 2, 2014-2015 ed.

Manual of Procedure for Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 2014 ed.

Pretrial Motions in Criminal Prosecutions, 4th., 2014 Cumulative Supplement.

Search and Seizure, Fifth Edition, v. 1 and v. 2, by John Wesley Hall, Jr.

Search and Seizure, Fifth Edition, v. 1 and v. 2, 2014 Supplements.

Search and Seizure Bulletin, v. 52:4 (Apr. 2015).

Standard Traffic Ordinance for Kansas Cities, 42nd ed. (2014).

WordPerfect X7 Office Suite.

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.

April's entry was:

Discovery information provided by local law enforcement agencies in Blue-ray and DVD format can be accessed using the three desktop workstations in the Law Library.

This Month In Legal History

May 2, 1857 - Robert Carey is murdered on Washington Creek.

With the signing of the Kansas-Nebraska Act by President Franklin Pierce on May 30, 1854, Kansas Territory was opened up for white settlement. The Act left the question of whether Kansas would come into the Union as a state that allowed slavery up to a vote of the residents of the Territory. Men poured into Kansas, many with opposing views on the controversial issue, and violence between them soon broke out, so much violence that the Territory came to be known as "Bleeding Kansas". Though much of the violence in Kansas could be directly attributed to the division over slavery, some of it was the result of other disputes between settlers. One of these incidents was the killing of Charles Dow, a Free State man, by his neighbor Charles Coleman, a proslavery man, in November 1855 over a land dispute. Although the murder was not over slavery, the fact that it involved men on either side of the issue resulted in a significant escalation of tensions that nearly lead to a shooting war in Kansas Territory. Another such incident involved a man known as Robert Carey. Very little is known of Carey, his age, where he was from, his family ties, when he came to Kansas, etc. What is known is that by 1856, he had a land claim near Washington Creek in southwestern Douglas County, Kansas Territory. That spring and summer proved to be the most violent time in the struggle over slavery in Kansas, and the Washington Creek area did not escape that violence, evidenced by the Fort Saun-

ders/Hoyt incident. Early that summer, a group of proslavery men had constructed a large, well-built log cabin in the Washington Creek area on land owned by a man named Saunders. Known both as Fort Saunders and Camp Saunders, the building became a major threat to Free State settlers in the surrounding area when word supposedly went out from there that all Free State men must leave the Territory or be killed. The frightened settlers applied for assistance to Lawrence, Kansas Territory, the headquarters of the Free State movement in Kansas, and the officials there determined that a messenger should be dispatched to find out what were the intentions of the men in Fort Saunders. David Starr Hoyt volunteered to be the messenger, and went to Fort Saunders on August 12, 1856. He spoke with the men there, staying until after dinner. When he left to return to Lawrence, he was followed by several men from the fort. Hoyt had not gone far on his journey home when the men shot him dead through the back of the head and buried the body in a shallow grave. The murder was observed by several boys and word of it reached Lawrence. A party of Free State men from Lawrence found Hoyt's grave and exhumed his body. The men were incensed by the murder, and marched on Fort Saunders on the 15th with the intent to attack and destroy it. The men occupying Fort Saunders got word of the Free State men marching on them and abandoned the fort, so when they arrived, the attackers found an empty building. They proceeded to burn the structure to the ground. Violence in the Washington Creek area subsided, but the tension the settlers were under did not. In the fall of 1856, Robert Carey sold his claim on Washington Creek to a man named Sutton. There is no evidence as to where the two men stood on the issue of slavery in Kansas, so there is nothing to suggest that there was any animosity between them over the issue. The terms of the sale of Carey's claim are not known, but ap-

parently required Sutton to perform some tasks in lieu of or in addition to cash payments. Instead of complying with any of the terms of the sale, Sutton left the area and was absent all winter. He returned in the spring of 1857 and demanded the claim. Carey would not give up the claim on the same terms agreed to the previous fall, and a dispute arose. On Saturday, May 2, 1857, Carey was observed going in the direction of Sutton's house. As reported in the *Weekly Lecompton Union*, "... when next seen [Carey] was lying dead in the house, having been shot twice through the body." The victim's pistol was found with him, and although one chamber was empty, it was determined that the weapon had not been fired recently. The newspaper observed that this was "... the third instance of the kind which has occurred in Douglas County, within the last two or three months." Aside from one short article in the newspaper, there appears to have been no other reaction to the shooting. Given the militant reaction to the killings of Dow and Hoyt, the fact that neither side in the slavery issue made anything out of the killing of Carey indicates that it was likely just over a land dispute and had no political overtones. Sutton was sought by the authorities, but he managed to escape capture, and apparently was never forced to answer for the murder of Robert Carey.

From: *Weekly Lecompton Union*, v. 1, no. 45 (May 9, 1857), 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 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.

Position open:

Cloon Legal Services in Baldwin City has an opening for a receptionist/legal assistant. Pay dependent upon qualifications and experience. Experience in bankruptcy law a definite plus, but not required. Please send resume and salary requirements to – if by email to russell.cloon@cloonlegal.com, if by fax, to 785-594-6930, or if by mail to PO Box 969, Baldwin City, KS 66006. No phone calls or surprise walk-ins, please.



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Published monthly by:

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