

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.

The September Douglas County Bar Association Brown Bag CLE program will be on Thursday, September 20, 2012, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. David Berkowitz will present *Attorney Speech – First Amendment vs. Profes-*

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

The Kansas Bar Association is offering their 2012 Appellate Practice Update seminar on September 21st at the Overland Park Convention center in Overland Park, Kansas. 6.0 hours of CLE credit are available, including 1.0 hour of ethics and professionalism credit. For more information, visit the [KBA website](#).

September 18th Workshop on Copying, Printing, and Scanning in the Library

Are you having trouble figuring out how to efficiently copy and print material in the Law Library now that the Library doesn't have software to handle user accounts? Did you know there is a workaround that involves scanning? Is scanning material in the Library a mystery to you? If so, plan to attend the workshop on copying, printing, and scanning using the Library's printer/copier/scanner that is being held in the Library at noon on Tuesday, September 18th. No registration is required, just show up and learn.

Current Art Gallery Exhibition

The June-September 2012 Law Library and Division IV art gallery exhibitions are artwork by Karen Roberts.

The exhibitions will run through the end of September 2012. All of the pieces are for sale and may be purchased directly from the artist. Contact information for Ms. Roberts is available in the Library.

The October/November 2012 exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be photography by Susan Wolfe. Susan is the Administrative Assistant in Division IV. More information on these exhibitions will be in the August 2012 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:

ABA Child Law Practice: Helping Lawyers Help Kids, v. 31:8 (Aug. 2012).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 294:2/v. 47:3 (July 2012).

Kansas Annual Survey, v. 23 (2012).

Kansas Court Rules and Procedure, Volume II - Federal, 2012, 2012 Supplement.

Law Library Journal, v. 104:3 (Summer 2012).

West's Kansas Legislative Service, 2012:3.

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:

Scanning is available through the Law Library's printer/copier/scanner, and this service is free for all Library users.

This Month In Legal History

September 17, 1856 - David Buffum murdered by a horse thief.

David Chase Buffum was born in Salem¹, Massachusetts, on November 11², 1822, to Edward and Sybil (or Sybel) (nee Chase) Buffum. Salem is north of Boston, not far from the town of Lynn in Essex County, Massachusetts. In the 1830s, Lynn became a center for the movement to abolish slavery in the United States, so much so that the noted abolitionist Frederick Douglass moved there in 1843. This abolitionist influence undoubtedly had an effect on the young Buffum, evidenced by his actions beginning in 1854. On May 30th of that year, the Kansas-Nebraska Act was signed into law by President Franklin Pierce, creating Kansas Territory, and opening it up to white settlement. The Act stipulated that the decision on whether Kansas would come into the Union as a slave state or a Free State would

be made by a vote of the residents of the Territory. Since the Missouri Compromise of 1820, the line of latitude marking the southern boundary of Missouri had been the northern boundary that any new slave state could be formed in the new territories out west. The Kansas-Nebraska Act overturned that boundary restriction, and abolitionists did not think that to be fair. Supporters of Kansas being a slave state began moving into the Territory from Missouri, and to counteract that, groups of Free State supporters organized in the northeast. One of these groups was the New England Emigrant Aid Company that organized in Boston. The Company identified men and women interested in going to Kansas to settle, and to make it a free state. They rounded up supplies and began planning for their journey to the Territory. The first party of New England Emigrant Aid Company settlers left Boston on July 17, 1854, and arrived at their destination, the site of what would soon become the town of Lawrence, Kansas Territory, on August 1st. They camped on a bluff overlooking the Kansas River that they named Mount Oread. A second New England Emigrant Aid Company party began forming, and thirty-two-year-old David Buffum and his twenty-six-year-old cousin, Robert Buffum, signed up for it. The second party, including the two Buffums, left Boston on August 29, 1854, arriving on Mount Oread on September 16th. The Free State settlers camped out together while going about the process of claiming land and building sturdy shelters. Joseph Savage, another member of the second party and a messmate of David Buffum's, later observed that, "[David] was a shoemaker from Lynn, Massachusetts. He was slim in stature, of medium height, with a large brain. He would not be called brilliant, but was a strong, deep thinker. He was rather slow in action and speech, but in thought and expression was the very impersonation of a pure, genuine Yankee. He was brave and daring, ...though

in manners he was modest and retiring. He took his claim four miles west of Lawrence, In his frequent visits to his claim that fall, he always carried his revolver in his right hand, up and back. His way there led him by some pro-slavers' cabins, who were unfriendly to us Eastern men. Buffum used to keep his revolver rolled up in his best woolen stockings, and laid at the bottom of his trunk." Lawrence was becoming known as the headquarters of the Free State movement in the Territory, and so its inhabitants were becoming targets of proslavery men. Violence began erupting in the Territory over the issue of slavery, and Horace Greeley of the *New-York Tribune* began referring to it as "Bleeding Kansas," a name which stuck and by which the era was to ever after be known. To protect themselves against attacks by proslavery partisans, Free State men organized into militias. David and Robert both joined the militia in Lawrence, and were assigned to Company D, Second Regiment, First Brigade of Kansas Volunteers, with David being made a 1st Sergeant. In mid-1855, James Burnett Abbott, who had come to Kansas in the first New England Emigrant Aid Company party, returned east to raise money and purchase arms for the Free State cause. He met with Frederick Law Olmsted, who later would design Central Park in New York City, and spoke to him about acquiring arms for the Free State men in Kansas. Olmsted set to work raising money for Abbott. Abbott returned to Lawrence, and Olmsted continued fundraising and looking for weapons to send to Kansas. Olmsted wrote, "Making inquiries as to what might be available, I visited the New York State Arsenal and there found a [12-pounder bronze] mountain howitzer³ [that had been cast by the Ames Manufacturing Company in Chicopee, Massachusetts, earlier that year] which I ascertained did not belong to the state but to a private owner. Friends soon provided means for its purchase together with fifty rounds of canister and shell with

time fuses...." On October 24, 1855, Olmsted wrote to Abbott in Lawrence, "I have this day shipped the goods, (Noted in previous advices to you) in five cases (marked (Δ1-5) to Care of B Slater, St Louis." The five cases containing the howitzer's parts arrived in Kansas City in late November. Trouble was brewing, and a party of men was dispatched to bring them to Lawrence while that was still possible. The party included Captain Thomas Bickerton, a young man named Sumner, and David and Robert Buffum. They went to Kansas City, retrieved the boxes, put them in a wagon concealed under more innocuous goods, and set out for Lawrence. In testimony given a year later, Bickerton reported that his companions nearly got the party into trouble by wanting to shoot animals along the road. They wanted to go to Lawrence by the direct route, but Bickerton took them by the northern route to avoid suspicion. In crossing the river, the wagon became stuck on the bank, and Bickerton talked some Missourians into helping get the wagon out. He reported that his companions wanted to stop until morning, but instead, they continued on and traveled all night. As they neared Lawrence, a troop of cavalry was sent out to accompany them in. David Buffum saw them coming and first thought they were proslavery men. The four Free State men prepared for a fight, but as the riders approached, they were recognized as friends. The men, their wagon, and their mounted escort, "had'nt [*sic*] been in Lawrence more than ½ an hour before the enemy had their lines stretched right across the river & across the road we had come over." That was the beginning of the week-long siege of Lawrence known as the "Wakarusa War." Upon its arrival in Lawrence, the howitzer's parts were unboxed and assembled. The siege of Lawrence ended when Territorial Governor Shannon brokered a peace treaty between the two sides on December 8, 1855. The prospect of having to

face the howitzer's firepower if they attacked the town, combined with the fact that they were camping outside during some of the coldest weather in anyone's memory, doubtlessly contributed to the proslavery men's willingness to sign the peace treaty and go home for the winter. Violence in the Territory picked up again as the weather warmed up in 1856, and that year proved to be the most violent one in the war that had broken out along the Kansas-Missouri border. In the third week of May, a large body of proslavery men was camped at "Coon Point," which was in the vicinity of David Buffum's claim. On the night of May 17th, some of these men went to Buffum's house and took from him a horse, saddle, and bridle, "...using at the same time very violent and threatening language towards [him]...". They came back several days later and took two double-barreled shotguns, bedding, and clothing from Buffum. They were likely part of the large force of proslavery men who sacked and burned Lawrence several days later on May 21st, led by the Sheriff of Douglas County, Sam Jones. Included in the force that Jones led that day were 250 to 300 men who were members of the northern part of the territorial militia known as the "Kickapoo Rangers." After a long summer of pitched battles and the deaths of a number of men, a force of around 2,700 proslavery men was camped near Lawrence in the second week of September. The force was composed of a number of different groups, many of whom had come directly from Missouri, but also a number of Kansas-based militias including the Kickapoo Rangers. They were threatening to attack the town and wipe it out for good. Some of these men took the time to visit David Buffum again, stealing his chickens, trampling down the corn in his 10-acre cornfield, and taking from him a new saddle and bridle. The situation around Lawrence worsened, prompting newly appointed Territorial Governor John Geary to travel from LeCompton, then the

Territorial Capital and the headquarters of the proslavery movement in Kansas, to Lawrence to head off the impending violence. The proslavery men were ostensibly serving as an army under orders issued by the previous territorial governor, so they were obliged to follow Geary's orders. On the morning of September 15th, Geary disbanded the army and the various units went their separate ways. A number went east back to Missouri, and on their way burned buildings and took any livestock that they encountered. The Kickapoo Rangers headed back to Lecompton by way of the California Road, accompanied by the Sheriff, Sam Jones. David Buffum's claim lay along the California Road, so the Kickapoo Rangers would pass nearby on their way to Lecompton. They must not have been in any hurry to get there, for it was sometime on the 16th when they neared Buffum's house. He had been harnessing a horse when he first saw the men approaching, and had run into the cornfield to hide in what remained standing after the trampling it had received the week before. A small number of the Rangers detached themselves from the main body and rode over to Buffum's. One took possession of the horse and harness that Buffum had abandoned in his attempt to hide, and the rest went to another horse hitched to a fence in the field. Undoubtedly tired of having his property repeatedly stolen, he "rose up from his hiding place and told them that the horse was blind and would be of no use to them, upon which one of the Rangers drew up a gun and shot Mr. Buffum [in the abdomen]...". The assailants left the wounded man lying on the ground, and almost immediately Governor Geary arrived on the scene, accompanied by Associate Justice of the Kansas Supreme Court Sterling G. Cato, who had been one of the 2,700 proslavery men preparing for the attack on Lawrence. Although in intense pain, Buffum was conscious and lucid enough to give the two men an account of what had hap-

pened. Geary and Cato took down what he said, which was reported to have been, " Oh, this was a most unprovoked and horrid murder! They asked me for my horses, and I plead with them not to take them. I told them that I was a cripple--a poor lame man--that I had an aged father, a deaf-and-dumb brother, and two sisters, all depending upon me for a living, and my horses were all I had with which to procure it. One of them said I was a God damned abolitionist, and seizing me by the shoulder with one hand, he shot me with a pistol that he held in the other. I am dying; but my blood will cry to Heaven for vengeance, and this horrible deed will not go unpunished. I die a martyr to the cause of freedom, and my death will do much to aid that cause." Though mortally wounded, Buffum managed to stay alive the rest of the 16th, but died the next day, September 17, 1856. His dying words were reported to be, "I am willing to die for the cause of Freedom in Kansas." The Governor was quoted as saying that he had been on many a battlefield, and was familiar with suffering and death, but that, "I never witnessed a scene that filled my mind with so much horror. There was a peculiar significance in the looks and words of that poor dying man that I never can forget; for they seemed to tell me that I could have no rest until I brought his murderer to justice. And I resolved that no means in my power should be spared to discover, arrest, and punish the author of that most villanous [*sic*] butchery." Upon arrival back in Lecompton, Geary issued a warrant for the arrest of the murderer and gave it to United States Marshal Israel B. Donaldson for its execution. Geary also issued a proclamation offering a \$500 reward for the arrest and conviction of the murderer or murderers of David Buffum. In early November, reliable information was received that the murderer was a man named Charles Hays, a member of the Kickapoo Rangers, who lived in Atchison County, Kansas Territory. A new warrant in Hays'

name was issued, and within a few days, he was arrested and brought to Lecompton. A grand jury there composed entirely of pro-slavery men heard the evidence against Hays and found a true bill, committing him for trial on the charge of murder in the first degree. On November 10th, Chief Justice of the Kansas Supreme Court Samuel D. Lecompte, who, along with Cato, was known to be strongly proslavery, allowed Hays out of jail on bond. Geary was incensed that he had been released, and immediately issued another warrant for Hays and gave it to Marshal Donaldson for execution. Donaldson declined to execute the warrant, telling Geary he needed time to consider it. The Governor then issued a duplicate warrant and gave it to his special aid-de-camp Colonel Henry T. Titus with the instructions to execute it immediately before Hays could flee. Titus did so, and detained Hays. On November 17th, Geary traveled to Leavenworth to attend a public sale of land, and in his absence, Judge Lecompte released Hays on a writ of habeas corpus. Geary did not attempt to override this action. Hays was never tried for the murder and eventually left Kansas Territory. David Buffum was buried in Lawrence in the Oread Cemetery, later known as Pioneer Cemetery⁴. David's cousin Robert left Kansas, eventually settling in Ohio with his wife Elizabeth. There are unsubstantiated reports that Robert was somehow "involved" with John Brown, but where and in what capacity is unknown. When the Civil War that had been going on in Kansas since 1854 broke out back east in 1861, Robert enlisted in the 21st Ohio Infantry. In early 1862, James J. Andrews, a civilian army scout, proposed a raid into Georgia to destroy the Western and Atlantic Railroad link to Chattanooga, thereby isolating the city from Atlanta. The raid was approved, and Andrews recruited another civilian and 22 Union soldiers to carry it out. Robert Buffum was one of those soldiers who volunteered for the raid. On the morn-

ing of April 12, a northbound train being pulled by the locomotive named *The General* stopped at Big Shanty, Georgia, so the crew could have breakfast. Andrews, Buffum, and the other raiders stole the train and took it and its Confederate pursuers on a wild eighty-mile chase through northwest Georgia. *The General* eventually ran out of fuel and "The Great Locomotive Chase"⁵ ended. The raiders scattered, but all were caught within two weeks. Andrews and the other civilian were hanged as spies, and Buffum and the other soldiers were put in prison camps. On March 17, 1863, Buffum was included in a prisoner exchange and released by the Confederates. On March 25, 1863, Robert Buffum was awarded the Congressional Medal of Honor for his heroism on the raid into Georgia, the medal being presented by President Abraham Lincoln himself. The medal had just recently been created, and Buffum was only the third man to receive the award. He was promoted to Second Lieutenant on May 24, 1863, but was listed as absent without leave from June 22 to December 12, 1863. He resigned from the army "for the good of the service" on April 28, 1864. He had developed a severe drinking problem, and also suffered psychological damage as a result of the war and the eleven months he had spent as a Confederate prisoner. Buffum spent three years in a mental hospital after his resignation from the army. After his release from the hospital, he began drinking heavily again, and one night he got into an argument with a man who had vilified President Lincoln. Buffum shot and killed the man. He was indicted for murder and sent to the New York State Asylum in Auburn as an insane criminal. On July 20, 1871, Robert Buffum barricaded himself in his cell and committed suicide by slashing his own throat. He was buried the next day in an unmarked grave in the section of the local cemetery reserved for asylum inmates. His grave went unmarked until 1995, when the Medal of Honor Society tracked down

its location and installed a grave marker appropriate for a Medal of Honor recipient.

(1) Some sources record David Buffum's birthplace as Lynn, Massachusetts, but others, including his gravestone, indicate his birthplace to be Salem.

(2) Various sources record David Buffum's birth date as November 7th, 10th, and 11th, but his gravestone indicates he was born on the 11th.

(3) A howitzer is an artillery piece midway between a gun used to fire projectiles over long distances, and a mortar, which is used to fire projectiles relatively short distances at high angles that are intended to drop down behind fortifications from above. A mountain howitzer is a howitzer that is made small enough to be dismantled and carried on the backs of mules or other beasts of burden over terrain where larger artillery pieces could not be taken. After its arrival in Kansas Territory, the howitzer that had been supplied by Frederic Law Olmsted became known as the Abbott Howitzer. It can be seen today in the Kansas Museum of History in Topeka.

(4) The inscription on David Buffum's headstone reads, "His death, although a great loss to his friends and the community, has been a great gain to the cause of Freedom. He was devoted to the cause for which he suffered; his last words being 'I am willing to die for the cause of Freedom in Kansas.'" His headstone did not stay with his grave. It is now in the collection of the Kansas State Historical Society and can be seen in the Kansas Museum of History in Topeka.

(5) The raid is known both as "The Great Locomotive Chase" and "The Andrews Raid." Two motion pictures have been made based on the raid. The first was the 1926 silent classic *The General*, starring Buster Keaton as the locomotive's Confederate engineer, and the second was the 1956 Walt Disney production *The Great Locomotive Chase*, starring Fess Parker as Andrews.

From: Cool Things - [Bleeding Kansas Tombstone](#), Kansas State Historical Society website; [David C. Buffum's tombstone](#), Kansas Memory website; [David C. Buffum](#), Find A Grave website; [David Chase Buffum](#), "Massachusetts, Births and Christenings, 1639-1915," index, FamilySearch website; [Edward Buffum](#), Ancestry.com website; The Emigrant Aid Company Parties of 1854, Kansas Historical Quarterly, Vol. 12, No. 2 (May 1943), [pp.115-155](#); [Recollections of 1854](#), by Joseph Savage, Western Home Journal, June 23-September 29, 1870; [Muster Roll of Captain Samuel Walker, Company D, Second](#)

[Regiment, 1st Brigade, Kansas Volunteers](#), Territorial Kansas Online website; ["Kansas Museum Of History Exhibits The Ames M1835 'Abbott Howitzer'"](#), by Bob Meistrell, The Artilleryman, Vol. 24, No. 4, (Fall 2003); [Letter, Fred. Law Olmsted to James Burnett Abbott, Esq., October 24, 1855](#); Cool Things - [Abbott Howitzer](#), Kansas Memory website; Transactions of the Kansas State Historical Society, First and Second Biennial Reports..., Vols. I and II, Topeka, Kansas Printing House, 1881, [pp.216, 222-230](#); Kansas: a cyclopedia of state history, embracing events, institutions, industries, counties, cities, towns, prominent persons, etc. ... , Standard Pub. Co. Chicago, 1912, Vol. II, [pp.69-70](#), on Blue Skyways website; Geary and Kansas: Governor Geary's administration in Kansas..., by John H. Gihon, Philadelphia, 1857, [pp.166-181](#); [Letter, C \[Charles Robinson\] to My Dear S \[Sara Robinson\]](#), Territorial Kansas Online website; No. 369, Kansas Claims, Reports of Committees of the House of Representatives Made During the Second Session of the Thirty-Sixth Congress, 1860-'61, Washington, Government Printing Office, 1861, [p. 1377](#); [Elizabeth Burchstead family story](#), AncientFaces website; [Private Robert Buffum](#), The Great Locomotive Chase website; [Great Locomotive Chase](#), Wikipedia web page; and, [Medal of Honor Rite at Auburn Inmate Grave](#), New York Correction History Society 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.

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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Phone: 785-838-2477
Fax: 785-838-2455
E-mail: info@douglascolawlibrary.org
Website: <http://www.douglascolawlibrary.org>