

# 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 14th.

### Guide to Revised Kansas Criminal Code

It goes without saying that the revision to the Kansas Criminal Code has caused problems. To help mitigate this, Kristen Patty, a Wichita attorney and self-described "Legal Research Geek," has produced a guide to the revised Kansas criminal code.

The guide is available in searchable PDF format through an icon named "Guide to Revised Criminal Code v2.1" on the desktops of the patron workstations in the Law Library.

### Reels of Justice Film Series

The next screening in the Library's free Reels of Justice Film Series will be *The Awful Truth*, starring Cary Grant and Irene Dunne. It will be shown at 2:00 PM, Sunday, November 20th in the Lawrence Public Library Auditorium. Mark your calendars.

### Current Art Gallery Exhibition

The October/November exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are watercolors by Shannon Cloud.

The exhibitions will run through the end of November. Most of the pieces are for sale and may be purchased directly from the artist. Contact information for Ms. Cloud is available in the Library.

The December 2011/January 2012 Law Library and Division IV exhibitions are scheduled to be textiles by Linda Frost. More in-

formation on these exhibitions will be in the December E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Gallery, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our gallery, 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:

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 286:4/v. 40:1 (June 2011) and v. 292:3/v. 46:1 (Sept. 2011).

The Bluebook: a uniform system of citation, 19<sup>th</sup> ed.

Kansas Reports, v. 286.

Search and Seizure Bulletin, v. 48:8 (Aug. 2011).

Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family, by Marvin Ventrell.

Understanding DUI Scientific Evidence: Leading Lawyers and Scientists on Recent Developments in Forensic Science, Understanding Chemical and...Validity of Test Results, 2011 ed.

### **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.

September's entry was:

The Law Library is organizing a legal form bank. Attorneys are encouraged to contribute forms that they have created.

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

October 19, 1856 - William Bowles dies in the "Great Political Prison" in LeCompton, Kansas.

The violence between Free-State and pro-slavery partisans that had prompted eastern newspapers to begin referring to Kansas Territory as "Bleeding Kansas" increased during the late spring and summer of 1856. The sacking of Lawrence, Kansas Territory, by proslavery forces on May 21st, the Pottawatomie Massacre on the night of May 24th-25th, the Battle of Black Jack on June 2nd, the first Battle of Franklin on June 4th, the murder of Free-State supporter David Starr Hoyt on August 11th, the second Battle of Franklin on August 12th, the Battle of Fort Titus on August 16th, and the Battle of Osawatomie on August 30th, had each added to the escalation of the troubles. On September 8th, an armed body of proslavery men raided and burned Grasshopper Falls, a Free-State settlement approximately 15 miles north of Lawrence in Jefferson County. A day or so later, General James Henry Lane received word of problems at Ozawkie, another town in Jefferson County some 12 miles northwest of Grasshopper Falls. Lane was a lawyer and politician who had come to Kansas in 1855, and had eventually allied himself with the Free-State movement, unusual for a Democrat at the time. He had been appointed a General in

the Free-State Militia and was known to have a fiery temper, becoming known as "The Grim Chieftain." Lane was leading a company of Free-State militia toward Holton, which was north of Topeka, when he received the message from Ozawkie, predominately a proslavery town. Free-State men who lived there requested that he come and stop the proslavery men in the town from preying on them. Lane abandoned his plans to go to Holton, and instead led his men to Ozawkie. Having restored order in the Ozawkie area, Lane's men were joined by a number of local Free-State men. Lane then learned that an armed force of over 100 proslavery men was at Hickory Point, and he determined that he would march there and capture the men. Hickory Point was a small settlement in Jefferson County, consisting of a few log buildings on the Fort Leavenworth-Fort Riley military road about twenty-eight miles northeast of Topeka. Captain H.A. Lowe was the owner of Hickory Point, and had recruited around 100 proslavery men, mostly settlers in the area, to defend his property. They had been joined by a force of around 40 South Carolinians commanded by a Captain Robertson, who had been harassing Free-State settlers in the county and were suspected of have been the men who had burned Grasshopper Falls. Lane and his men arrived on September 13, and proceeded to attack the buildings there. The attack was repulsed, and Lane realized that the buildings were too heavily fortified for him to be able to take without assistance. He sent messages to Colonel James A. Harvey and Captain Bickerton in Lawrence. He ordered Harvey to bring up reinforcements, and for Bickerton to bring "Old Sacramento," a bronze cannon that had been used by Free-State forces in the Battle of Fort Titus following its capture from proslavery men in the second Battle of Franklin. Lane directed them to come to Hickory Point by the long way through Topeka. Harvey assembled a force of about 125 men and set

out that evening for Hickory Point, accompanied by Bickerton and "Old Sacramento." Instead of taking the road west to Topeka as Lane had ordered, Harvey marched his men on the direct route north from town. After having marched all night the 24 miles from Lawrence, they arrived at Hickory Point at around 10:30 on the morning of the 14th. Upon their approach, the proslavery men tried to retreat, but failing that, fell back into the log buildings. The Free-State men found that Lane and his men were nowhere to be found. Unbeknownst to them, after Lane had dispatched his orders to Harvey and Bickerton the previous day, he had received word that John Geary, the new territorial governor, had issued a proclamation that all militias disband immediately. Lane abandoned his plans to attack Hickory Point and led his men towards Topeka. Since he had ordered Harvey and Bickerton to take the Topeka Road, he expected to run into them and so be able to stop their advance. As the reinforcements had taken another route, the two groups did not meet, and Harvey and Bickerton did not know that the attack had been called off. After arriving at Hickory Point, Harvey had his men surround the log buildings. He ordered the cannon be brought up and readied for firing. The first shot from "Old Sacramento" passed through the blacksmith shop, killing one man inside. About 20 more shots were fired but without effect. A steady rifle fire was kept up by both sides, but because of the distance between the two, there were few casualties. The Free-State men attempted to set the blacksmith shop on fire by pushing a wagon up next to it and setting the hay in it on fire, but were unsuccessful. Soon after, the proslavery men displayed a white flag, and both sides ceased firing. Messages went back and forth between the two sides and at around 5:00 PM, a compromise was reached. It was agreed that both sides would retire peaceably, give up all plunder that had been taken, and that all non-residents would

leave the county. Besides the man killed by the cannon ball, four other proslavery men had been wounded. Three Free-State men had been shot in the legs, one had a head wound, and another had been shot through the lungs. The Free-State men left Hickory Point and headed back toward Lawrence, traveling about five miles before making camp for the night. Several men continued on with the wounded, trying to get them home that night. They had only gone about a mile when they met a troop of United States Dragoons under orders of Governor Geary, who took the men into custody. The dragoons followed their trail back to the camp and arrested all the Free-State men they could find. None of the proslavery men who had participated in the Battle of Hickory Point were arrested. After their capture, the prisoners had their weapons confiscated before they were marched to LeCompton, a proslavery town that was the territorial capital. A number of the Free-State men had managed to avoid capture, and a few were able to escape during the march to LeCompton, but 101 of them were still in captivity when they arrived in the capital. For the first week they were held by the dragoons, but then Colonel Henry T. Titus took charge of the prisoners, and they all were put into what one of them called "...an old shell of a house..." The building, described by a reporter from *The Missouri Democrat* as "...a frame house, poorly inclosed, without windows, and surrounded on all sides with filth and the Titus militia," was only about 20 by 30 feet square, with no furnishings but a small stove. There were few blankets, and the 101 men were so crowded into that small space that they had to take turns sleeping on the bare floor. A letter, written on October 19, 1856, and printed in the November 15, 1856, edition of *The Herald of Freedom*, was addressed "To the American People" and noted that it was written from the "Great Political Prison, LeCompton." The letter described the reasons

for their incarceration and the conditions they were being forced to live in while a grand jury was supposedly determining who were to be tried and who were to be released. Because only Free-State men had been arrested for the fight at Hickory Point, the inmates felt that they were political prisoners. The letter writer likened the conditions there to the "Black Hole of Calcutta," a notorious dungeon in India. One of the prisoners was a young man named William R. Bowles. He was originally from Wisconsin, but had lived for a time in Saint Charles, Missouri, before coming to Kansas Territory in late July or early August of 1856. The reporter from *The Missouri Democrat* noted that, "He [Bowles] was going to the Territory in company with his brother, to find a new home. He was a Free-State man, quiet, gentlemanly and intelligent." On October 17th, Bowles became one of the many prisoners to fall ill. The reporter wrote that, "The miserable food and the exposure, and the loathsome nature of the prison, [had] induced a terrible disease, resembling yellow fever...." The prisoners who were fortunate enough to have blankets gave them up to make a bed for Bowles. Some of his fellow prisoners asked their guards to have Bowles moved to a quieter place, but their request was ignored. On the morning of the 18th, Governor Geary visited the prison. He was shown the seriously ill young man, and the prisoners told him they feared this was the beginning of an epidemic. The Governor said that he would leave orders that they "should be provided with every comfort that could be provided." Despite those assurances, when the prisoners sent word that night to every doctor in LeCompton requesting that they come and treat Bowles, all refused. One, a Dr. Brooks, was supposedly sent for five times, but was involved in a poker game, and was quoted as saying that he, "would not leave the game to save every God damned Abolitionist in the Territory." At one o'clock the next morning,

October 19, 1856, William Bowles died. In the letter printed in the *Herald of Freedom*, it was noted that, "He labored with us nobly in defending our God given rights, and it was with feelings of unutterable sorrow that we parted with him." Bowles' body was brought to Lawrence for burial there. Although many of the other prisoners became seriously ill, his was the only death recorded from the men confined in Lecompton. After his death, some of Bowles' fellow prisoners manage to escape from confinement. Others were charged by the grand jury, tried, and convicted. The rest were set free. One of the men who survived the prison in Lecompton was John Kagi, who later became the lieutenant of John Brown. He went with him back east, and was killed during the Raid on Harpers Ferry in October of 1859.

[Hickory Point, Battle of](#) - 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. 1; William G. Cutler's History of the State of Kansas, Jefferson County, Part 3, [Early Political Troubles](#); [The Battle of Hickory Point](#), the Civil War Muse website; Testimonies of Nathaniel Parker, Horace L. Dunnell, Hinton S. Dunnell, Alexander MacArthur, James Hall, Jerome Hazen, and Charles Henry Caulkins, [pp. 12-13](#), Territorial Kansas Online website; *Herald of Freedom*, Vol. 2, Issue 17 (November 15, 1856), p. 3; New York Tribune, [November 10, 1856](#); [Records](#), Abolition Activism in Wisconsin website; [The Prison at Lecompton, Kansas](#), Abolition Activism in Wisconsin website; and, [Names of prisoners in custody at Lecompton](#), Territorial Kansas Online 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, please let us know. 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 11<sup>th</sup> Street, Lawrence, Kansas, 66044. The Library's e-mail address is: [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org). The Law Library's telephone number is: 785-838-2477.

### **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.

#### **Douglas County Law Library E-Mail Newsletter**

Editor: Kerry Altenbernd

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The 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>