

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



Vol. 13, No. 11; November 2016

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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 11th.

The November 2016 Douglas County Bar Association Brown Bag CLE program will be on Thursday, November 17th, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement

Center. Anne McDonald from Kansas Lawyers Assistance Program (KALAP) will present *Stress Reduction for the Legal Community Through Mindfulness*. Check the [DCBA website](#) for more information on the program, on the CLE credits available, and for handout material.

### Free Lawyers Assistant Program CLE Available November 4th

The Kansas Lawyers Assistance Program (KALAP) is partnering with Valley Hope and the Kansas City Metropolitan Bar Association (KCMBA) to present "Lawyers Day at Valley Hope in Overland Park" on November 4, 2016, from 9:00 a.m. to 1:15 p.m. Jim Coyle, Regulation Counsel for the Colorado Supreme Court, will be the keynote speaker. Mr. Coyle is also co-chair of a national Wellness Task Force whose goal is to create a movement towards improving the health and well-being of the legal profession. The event is free and there are 2 hours of Kansas and Missouri CLE credit available. Registration is required; call 785-368-8275 to register. Space is limited.

### **Current Art Gallery Exhibition**

The October/November 2016 Law Library and Division III art gallery exhibitions are photography by Marjorie Hedden. The exhibitions will run through the end of November 2016.

The December 2016/January 2017 exhibition slots in the Michael J. Malone Douglas County Law Library Art Gallery and the Division III Art Gallery are scheduled to be photography by Deborah Kai. More information will be in the December 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:

AALL Spectrum, v. 21:2 (Nov./Dec. 2016).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 35:10 (Oct. 2016).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 304:3/v. 52:6 (Sept. 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.

October's entry was:

The next biennial election of attorneys to serve on the Law Library Board of Trustees will be in the spring of 2017.

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

November 20, 1892 - Professor Sommers is stabbed by Ben Johnson.

George W. Sommers was born October, 30, 1861, in Ohio. Nothing else is known of him prior to his coming to Lawrence, Kansas, which occurred sometime before July 29, 1886<sup>1</sup>. Sommers was a musician, "a very quiet peaceable sort of man," and had acquired the title "Professor", by which he was often referred to in newspaper articles. He sang and played a number of instruments. Sommers taught music and frequently gave public performances. From what can be determined from newspaper articles, he was a well-respected citizen in town. Sommers had a friend named James Seybert Tipton, known as "Seybert", who was a local barber. Tipton had been born September 3, 1861, in Bedford County, Pennsylvania, and had attended Lane University in Lecompton, Kansas, before moving to Lawrence. Around 10:00 p.m. in the evening of Sunday, November 20, 1892, Sommers was accompanying Tipton to Tipton's room<sup>2</sup>. The room was located above a business in downtown Lawrence, and was up "the first stairway south of Riddle's grocery on the west side of the street"<sup>3</sup>. It was reported that they were going there to arrange some music. As they were about to start up the stairs, they heard screaming and crying coming from the next stairway south of the doorway where they were standing. They stopped to listen. After a few minutes, a little boy and girl came down the stairway

to the south and over to Sommers and Tipton, saying that there were three men upstairs who were going to kill their sisters. Another man named Ed Rahskopf came up, having been attracted by the noise. A woman came down the stairs and asked for someone to go up and help. Rahskopf said he would go if he had a gun, but nobody had one, so he did not go. Soon after, a man named Ben Johnson came down the stairs from where the noise had been coming, and walked over to where Sommers and Tipton were standing. He came up to Sommers and asked him "if he wanted to take the matter up." Sommers said he did not. Johnson pulled out a knife and stabbed at Sommers, inflicting "a very ugly cut on his left side." He also struck at Tipton but missed. Sommers was taken to the office of Dr. Charles V. Mottram, where he was treated for his injury, and then taken to Tipton's room. Meanwhile, the sheriff arrived on the scene and arrested Johnson, a man named Jack Delahunty, and a young man named Hale. In reporting on the incident, the *Lawrence Daily Journal* noted that the stairway from where the cries had been coming led to the rooms of "the notorious Dalene girls" who "are inmates of a disorderly house<sup>4</sup>." They were the sisters that the boy and girl were referring to when they came down the stairs. The woman who had come down the stairs asking for help was the mother of the Dalene girls. The paper continued, noting that "The place is a well known [*sic*] resort and has been for some time. Last night there were some young men there as usual. They raised a big disturbance and the noise was heard on the street for some distance." The young men referred to by the newspaper were presumably Johnson, Delahunty, and Hale. In commenting on Johnson, the newspaper noted that he had been "in police and justice courts a number of times" and that he had "a quarrelsome disposition." Ben's father, James T., known as "Watermelon Johnson"<sup>5</sup>, had died in the late 1880s, and left the fam-

ily \$100,000, which was a significant sum of money at that time. Ben Johnson and his younger brother Will had then "proceeded to squander" it... [i]n four years with fast horses and every other device that men on the lookout can come across...." The two brothers then began a life of crime. A warrant charging Ben Johnson with intent to kill Sommers was sworn out. Delahunty and Hale were put under a \$1,000 bond on a charge of deadly assault against the Dalenes. Town Marshal C. T. K. Prentice and a policeman named James arrested the Dalene sisters, who were fined \$26.50 in police court for disturbing the peace. Sommers recovered from his injury and apparently suffered no long term effects from his wounding. Johnson's bond was set at \$1,400, and his mother, Sarah E. Johnson, mortgaged her last remaining property to pay the bond. He was released and ordered to appear in the May term of the district court in Douglas County, Kansas, but he jumped bail and left town. His mother lost her property and became destitute. Johnson was eventually arrested in Missouri and returned to the Lawrence jail, where he was held without bond until his trial in the November 1893 court term. The trial began on November 14th in a crowded courtroom. The case went to the jury at noon on the 16th, and just before 3:00 p.m. that afternoon it came back with a verdict of guilty of manslaughter in the third degree. Even though the assault by Johnson on Sommers had not been fatal to Sommers, the jury determined that Johnson had tried to kill Sommers. At the time, this amounted to manslaughter in the third degree, which carried a sentence of not less than six months in the county jail or more than five years in the penitentiary. On December 12, 1893, Johnson was sentenced to two years in the penitentiary by Judge Alfred W. Benson. In the 1895 Kansas legislative session, two attorneys named Dail and Flint got a bill through the Kansas Legislature to appropriate \$1,400

to recompense Sarah Johnson for the money she lost when her son jumped bail. Flint applied to the state treasurer for the \$1,400 showing a power of attorney. Dail protested, claiming that the power of attorney had been obtained through misrepresentation by Flint. Dail then got Sarah to admit to the probate judge that she was of unsound mind and incompetent, and Dail had A. N. Moyer appointed as her guardian. A jury later found that she was not of unsound mind but was merely incompetent. In order to collect the \$500 that was owed to them, Samuel Agnew Riggs and W. W. Nevison, the attorneys who had defended Johnson in his trial, filed suit to stop Moyer from disposing of Sarah's \$1,400. In early 1896, Judge William G. Holt of the Wyandotte County, Kansas, Court of Common Pleas took the case under advisement. It is not clear what Judge Holt did or how all the legal wrangling eventually came out, or whether Sarah ever got any of the \$1,400 allocated to her by the legislature. Around the 10th of August of 1896, Sommers' friend Tipton became ill with typhoid fever. At 1:00 in the morning on August 20, 1896, he died in his room at the age of 24. It was observed that he "was a popular young man liked by all with whom he came in contact." His funeral was held in the Methodist Church the morning of the 21st, and his remains were taken to Westphalia, Kansas, where he was buried in the family plot in Cherry Mound Cemetery there. Sommers continued his musical activities after the death of his friend. A short 1898 article in the *Lawrence Weekly World* reported that Johnson was "at work and has been steady since he was released from the penitentiary" for stabbing Sommers, but this did not last, because in 1902 he was convicted of a crime in Missouri, and sent to the Missouri State Penitentiary in Jefferson City. George Sommers remained a well-known musician in Lawrence, participating in numerous concerts and other musical activities over the years. He died on October

28, 1932, and was buried in Oak Hill Cemetery in Lawrence<sup>6</sup>.

<sup>1</sup> This is the earliest date that a record associating his name with Lawrence has been found.

<sup>2</sup> Some reports have Sommers and Tipton sharing the room.

<sup>3</sup> An 1890/91 city directory for Lawrence records Riddle's grocery at 726 Massachusetts Street, which would be on the east side of the street, while the 1893/94 and subsequent city directories record it being at 923 Massachusetts Street, which is on the west side of the street. It appears that the store must have moved locations around 1892. Since the newspaper report covering the events the night of November 20, 1896, gave the grocery's location as being on the west side of the street, the probable location of it and the other locations mentioned in the story were in the 900 block on the west side of the street.

<sup>4</sup> Although the term "disorderly house" can mean any place where unlawful activities or public nuisances occur, it usually means a brothel.

<sup>5</sup> The elder Johnson was a farmer in Wyandotte County, Kansas, and was known as "Watermelon" because he had made his fortune selling the fruit.

<sup>6</sup> The headstone in Oak Hill Cemetery spells his last name "Sommer", while in all newspaper accounts in which his name appears it is spelled "Sommers". Although it is not unheard of for newspapers to misspell a person's name, their consistency over a period of over forty years, added to the fact that misspelling names on headstones is not unheard of either, leads to the conclusion that the stonemason who carved Sommers headstone left the "s" off the end of his name.

From: Sommers, George W., 1900 U.S. Census, 1st Ward, Lawrence Kansas, 6/10/1900; [George Sommer](#), Find a Grave website; The Lawrence Gazette, v. 4, no. 210 (July 29, 1886), p. 1; Lawrence Daily Journal, v. 24, no. 279 (November 21, 1892), p. 4; Lawrence City Directory, R.L. Polk and Company, 1890/91-1895/96; [Descendants of Frederick Hill](#), by Marcy Lou Cook, Collectornuts website, p. 11; The Lawrence Gazette, v. 11, no. 534 (November 24, 1892), p. 2; Lawrence Weekly World, v. 4, no. 51 (February 13, 1896), p. 4; Kansas City Gazette, v. 39, no. 2031/v. 11, no. 141 (December 17, 1896), p. 3; Lawrence Daily Journal, v. 24, no. 2 (November 14, 1893), p. 4; Lawrence Daily Gazette, v. 5, no. 57 (November 16, 1893), p. 3; Johnson, J. T., 1880 U.S.

Census, Wyandotte Township, Wyandotte County, Kansas, 6/8/1880; Douglas County Jeffersonian (The Jeffersonian Gazette), v. 12, no. 21 (December 14, 1893), p. 3; Kansas City Gazette, v. 38, no. 1965 [1966/v. 10, no. 126 (August 15, 1895), p. 8; Lawrence Daily World, v. 4, no. 294 (February 5, 1896), p. 3; Lawrence Daily World, v. 5, no. 159 (August 20, 1896), p. 3; Lawrence Weekly World, vol. 7, no. 27 (September 1, 1898), p. 5; Lawrence Weekly World, v. 11, no. 23 (August 7, 1902), p. 5; and, Lawrence Daily Journal-World, v. 76, no. 259 (October 28, 1932), 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 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**

Editor: Kerry Altenbernd

Published monthly by:

The Michael J. Malone Douglas County Law Library,

Judicial and Law Enforcement Center,

111 East 11<sup>th</sup> Street,

Lawrence, Kansas 66044

Phone: 785-838-2477

Fax: 785-838-2455

E-mail: [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org)

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

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