

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



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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 May 2016 Douglas County Bar Association Brown Bag CLE program will be on Thursday, May 19th, 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.

### Law Librarian Position to be Eliminated

The Michael J. Malone Douglas County Law Library Board of Trustees has voted to eliminate the position of Douglas County Law Librarian, which has existed since 2002, and replace it with a new position titled Library Manager. The change is scheduled to take effect on April 1, 2017. The hiring process for the Library Manager position will likely begin sometime late this year or early next year.

### Current Art Gallery Exhibition

The April/May 2016 Law Library and Division III art gallery exhibitions are paintings by Joanna Ward. The exhibitions will run through the end of May 2016.

The June/July 2016 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be acrylics by

Frank Pondrom. More information will be in the June 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](mailto:info@douglascolawlibrary.org).

### **New Acquisitions**

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

ABA Child Law Practice: Helping Lawyers Help Kids, v. 35:4 (Apr. 2016).

AALL Spectrum, v. 20:4 (Mar./Apr. 2016).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 303:2/v. 52:2 (March 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.

April's entry was:

On May 1, 2016, the law library will begin its fourteenth year serving the legal research needs of Douglas County.

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

May 30, 1862 - Elliott V. Banks writes a rather gossipy letter to John Hutchings about his fellow attorneys in Lawrence, Kansas.

In the winter of 1849, Dr. Charles Robinson, who would eventually become the first governor of the State of Kansas, joined a party of men that was organizing in Boston, Massachusetts. The party intended to go to the gold fields in California, and Robinson signed on as physician. They left Boston on March 19th, and made their way west through Pittsburg, Cincinnati, and St. Louis, eventually arriving at Westport, Missouri, the town that would later be renamed Kansas City. They struck out west along the Kaw River through the unorganized land that five years later would become the Territory of Kansas. About fifty river miles from Westport, Dr. Robinson observed what to him looked like the ideal place for a town site. He kept that idea in the back of his mind through the rest of the trip to California, through his many adventures there, and through his trip back to Massachusetts in 1851. By 1854, there was a push to open up the territory west of Missouri to white settlement and eventual statehood. A bill known as the Kansas-Nebraska Act had been introduced in congress to accomplish this. One provision of the bill was to allow the residents of the new Territory of Kansas to vote on whether it would allow slavery. Those opposed to slavery in the east organized groups to oppose Kansas becoming a slave state, and one of them, the New England Emigrant Aid Company, was determined to send settlers to the territory to make Kansas free. Dr. Robinson had written several letters about the places he had seen in his trip through the future Kansas which attracted considerable attention, and he soon found himself associated with the Company. The Kansas-Nebraska Act passed and was signed into law on May 30, 1854. The New England Aid Company be-

gan organizing parties of men to head for Kansas to settle and organize Free State towns there to oppose the proponents of slavery who were also beginning to come into the territory. On June 28, 1854, Dr. Robinson left Massachusetts for Kansas as an agent of the Company to select town sites. One of those that he chose was that ideal site he had observed along the Kaw River on his trip to California back in 1849. The Company began sending parties of Free State emigrants out to Kansas to settle, with the first one going to the new town site on the Kaw. Dr. Robinson led the Company's second party to the new town. Several names, including Wakarusa and New Boston, were proposed for the name of the town, but in October 1854, it was decided that it would be named Lawrence, in honor of Amos Lawrence, a benefactor of the Company. Because it was known as the Free State headquarters in Kansas, many proslavery supporters hated the town, which caused it and its residents significant trouble. It was sacked and burned on May 21, 1856, but soon recovered and prospered. That prosperity brought many men and women in a wide variety of trades and professions to town, including those in the legal profession. A number of attorneys came to Lawrence to set up practice and work with the problematic but profitable legal aspects of life in a rapidly developing new land. Kansas was admitted to the Union in 1861, and by 1862, there were at a good number of lawyers practicing in Lawrence. One of them, Elliott V. Banks, wrote a letter dated May 30, 1862, to a friend and fellow lawyer named John Hutchings, who was contemplating a move to Lawrence. Banks wrote that "Believing that you will finally be 'one among us' I deem it expedient to give you a 'concise' view of your destined contestants." His observations were frequently sharp, unflattering, and rather gossipy. Banks had good things to say about Wilson Shannon, a former governor of Kansas Territory who held

the office during the summer of 1856, the most violent period of the "Bleeding Kansas" era, reporting him as "a grave dignified gentlemanly man, a first rate lawyer, as good as any in the state...." He did not, however, have a high opinion of Louis Carpenter, who at the time was serving as probate judge. Banks refers to him as a "close over-read bookworm", who "stick[s] so close to the books that he often gets outside of the case & books too". He continues his observations, writing that Judge Carpenter was "a great brag", "a great egotist....", and that he "has a poor faculty for making - or rather keeping friends...." Banks also wrote that Judge Carpenter "abuses witnesses needlessly." The excoriation of Judge Carpenter ends with the observation that Solon O. Thatcher, who had recently become judge in the Kansas Fourth Judicial District, had left his Lawrence practice "in Carpenters [*sic*] hands". Considering that the Reverend Richard Cordley would later call Judge Carpenter "a young man of marked ability," perhaps some of Bank's animosity towards him was based more on jealousy than on reality<sup>1</sup>. This possibility becomes more believable when looking at how Banks described another Lawrence attorney, James S. Emery. Banks writes that Emery was "So notoriously scheming and tricky & dishonest that his...now fair business is fast dwindling out. He is doubtless a scoundrel. Smooth & oily but his oil is plainly penetrable." Emery was later to serve as a state legislator, as a United States District Attorney, as a regent of the University of Kansas, and as president of the Kansas State Historical Society. Though none of these accomplishments disprove Bank's assessments as to Emery's character, they do call them into question. Even though there is a question as to whether all of the observations he recorded in his letter were entirely accurate or fair, the letter that Banks wrote to his friend John Hutchings still provides valuable information on the makeup and activities of Law-

rence's legal community in 1862. It is made even more valuable because most of the other potential sources for this information were destroyed when Lawrence was attacked and burned the next year in Quantrill's Raid.

<sup>1</sup> Considering how Banks felt about Judge Carpenter, it is interesting that he took over as Reporter for the Kansas Supreme Court when Carpenter, who at the time was serving in that office, was killed in Quantrill's Raid on Lawrence on August 21, 1863.

From: Charles Robinson: The First Free-State Governor of Kansas, by Frank W. Blackmar, Crane & Company, Topeka, [pp. 22-29](#); Robinson, Charles, Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc. ... / with a supplementary volume devoted to selected personal history and reminiscence. Standard Pub. Co., Chicago, 1912, Vol. 2, [pp. 589-591](#); Letter, from Elliott V. Banks to John Hutchings, May 30, 1862, Hutchings, John, 1836- , Spencer Research Library, University of Kansas Libraries; and, A Survey in Retrospect: A Letter of Elliott V. Banks, by Paul R. Wilson, The University of Kansas Law Review, v. 10, no. 2 (December 1961), pp. 123-132.

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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