

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 8th.

The November Douglas County Bar Association Brown Bag CLE program will be on Thursday, November 21, 2013, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. The Honorable Robert W. Fairchild will present *Painting the Picture for the Jury: Successful Use of Technology in the*

Courtroom. Handout material can be downloaded from the [DCBA website](#).

Current Art Gallery Exhibition

The October/November 2013 Law Library and Division IV art gallery exhibitions are oil pastels by Susan McCarthy.



The exhibitions will run through the end of November 2013.

The December 2013/January 2014 exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be fabric art by Carol Jones. More information on these exhibitions will be in the December 2013 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. 18:1 (Sept./Oct. 2013).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 32:10 (Oct. 2013).

Kansas Administrative Regulations, 2013 Supplement.

Manual of Procedure for Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 2013 ed.

Standard Traffic Ordinance for Kansas Cities, 41st ed. (2013).

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.

October's entry was:

In July 2013, the Honorable Michael J. Malone stepped down as President of the Douglas County Law Library Board of Trustees, a position he had held since its inception in 2001.

This Month In Legal History

November 10, 1892 - Thirty-four Baker University students are arrested for giving the college yell in the streets of Baldwin City, Kansas.

In January 1854, a bill was introduced in the United States Senate to create and open up to white settlement the new Territory of Kansas in the previously unorganized land west of Missouri. By late spring, it appeared that the Kansas-Nebraska Act, as the bill was called, would likely pass. This prompted Lucius Kibbee to move his wife and four children from their home in Iowa to settle in the new territory. They arrived in May, some days prior to Kansas Territory being officially opened to white settlement. He staked out a claim in what would eventually be southeastern Douglas County, approximately a half mile west of the western boundary of the Shawnee Indian Reserve lands and five miles north of the northern boundary of the Ottawa Indian lands. Kibbee began building a cabin to house himself and his family. The Kansas-Nebraska Act was signed into law by President Franklin Pierce on May 30, 1854, opening up the newly established Territory of Kansas to legal white settlement. Soon, other settlers joined the Kibbees, and they began to organize a town. Kibbee was involved in a shooting on November 29, 1854, in which a man was killed. Kibbee was arrested, and released on bond. He appeared for trial but the judge did not, so Kibbee took his family and left Kansas. Despite losing the first settler in the area, a town site was surveyed and platted. A number of buildings were constructed and businesses opened in the new town that was named Palmyra. A post office was established there in 1856. In the fall of that year, the first Kansas and Nebraska Annual Conference of the Methodist Episcopal Church was held in a tent approximately 15 miles north of Palmyra in Lawrence, Kansas Territory. The conference was presided over by Bishop Osmon Cleander Baker, who besides being a member of the church hierarchy, was a distinguished scholar. The conference ended with a clear understanding that the church would work towards establishing educational in-

stitutions in the Territory of Kansas. In March 1857, an educational convention of the Methodist Episcopal Church was held at Palmyra. It was decided to establish a school at Palmyra to be named Baker University in honor of Bishop Baker. The convention delegates formed the Kansas Educational Association of the Methodist Episcopal Church to begin working towards that end. The original plans were to build the university on a hill north of Palmyra, and finance the building by purchasing land south of town that would then be subdivided into lots and sold to raise money to fund construction. On February 3, 1858, the Kansas Educational Association obtained a charter from the Kansas Territorial Legislature to locate and establish an institution of learning. The Association met on February 12, 1858, in the cabin that Lucius Kibbee had built at Palmyra, and officially chartered Baker University. The plans to have the university built north of Palmyra were changed, and it was decided that the university would instead be built on the land that had been purchased south of town. There were not sufficient funds available to build the type of permanent structure that the members of the Association desired, so it was decided to construct a temporary building to house the University until sufficient funds could be raised to build a more imposing structure. The Association did not want to erect a temporary structure on the campus, so construction was begun on a site east of where the campus would be. Lots surrounding the campus area were sold, and a number of houses were built on them. John Baldwin, a businessman from Berea, Ohio, purchased one of the lots and built a grist mill. Baldwin's neighbors in the rapidly developing area surrounding the future site of Baker University decided to organize a town separate from Palmyra. John Baldwin had become the primary benefactor of the new school, and because of this, the new town was named Baldwin City in his honor.

Construction on the temporary university building known as The College Building¹, located between Elm and Fremont on 5th Street, was completed in the fall, and classes for the first university in Kansas began there on November 22, 1858. Baldwin City continued to grow, and much of that growth was at the expense of Palmyra. Businesses began relocating from there to its neighbor to the south. This exodus continued until eventually the post office was relocated from Palmyra to Baldwin City. The town of Palmyra ceased to exist. A drought in 1860, followed the next year by the outbreak of the Civil War back east, retarded the progress of Baker University. The 1863/1864 enrollment was large enough to convince university officials of the need for a larger building to be built on campus. An agent was sent back east to raise funds. One of the donors to the fundraising drive was President Abraham Lincoln, who contributed \$100 to the building fund. The foundation for a new university building, to be named Parmenter Hall², was laid in 1865. Because of all the problems Baker University had experienced during the War, the first students did not graduate until 1866. Funding problems continued to delay work on the new building. Construction had advanced sufficiently for students to begin attending classes in Parmenter Hall in March of 1871, but the building would not be completed for ten more years. By the late 1880s, Baker University had become well established with a good sized, co-ed student body. In 1888, Grover Cleveland was completing his first term as President of the United States, and was nominated by the Democratic Party for a second term. Benjamin Harrison was nominated by the Republican Party to oppose him. In the general election, Cleveland won the popular vote by a small margin, but lost by a significant margin in the Electoral College vote, so Harrison won the election and was sworn in as President in 1889. Because of its early history in the struggle over

the slavery issue, and its subsequent history as a Free State supporting the Union in the Civil War, Kansas was known as a Republican state. A significant majority of Kansans had voted for Republicans in previous elections, so there was strong support in the State for Harrison in 1888, however, that support was tempered by a growing unrest in some parts of the electorate. There was a strong national movement developing that opposed many of the perceived anti-farmer, anti-labor policies of the Republican Party. This opposition coalesced in 1891 with the formation of the People's Party by groups from The Grange, the Farmers' Alliances, and the Knights of Labor. Supporters of the People's Party became known to everyone as "Populists." A significant number of Kansans supported the Populist ideals, and so began to threaten the Republican dominance in the State. 1892 was a presidential election year, and as the year progressed, it looked as if it would be a rematch of the previous election. At the 1892 Republican Convention, Harrison was nominated for a second term, Cleveland was again nominated by the Democrats at their convention, and for the first time, the Populists nominated a candidate for President, James B. Weaver. In addition to Weaver, there were also many Populists running for State and local offices in Kansas. Many Republicans came to view the Populists as being in cahoots with the Democrats. As such, the campaigning that year was very lively. On the evening of Monday, November 7, 1892, the night before the election, there was a meeting scheduled between local Democrats and Populists in Baldwin City, presumably to discuss strategy for the following day. Two male Baker University students showed up outside the building where the meeting was being held and "yelled [twice] for Harrison," and as reported in an article dripping with sarcasm in the Baldwin Ledger, they also "...made other noises discordant with the populist sentiments..." They were ar-

rested, and apparently charged with willfully disturbing the political meeting. They pled not guilty, but the judge thought the yelling was not accidental, and fined each one \$2.70. An article in the Baker Beacon, the student newspaper at the school, took offense at the fine, stating that it was, "repulsive to the public opinion of our best citizens." Perhaps that indignation was fueled by the fact that Cleveland had won the presidential election, and there was significant disappointment among the ranks of the Republicans. Not only had Kansas gone for Weaver and the Populists in the national election, Populists were elected to many offices in the State, including the governorship. In the aftermath of the yelling for Harrison incident on the evening of the 7th, another incident occurred three days later on the evening of the 10th. That evening, a large group of Baker students went out on the streets of Baldwin City and repeatedly gave the Baker college yell³. After attempting to quiet them, Town Marshal Sherwin arrested thirty-four of the students. The two newspapers in town reacted differently to the arrests. An article in the student newspaper, referring back to the earlier arrests on the 7th, printed that the authorities were "Yet not satisfied with such tyrannical proceedings...", that, "...the city officers know very little concerning law," and that, "the marshal tried to find an ordinance to cover the charge, but has utterly failed...". The Baldwin Ledger published an article reporting that, "A company of students went forth giving unearthly yells last night[,] trying to see if they could be arrested. They soon found out. After attempting to quiet the howling Comanches[,] our efficient marshal put them all under arrest." The article went on to observe that, "Some are indignant that the city authorities should try to stop the 'boys' fun.' We fail to see the fun in yelling like heathens[,] especially when there was no victory in athletics or other cause to excite such demonstration." An article in the

November 12, 1892, edition of the Kansas City Star expressed sympathy with Baldwin City and other college towns when it observed that, "The arrest of three dozen college students at Baldwin City, Kas., for giving their college yell on the main streets of the town, is certainly a bold step on the part of the civilian officers of that quiet hamlet. Heretofore it has been accepted as a precept of common law, that citizens in a college town have no rights which students living therein are bound to respect. If the young men are convicted, a precedent will be established which will be gratefully received into full standing at Heidelberg, Cambridge, Eton, Ithaca, Bonn and Lecompton⁴." Whether that precedent was set is unknown, as there is no record of the outcome of the case of Baldwin City v. the thirty-four Baker students.

¹ The building served as Baker University classroom space until the completion of Parmenter Hall. Sometime after the construction, people began referring to it as "The Old Castle." It eventually became a museum housing artifacts from the history of Kansas, the Methodist Church, and Baker University. It was added to the National Register of Historic Places on February, 24, 1971. Today the building is known as the "Old Castle Museum."

² Parmenter Hall was added to the National Register of Historic Places on July 15, 1977.

³ A college yell is a cheer unique to an institute of higher education that is performed in unison by students and/or alumni to encourage an athletic team or to instill or express school spirit. According to *The World Almanac and Encyclopedia, 1908*, the Baker University college yell was, "B.U.! Rah, Rah! B.U.! Rah, Rah! Hoorah! Hoorah! Baker! Taker! Rah! Rah! Rah!"

⁴ Heidelberg, Germany, home of Heidelberg University; Cambridge, England, home of Cambridge University; Eton College, England; Ithaca, New York, home of Ithaca College; Bonn, Germany, home of the University of Bonn, and Lecompton, Kansas, home of Lane University from 1865 to 1902.

From: [Baldwin](#), Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties,

cities, towns, prominent persons, etc., by Frank W. Blackmar, Standard Publishing Co, Chicago, 1912, v. 1, pp.132-133; [Baldwin City](#), William G. Cutler's History of the State of Kansas, Douglas County, Part 34; [Baker University](#), Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc., by Frank W. Blackmar, Standard Publishing Co, Chicago, 1912, v. 1, pp. 129-132; [Palmyra, Kansas](#), Kansas Memory website; [Old Castle Museum](#), Council of Independent Colleges, Historic Campus Architecture Project website; [A History of Excellence & Support](#), Baker University website; [Parmenter Hall](#), Baldwin city Chamber of commerce website; [Parmenter Hall](#), Council of Independent Colleges, Historic Campus Architecture Project website; [United States presidential election, 1892](#), Wikipedia website; [People's Party \(United States\)](#), Wikipedia website; Baldwin Ledger, v. 9, no. 50 (November 11, 1892), p.3; Baker Beacon, v. 4, no. 10 (November 15, 1892), p.4; The World Almanac and Encyclopedia, 1908, The Press Publishing Co., New York World, New York, 1907, p. 560; [List of Governors of Kansas](#), Wikipedia website; [College Yell](#), Kansas Trails website; and, [Lane University](#), Wikipedia website.

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, 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: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library’s e-mail address is: info@douglascolawlibrary.org. The Law Library’s telephone number is: 785-838-2477.

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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