

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 will be on the 10th.

Watch out for Wikipedia

As reported in the August, 29, 2010, issue of the *Philippine Daily Inquirer*, the Office of the Solicitor General (OSG) of the Philippines had lost an appeal asking the Court of Appeals special 15th division to reverse a 2007 decision to nullify a couple's 19-year marriage.

After testimony by an expert witness, the trial court had granted the nullification on the grounds of psychological incapacity. In its motion for reconsideration, the OSG sought to impeach the expert witness' testimony by using information obtained from the Diagnostic and Statistical Manual of Mental Health Disorders, DSM-IV-TR entry on the on-line collaborative encyclopedia know as Wikipedia, which, because it allows users to change content, contains a disclaimer saying that it "makes no guarantee of validity."

The appeals court took a dim view of the OSG trying to impeach an expert witness with "unreliable information," and affirmed the original decision of the trial court.

Current Art Gallery Exhibition

The September exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are artwork by Helen Benson.

The exhibits will run through the end of September. All pieces are for sale and may be purchased directly from the artist. Contact information for Ms. Benson is available in the Library.

The October 2010 Law Library and Division IV exhibitions are open for scheduling. More information on the exhibits will be in the October 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.

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.290:3/v.43:3 (May 2010) and v.290:4/v.43:4 (July 2010).

Child Law Practice: Helping Lawyers Help Kids, v. 29:6 (Aug. 2010).

Criminal Procedure, 5th, 2010 Pocket Part.

Juvenile Justice Update, v. 16:3 (June/July 2010) and v. 16:4 (Aug./Sept. 2010).

Kansas Reports, v. 283.

Law Library Journal, v. 102:3 (Summer 2010).

Legally Blonde, DVD.

Search and Seizure Bulletin, v. 47:8 (Aug. 2010).

Search and Seizure Checklists, 2010 ed.

Search and Seizure Checklists, CD-ROM 2010 ed.

Session Laws of Kansas, 2010: vol.1 and vol. 2.

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.

August's entry was:

- The Library's coin-op device cannot be used for printing. In order to print from Library workstations utilizing the Library's printer/copier/scanner, users must either have a prepaid printing/copying account or do their printing when a Library staff member is present.

This Month In Legal History

September 24, 1855 - Douglas County, Kansas Territory, is organized.

With the signing of the Kansas-Nebraska Act by President Franklin Pierce on May 30, 1854, the Territory of Kansas was created and opened for white settlement. One of the provisions of the Act was Popular Sovereignty, in which residents of the territory would be able to vote on whether or not the territory would come into the Union as a state that allowed slavery. This had the effect of repealing the restriction on new slave states being formed north of the southern boundary of Missouri, which had been the law of the land since its inclusion as part of the Missouri Compromise of 1820. Kansas would be the first territory where the decision on slavery would be left up to a vote of

the people in the territory. Many Free-State and proslavery partisans came to the territory, and their interaction quickly led to violent disputes in what became known as "Bleeding Kansas." March 30, 1855, was the date of the election to pick representatives for the first territorial legislature. On Election Day, thousands of proslavery Missourians came over the border into Kansas, took over polling stations, cast ballots for proslavery candidates, kept Free-State men from voting, and went home to Missouri after the ballots had been counted. The result was a territorial legislature comprised almost entirely of proslavery men. Because of the way it was elected, Free-Staters referred to the legislature as the "Bogus Legislature" and refused to acknowledge its authority. Territorial Governor Andrew Reeder had an economic interest in the town of Pawnee, a small settlement near Fort Riley about 120 miles from the Missouri border, and chose the town to be the capital of the Territory. Work was begun on a capitol building there, and on July 2, 1855, the legislature convened in Pawnee. The proslavery legislators felt that having the capital that far from Missouri gave an advantage to the Free-State cause in Kansas, so they proceeded to vote to move the capital to one of the buildings at the Shawnee Methodist Mission, which was just inside Kansas along the Missouri border. The Governor vetoed the bill, but the Legislature overrode his veto, adjourned the session on July 6, 1855, and abandoned Pawnee. They reconvened at the Shawnee Mission on July 16, 1855, and proceeded to enact laws favorable to the cause of slavery in Kansas. Among the laws they enacted were: Printing or publishing any book, pamphlet, etc. calculated to produce "dangerous disaffection" among slaves was punishable by five years at hard labor; Speaking or writing that "persons have not the right to hold slaves in this Territory" was punishable by two years at hard labor; Every officer, elected or appointed, and every attorney,

was required to swear an oath to support the Kansas-Nebraska Act and the Fugitive Slave Law; Any person opposed to slavery was disqualified from being a juror; Homicide when committed while correcting a slave was excusable; Cohabitation of a slave with a white woman was punishable by castration; Petit larceny and misdemeanors committed by slaves was punishable by whipping; Habeas corpus was disallowed for slaves charged with crimes; and, Wearing balls and chains was mandatory for all prisoners serving hard labor sentences. The Legislature also found time to begin the process of organizing 33 counties in the territory. One of the counties approved to be organized was Douglas County, named for Stephen A. Douglas, Senator from Illinois, and author of the Kansas-Nebraska Act. Leecompton, the headquarters of the proslavery movement in the territory, was chosen to be county seat. Douglas County was officially organized on September 24, 1855, and, in accordance with a proclamation by Sam Jones, who had been appointed as Sheriff the previous month by Acting Territorial Governor Daniel Woodson in agreement with the Territorial Legislature, the first Commissioners Court was held in Leecompton that day. The Commissioners were Dr. John N. O. P. Wood, Chairman and ex officio Probate Judge, John M. Banks, and George W. Johnston. James Christian was Clerk of the Board of County Commissioners and Hugh Cameron was County Treasurer. The municipal townships of the county were named Leecompton, Lawrence, Franklin, Washington, and Louisiana. On January 27, 1856, the townships were restructured into Leecompton, Calhoun, Washington, and Wakarusa. In Late 1857, the Territorial Legislature moved the county seat from Leecompton to Lawrence, the headquarters of the Free-State movement in the Territory. In 1858, the townships were again restructured into Leecompton, Lawrence, Eudora, Palmyra, Willow Springs, Marion, and Clinton.

By the time Kanawaka Township was added in 1859, the anti-slavery cause had won out in Kansas, all proslavery laws having been repealed, and the Territory was destined to enter the Union on January 29, 1861, as a Free-State. In 1867, the county achieved its modern configuration when Grant Township was formed out of part of Sarcoxie Township in Jefferson County and added to Douglas County.

From: [Pawnee, Kansas](#), on Wikipedia.org; [Slavery](#), on KansasBogusLegislature.org; [Douglas County, Kansas](#), on Kansas State Historical Society website; and, William G. Cutler's History of the State of Kansas, Douglas County, [Part 3, County Organization and Official Roster](#).

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 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.

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.

Position Open.

Associate Attorneys needed to assist a law firm in Baldwin City, Kansas, in every aspect of bankruptcy law, FDCPA, FCRA and

TILA practice, and immigration law. Must have a JD, sufficient knowledge of bankruptcy law, and be admitted to practice in the State of Kansas. Mail cover letter, resume, transcript, and writing sample to Cloon Legal Services, PO Box 969, Baldwin City, Kansas, 66006. No phone calls please. EOE.

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