

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

12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. The presenter and topic were not available at the time of publication. One hour of CLE credit is likely pending approval. When available, handout material can be downloaded from the [DCBA website](#).

Changes in Law Library Staffing

At their July 16, 2015, meeting, the Michael J. Malone Douglas County Law Library Board of Trustees voted to change the law librarian position from three-quarter time, which it has been since its creation in 2002, to half-time. This change will take effect in January 2016. The board took this action over concerns surrounding future funding of the library.

Because of this change, the weekly library staffing will decrease by ten hours to twenty hours per week. How these hours will be distributed across the week, and what effect the change will have on the hours the library is open to the public are yet to be determined. When they are, they will be reported here.

There will be no changes to the 24/7 access that attorneys who have been issued library key have.

Law Librarian Receives Award



At their annual awards dinner on Thursday, October 22, 2015, the Freedom's Frontier Nation Heritage Area presented the 2015 Billings Most Valuable Partner Award to Kerry Altenbernd, the law librarian in the Michael J. Malone Douglas County Law Library.

The Heritage Area is affiliated with the National Park Service and is made up of 41 counties in eastern Kansas and western Missouri that have banded together to honor and promote the shared heritage of the constituent counties. The Most Valuable Partner Award is given annually "In recognition of outstanding dedication and service" to a participant in their activities in honor of the contributions of Judy Billings, who was instrumental in the creation of the Heritage Area. This is the third year that the award has been given.

Mr. Altenbernd has been attending Heritage Area partner meeting since January 2003, and has participated in a broad spectrum of Heritage Area and other history related activities over the years.

CRT Class Action Settlement Claims

There is a class action settlement that newsletter readers should be aware of so that they can take advantage of it. Certain manufacturers of Cathode Ray Tubes (CRTs) are alleged to have conspired to overcharge customers who purchased their devices "indirectly". "Indirect" is defined as purchases made from third party vendors not owned or operated directly by the manufacturer. A

settlement of \$576,750,000 has been reached, and those customers who were overcharged can make claims on the settlement.

CRTs are present in all televisions and computer monitors that do not have flat screen technology.

Not all states are part of the settlement, but Kansas is, so if you "indirectly" purchased a device containing a CRT in Kansas between March 1, 1995, and November 25, 2007, you may be eligible to file a claim. You may obtain more information on the settlement, file on-line, or download a claim form at <https://www.crtclaims.com/>. In addition to devices purchased directly from the manufacturer, Sony brand products are excluded from this settlement.

According to the website, the deadline to file a claim on-line or by mail is December 7, 2015.

Current Art Gallery Exhibition

The August/November 2015 Law Library and Division III art gallery exhibitions are paintings by Alice Ming Hsiang Kuo.

The December 2015/January 2016 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are artwork by Perry Shepard. More information will be in the December 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. 20:1 (Sept./Oct. 2015).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 34:10 (Oct. 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.

October's entry was:

The mission of the Michael J. Malone Douglas County Law Library is to provide legal and law related resources through a law library, focused on a Kansas practice, conveniently located in the Judicial Center for use by the bar, bench and public.

This Month In Legal History

November 17, 1856 - Judy steals herself from George W. Clarke.

George W. Clarke was appointed as Indian Agent for the Potawatomi Indian Agency by President Franklin Pierce in 1854. The Potawatomi Agency was in Kansas Territory, which had just been opened for white settlement by the signing of the Kansas-Nebraska Act on May 30, 1854. Clarke brought his family to Kansas Territory to assume his duties as Agent. The issue of whether Kansas would become a slave state or a free state when it was admitted into the

Union was being left up to the residents of the territory, and Clarke was a strong supporter of slavery. He quickly became involved with the proslavery party in Kansas and became known to the supports of Kansas becoming a free state as someone who would go to extreme measures to support the proslavery cause. Clarke became Treasurer of a town company that was eventually named the Lecompton Town Company for its President, Samuel D. Lecompt, himself being the Chief Justice of the new Kansas Territorial Supreme Court. The town site was located in the northwest corner of what would soon become Douglas County, Kansas Territory. The town was the headquarters of the proslavery movement in Kansas. Clarke settled his family in Lecompton, which was soon made the Territorial Capitol. He became associated there with Henry Titus, another strong supporter of slavery in Kansas. Clarke and Titus were not only supporters of the concept of slavery but also owned slaves themselves. Clarke owned a woman named Judy and shared ownership of another woman named Ann with Henry Titus¹. Whether Clarke brought Judy and Ann into Kansas with him when he and his family came, or whether he acquired ownership of them after arriving there is not known. On November 21, 1855, Free State supporter Charles W. Dow has killed by Franklin Coleman, his proslavery neighbor, over a land dispute. Jacob Branson, a Free State friend of Dow's was accused of making threatening comments against proslavery men, and around midnight of November 26th, Branson was arrested by the proslavery Sheriff of Douglas County, Sam Jones. A number of Branson's friends got word of the arrest and confronted Jones and his men early on November 27th, eventually forcing them to release Branson. They took him to Lawrence, the headquarters of the Free State movement in Kansas. On December 1st, a force of nearly two thousand proslavery men came into Kansas under the command of

Jones and marched on Lawrence. The residents of Lawrence were able to fortify the town, and instead of attacking, the proslavery army put the town under siege. Clarke was among the men besieging Lawrence. On December 6th, Robert and Thomas Barber and their brother-in-law Thomas Peirson, slipped out of town and headed home to chop wood for their families. They had gone only a few miles when they were stopped by Clarke and another proslavery man who rode up to them. There was a brief exchange, during which Clarke ordered Thomas Barber to come with him. Barber refused, saying that Clarke had no authority over him, and when he began to ride off, Clarke and the other man pulled out pistols and fired at Barber. A bullet, later determined to be from Clarke's gun, found its mark, and Barber fell dead off his horse. Clarke later claimed that Barber was riding a horse that had been stolen from him. Neither he nor the other shooter was ever arrested or tried for the killing of Barber. John Greenleaf Whittier, the noted 19th-Century poet, wrote a poem memorializing Barber titled *Burial of Barber*. By May of 1856, the trouble in Kansas was escalating. Clarke had assumed command of two proslavery militias, the Doniphan Tigers and the Kickapoo Rangers, and some were referring to him as "General" Clarke. United States Marshal Israel B. Donalson began assembling a force of men to assist him in serving warrants on several Free State men in Lawrence. Since Lawrence was a Free State town, the men who chose to serve on the posse were proslavery. Clarke and the men under him in the two militias joined up. On the morning of May 21st, the posse ate breakfast and then assembled to hear Donalson give them their orders, to march into Lawrence and enforce his warrants. Next to speak was David Rice Atchison. Atchison was a United States Senator for Missouri. He had served as President pro tempore of the Senate for six years and had requested

that Senator Stephen Douglas introduce the Kansas-Nebraska Act in 1854 which sparked the struggle over slavery there. Atchison was strongly in favor of Kansas becoming a slave state, and bitterly opposed the Free State men in Lawrence. He made a fiery speech to the assembled proslavery posse, excoriating the town of Lawrence and urging them on in "crushing out the last sign of damned abolitionism in the territory of Kansas." The posse then marched into Lawrence and took over the town. After serving his warrants, Donalson left Lawrence, and command of the posse devolved to Sam Jones, the proslavery sheriff of Douglas County. Under Jones, the men proceeded to sack and burn the town. Clarke and his men were active participants in the destruction. Even with all his work for the proslavery cause in Kansas, Clarke still found time to perform at least some of the duties of Indian Agent. On August 6, 1856, Clarke wrote to Benjamin F. Robinson, Indian Agent for the Delaware Agency, concerning the difficulties in removing squatters from the Kansas lands that had been designated for the so called "half-breed" Indians. John W. Geary took office as the new Kansas Territorial Governor on September 9, 1856. He wanted to stop the violence in the territory that his predecessor, Wilson Shannon had failed to do. That fall, Clarke led upwards of 400 proslavery men into Linn County, Kansas Territory, and raided Free State towns and homesteads, burning and robbing as they went. Geary called on President Pierce to remove many federal officials in Kansas because "I am now made aware of a most insidious and foul conspiracy formed for the purpose of dissolving this Union and of defeating my policy as the means by which it will be cemented and perpetuated. This conspiracy includes among its members Atchison, Stringfellow, the two Territorial Judges, Secretary of State, District Attorney, Marshal, Surveyor General, [and] Clark[e] the

agent for the Pottawatomie Indians, the last named is stained with murder and arson and all the rest aiding, abetting and giving official countenance to crimes and enormities of the deepest dye not excepting murder." Clarke's troubles were increasing, and on November 17, 1856, Clark's slave Judy stole herself from him. Slaves were considered the property of their "owner", and so anyone who removed a slave from their master's possession was considered to have stolen the slave, and this included the slave herself, so a runaway slave was a thief of her master's property. If losing Judy was not enough, a special messenger from President Pierce arrived in Lecompton on December 10th with the news that the President had granted Geary's request and removed Clarke from his position as Indian Agent². Clarke ran an advertisement³ in the December 11, 1856, edition of *The Lecompton Union*, offering a reward for the return of Judy. In the ad, he noted that "She is no doubt lurking in or near Lawrence, if she has not already secured passage on the under-ground railway to Chicago." *The New York Tribune* got wind of Clarke's predicament, and printed his original ad from the *The Lecompton Union* along with a mocking and rather scathing article⁴ on Clarke himself. There is no indication as to Judy's eventual fate, other than that she was never returned to Clarke. Her experiences on her journey to freedom are also unknown, but one can get a feeling for them through the experiences of Ann, Clarke's other slave woman that he owned with Henry Titus. Following in Judy's footsteps, Ann ran away from Clarke's home sometime in late November or early December 1856⁵, and her trials and tribulations are documented by one of the men who helped her get away. After leaving Clarke, Ann went to the house of a Free State man named Howard, who lived about two miles southeast of Topeka, Kansas Territory. He had trouble securing her passage on the Underground Railroad, and she had been at

Howard's about five or six weeks when a group of proslavery men discovered her and took her back to Clarke for the reward he had offered. It was evening when they arrived at Clark's place at Lecompton, and finding Clarke not at home, they sent word out into the country for him to come and pay the reward. Ann went out into the kitchen to wash up. The men had given her some cakes to eat, but instead of eating them, she put them in a small pouch she had with her. The men were drinking and having a merry time anticipating their reward, and only the women of the house were watching Ann. It had gotten dark outside, and when the women watching her were off their guard, Ann ran outside and up a heavily wooded ravine. She hid in thick brush, laying there until almost morning. Realizing Ann had escapes, the men came out of the house after her. They searched for her, at one time coming very near to where she lay. As it began to get light, Ann moved southeast along the ravine, eventually coming out onto the top of a hill on the edge of the prairie. It was daybreak, and she could see around to get her bearings. She eventually saw a man at a distance walking along the road that went to Lawrence. Ann could see that he was carrying a book, and assumed that anyone with a book must be a Free State man. She went up to him and asked who lived in the area. He identified himself as Dr. Barker, presumably Dr. Francis Barker, and a neighbor of Clarke. He had been visiting a sick woman and was on his way home. Ann asked him to take her to his house and help her to get free. Dr. Barker told her to go farther south, to walk down the ravine and come up back of his house, which she did. After a day or two, Dr. Barber had Ann get in the back of a wagon, and after covering her so no one could see her, took her to a house near Lawrence, identified as belonging to the father-in-law of George Earle, and left her there. The father-in-law then took her to John Armstrong in Topeka. Arm-

strong was living in the boarding house of Mrs. Caroline Scales, and was reportedly courting one of her daughters. He and Mrs. Scales hid Ann in the cellar inside a sugar hogshead, an immense barrel which had been used to ship things from back east. They put some straw, clothes, and blankets into the hogshead to make Ann comfortable. She was so well hidden that it was a week after her arrival before William Scales, Caroline's husband, discovered her there. When the boarders were out during the day, Ann would come up into the kitchen and do housework for Mrs. Scales. One morning she was helping wash the breakfast dishes when one of the boarders, a Captain Henry, came in on her. Captain Henry was reported to be a strong proslavery man, but Mrs. Scales supposedly said "you can keep a secret," and he apparently did, as he never gave them away. Armstrong kept Ann hidden there for about six weeks while he could finish making plans to take her to Iowa. He borrowed a closed carriage from a Reverend Burgess and a team of mules from another man. He raised a total of \$70 to pay the expenses of the trip, \$10 from Charles Robinson, \$5 each from Major James B. Abbott and John Ritchie, and the rest in \$1 contributions. Armstrong and Ann were accompanied by another escaped slave woman whose name is not known⁶ and a Mr. Mills who went along to assist Armstrong. They began the trip at the end of February⁷, following the Lane Trail north through Kansas and into Nebraska Territory, and then across the Missouri River into Iowa, eventually arriving in Civil Bend where Armstrong turned Ann over to Dr. Ira D. Blanchard. Civil Bend was a known abolitionist town and waystation on the Underground Railroad, and Dr. Blanchard was a strong supporter of the cause. He sent Ann on to Chicago, where she stayed safely for a number of years⁸. Clarke moved to Fort Scott, Kansas Territory, a town in Bourbon County around 90 miles southeast of Lecompton, in

1857, and worked in the U. S. Land Office there. He continued his proslavery activities and had frequent run-ins with Free State men. Clarke was suspected of participating in the Marais des Cygnes Massacre on May 19, 1858, in which around 30 proslavery men rounded up 11 Free State men, marched them to a spot approximately four miles northeast of Trading Post, in Linn County, put them in a gully, and fired upon them, killing five and seriously wounding five more. Clarke was arrested but was not charged. He was released, and finally left Kansas in August 1858. What his fate was after leaving Kansas is not known.

¹ Ann was described as being about forty or forty-five years old, weighing about 175 pounds, and being of medium color.

² The exact date when Clarke was removed as Indian Agent is not known.

³ The full text of the advertisement in the *The Lecompton Union* reads: "Fifty dollars reward. Left my premises, near Lecompton, K. T., on Tuesday, the 17th day of November last, my negro woman Judy. She is about 35 years old, 5 feet 3 or 4 inches high and corpulent, weighing about 225 pounds. She is very black, with several teeth out in front; and speaks intelligently and plausibly. She has been seen at several houses in the neighborhood, and when last seen was traveling towards Lawrence. She is a good cook and washerwoman, and in other respects an excellent house servant. She is no doubt lurking in or near Lawrence, if she has not already secured passage on the under-ground railway to Chicago. I will give \$25 for information that will lead to her apprehension, or \$50 to any person who will deliver her to my residence. Geo. W. Clarke, December 2, 1856."

⁴ The full text of the *New York Tribune* article reads: "Misfortunes, they say, never come single; and in the case of Mr. George W. Clarke, late an Indian Agent in Kansas, and credited by fame with the murder of Barber during the first siege of Lawrence, this saying seems to come true. We noticed a little while ago that, in spite of his eminent service to the cause of Border-Ruffianism, the President had removed him from his Indian Agency. It appears by the advertising columns of a late number of *The Lecompton Union* that he has not merely lost his office, but what perhaps comes still nearer home to him, "his negro

woman Judy," "good cook, washerwoman, and excellent house-servant." As, possibly, Judy may apply for employment somewhere within the range of our circulation, we give her the benefit of the excellent character from her late master contained in the sub-joined advertisement: [The Lecompton Union article from footnote 3 appears here] Whatever may be the views of Mr. George W. Clarke on the Kansas question, it would seem that at least one member of his family or of his late family is bent upon making that territory a Free State. But though he loses in one direction he may gain in another. His double loss of his office and his Judy ought to go far to secure him the clerkship of the Bogus Legislature now shortly about to meet--a berth for which we see he is an applicant."

⁵ There is no record of when Ann first escaped from Clarke, but using subsequent events one can narrow it down significantly. See footnote 7.

⁶ It is intriguing to wonder if the escaped slave woman whose name Armstrong could not remember was Judy, the other woman who had escaped from Clarke.

⁷ If Armstrong is correct that he and Ann began the trip to Iowa the end of February 1857 after she had stayed in Topeka for six weeks, then Ann would have arrived at Mrs. Scales' boarding house in Topeka in mid-January. Since she had escaped from the slave catchers a few days before she arrived at Mrs. Scales' house, she would have done so in early to mid-January 1857. Prior to having been taken by the slave catchers, she had spent five to six weeks at the home of Mr. Howard after she had run away from Clarke. Five to six weeks before early to mid-January 1857 would be late November or early December 1856, so that is when she had first run away from Clarke's house.

⁸ Ann wrote to Armstrong offering him \$500 to go to Lawrence County, Missouri, and free her daughter, who was enslaved there.

From: [Potawatomi Indian Agency \(Kansas\)](#), FamilySearch website; [Sack of Lawrence](#), A Standard History of Kansas and Kansans, Volume 5, William E. Connelley, Lewis Publishing Company, Chicago, 1918, Chapter 29, Part 4; [Lecompton](#), William G. Cutler's History of the State of Kansas, Douglas County, Part 31; [Reminiscences of Slave Days in Kansas](#), by John Armstrong, Territorial Kansas Online website; A Fragment of Kansas Land History: The Disposal of the Christian Indian Tract, by Paul Wallace Gates, Kansas Historical Quarterly, v. 6, no.

3 (August 1937), [p. 228](#); "No Propriety in the Late Course of the Governor": The Geary-Sherrard Affair Reexamined, by David E. Meerse, Kansas Historical Quarterly, v. 42, no. 3 (August 1976), [pp. 237 to 262](#); [Early Political Troubles, Part 2](#), William G. Cutler's History of the State of Kansas, Linn County, Part 3; The Lecompton Union, vol. 1, no. 29 (December 2, 1856), p. 2; New York Tribune, vol. 16, no. 4,899 (December 31, 1856), p. 5; [Civil Bend](#), Iowahistory.org website; [Cool Things - Proslavery Leader's Desk](#), Kansapedia website; and, [\[CLARKE\] George W. Clarke](#), Rootsweb 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 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.

No Ads this Month.



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Editor: Kerry Altenbernd

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The Michael J. Malone Douglas County Law Library,
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111 East 11th Street,

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Phone: 785-838-2477

Fax: 785-838-2455

E-mail: info@douglascolawlibrary.org

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

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