

# Douglas County Law Library

## E-Mail Newsletter



Vol. 10, No. 9; September 2013

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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 September Douglas County Bar Association Brown Bag CLE program will be on Thursday, September 19, 2013, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Curtis Barnhill will present *Are You Leaving Money for Your Client on the Ta-*

*ble? What you need to know when negotiating division of retirement plans and accounts in divorces.* Handout material can be downloaded from the [DCBA website](#).

### Some Periodical Subscriptions Are Being Cancelled

After an eight month survey of the use of periodicals in the Library, the Library's periodicals committee met in July to review the results. During the survey period, there was a log in the Library on which to record usage of the periodicals that were up for review. The committee made its decisions based on the survey results. The committee determined to cancel some of the titles whose usage did not justify the considerable expense of continuing to subscribe to them.

The periodical titles that will continue to be acquired are:

- Child Law Practice
- Criminal Procedure, 5th ed.
- Juvenile Justice Update
- Kansas Administrative Regulations
- Kansas Annual Survey
- Kansas Code of Civil Procedure Annotated, 4th ed.
- Kansas Court of Appeals Reports

- Kansas Family Law
- Kansas Reports
- Kansas Sentencing Guidelines Desk Reference Manual
- Kansas Sentencing Guidelines Desk Reference Manual, CD-ROM ed.
- Kansas Statutes Annotated
- Lawrence Journal-World
- Pattern Instructions for Kansas, Civil
- Pattern Instructions for Kansas, Criminal
- Pretrial Motions in Criminal Prosecutions
- Search and Seizure Bulletin
- Session Laws
- Standard Traffic Ordinances
- West's Kansas Statutes Annotated

Titles that are being cancelled are:

- Child Support Guidelines
- Complete Manual of Criminal Forms, CD-ROM (See below)
- Courtroom Criminal Evidence
- Criminal Evidentiary Foundations
- Criminal Investigation Handbook
- Criminal Trial Techniques
- Drunk Driving Defense
- Kansas Court Rules and Procedure, v. 1, State
- Kansas Court Rules and Procedure, v. 2, Federal
- Kansas Court Rules and Procedure, v. 2A, Keyrules, Federal
- Kansas Court Rules and Procedure, v. 3, Local
- Kansas Judicial Council Probate Forms (See below)
- Kansas Legal Directory
- Lawyer's Guide to Kansas Evidence
- Search and Seizure
- Search and Seizure Checklists
- Understanding DUI Scientific Evidence

Titles that have ceased to be published:

- Kansas Trial Handbook

The Complete Manual of Criminal Forms, CD-ROM ed. is available online through the

Library's WestlawNext subscription. The Kansas Judicial Council Probate Forms are available online on the Kansas Judicial Council's website.

### Current Art Gallery Exhibition



The August/September 2013 Law Library and Division IV art gallery exhibitions are mixed media by Lesa Weller.

The exhibitions will run through the end of September 2013.

The October/November exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be oil pastels by Susan McCarthy. More information on these exhibitions will be in the October 2013 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:

ABA Child Law Practice: Helping Lawyers Help Kids, v. 32:8 (Aug. 2013).

Law Library Journal, v. 105:3 (Summer 2013).

Session Laws of Kansas, 2013:1 and 2013:2.

## **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:

Since its opening on April 30, 2004, the Law Library's Art Gallery has been host to exhibitions from over 60 individual artists.

## **This Month In Legal History**

September 5, 1871 - Dr. March precipitates "A Horrible Tragedy."

Edwin E. March was born on August 27, 1836, in Alabama, probably near Tuscaloosa, to Thomas C. and Anna<sup>1</sup> D. March. By 1850, the family was living in Panola County, Mississippi, and had grown to include Thomas, his wife Anna, his older son Edwin, his daughter Augusta, and his younger son Edward. The elder March was listed in the Slave Schedule of the 1850 United States Census as owning 33 slaves. With his having been born in Maine, the fact that Thomas was living in the South and owning slaves might seem odd, but his wife Anna was from South Carolina, so it is entirely possible that slave ownership had come with her from her family. The family did not remain in Mississippi, and moved to Ohio in the latter part of the 1850s. Edwin had relocated to Ohio sometime before September 15, 1857, when on that day he married Adelia Louisa Chesnut, or Chestnut, who apparently went by Louisa, in Pike County, Ohio. Sometime in 1858, Louisa gave birth to a son, who the couple named William. During this time, Edwin<sup>2</sup> was working as a bookseller. The 1860 US Census shows that Thomas, Anna, and their

other two children, Augusta and Edward, had taken up residence in Ross County, Ohio, a neighboring county to Pike County, where Edwin and his family were living. It is not known if Edwin had come to Ohio with his father and the rest of the family, or if they had come at different times, but it would not have been uncommon that as eldest child in the family, Edwin would have been the first to strike out on his own. The only thing that is known is that by 1860, they were all living in Ohio. Thomas, Anna, and the two children apparently did not have place of their own after arriving in Ohio, as they were residing in what appears to have been a large boarding house in Ross County. There is also an indication that Anna and her daughter Augusta were living separately from Thomas and Edward for part of the year. Edwin, Louisa, and William were living separately in neighboring Pike County. Something significant must have happened between 1850, when Thomas owned 33 slaves in Mississippi, and 1860, when the family was living in boarding houses in Ohio, to change the family's fortunes. There is no indication of what that might have been. Perhaps they had lost everything in the Panic of 1857, or perhaps the growing animosity to "Yankees" in the South prior to the Civil War had compelled Thomas to sell out and move the family. The latter may be more likely, as the 1860 Census noted that Thomas' younger son Edward had \$10,000 of personal property. Whatever it was that caused them to leave Mississippi, the reason that they came to Ohio likely rests in the fact that Thomas' brother Daniel had been living there for at least 20 years, and was well established with a wife and eleven children. How Thomas and the rest of his family fared during the 1860s is not known, but what is known is that Edwin suffered from what was later described by his mother as "spells of despondency," and was an inmate in the Pennsylvania Asylum for the Insane in Philadelphia on two separate

occasions. Despite all his problems, Edwin had become a dentist, and on February 27, 1864, Edwin and Louisa had a second child, a girl named Annie<sup>3</sup>. Sometime prior to July 1870, the extended March family, including Thomas, Anna, Edwin, Louisa, their two children, and David's son Marcus relocated to Kansas. The 1870 United States Census for Douglas County, Kansas, records them all living together in Eudora Township, along the main road between Eudora and Lawrence. Apparently, Augusta and her younger brother Edward had not accompanied the family to Kansas, likely having struck out on their own when they came of age. If the family had been on hard times in 1860, their financial situation had improved significantly, as the 1870 US Census indicates that Thomas owned real estate worth \$33,400, and personal property worth \$5,000. The combined total of \$38,400 in 1870 dollars is equivalent to almost \$700,000 in today's money. Edwin practiced his dentistry in Lawrence at several different times, but his emotional problems apparently interfered with him being successful. It was observed that, "He has long been known to be partially insane, but nothing dangerous was ever manifested during his insane spells." It was later revealed that he had frequently told his mother that he was afraid he would have to drown himself, and that he was afraid he could commit a murder. Sometime in 1871, Louisa, Annie, and William had become ill, and by the end of August, they had "all been sick for some time, and the Doctor [Edwin]<sup>4</sup> has appeared much depressed in spirits in consequence of it." Then on Wednesday, August 30th, Edwin's father, Thomas March, died, "and the Doctor took his death very much to heart." On the following Monday, September 4th, Anna tried to get her son Edwin to do something for her but could not get him to do it. Later that day, he came to her bed, took her by the hand, and, after looking at her for some time, said,

"Mother, I have to try and not be quick about doing anything, to keep a spell off of me." The next afternoon, Tuesday, September 5th, Mary Watkins, a friend of the family, had stopped by for a visit. She was in all likelihood there to assist the family in its time of bereavement. At around 5:00 p.m., Anna was sitting in the front room of the house and Marcus was out working in the barn. William was feeling better that day and had gone out for a walk. Mary was helping get supper. At about 5:30, she entered a room adjoining the kitchen that was being used as a bedroom by Edwin and Louisa. She observed Edwin sitting beside Louisa and Annie, who were apparently fast asleep, fanning them. Mary then went into the kitchen and began setting the table for supper. She had not been in the kitchen more than five minutes when she heard what she later reported as a gurgling sound, as if someone were choking in the room she had just recently left. She went back into the room and saw blood all over the bed, and Edwin lying on the floor with his head over a pan. She ran out of the house towards the barn, where Marcus was working. When she reached him, she said "in a very excited state of mind" that "the Doctor was bleeding to death." Marcus dropped everything and went immediately to the house. Anna had also heard a noise from where she was sitting in the front room, which she took for the sound of someone vomiting in Edwin and Louisa's bedroom, and thinking that someone was sick, she went in and saw Edwin on the floor with his head partially under the bed and over a pan. She went over to where he lay, presumably from behind him, and placed her hand on his forehead to support him. She looked on the bed and saw Annie lying near the foot and covered with blood. She was so frightened that she dropped Edwin's head and left the room, also in search of Marcus.<sup>5</sup> When Marcus entered the house after being alerted by Mary, he went straight to the bedroom and

found Edwin bleeding from a wound in the neck, and Louisa and Annie lying on the bed. He reported that he was so shocked that he could not enter the room, and went into the front room instead. Dr. James M. Still was summoned from his home in Eudora. He later reported that Edwin, Louisa, and Annie had all died of cuts to the throat with a sharp implement, probably a blood covered razor which was found near Edwin in the room. Word quickly spread, and neighbors came in from all around. One of them, William Hughes, went to Lawrence, and alerted the coroner and the newspaper. A reporter for the *Lawrence Republican Daily Journal* arrived at the March's about 10:00 p.m. The newspaper later reported that, "His neighbors all unite in the statement that he was universally kind and affectionate toward his wife and children, and that he was apparently much loved by them. No quarrel of any kind had taken place in the house, to their knowledge. ... We have rarely been called upon to chronicle such a terribly shocking occurrence. It is one of the most fearful tragedies that has ever befallen our community." The coroner was contacted, and a coroner's jury was impaneled at 8:00 a.m. the following morning, September 6th. After hearing testimony from Marcus, Anna, Mary Watkins, and Dr. Still, the jury found that Louisa and Annie had had their throats cut by Edwin, who then cut his own throat. The three were buried that same afternoon alongside Thomas in the family plot in Oak Hill Cemetery<sup>6</sup> in Lawrence. The story was notorious enough to make national news, with an article on it appearing in the September 10, 1871, edition of the *New York Times*.

<sup>1</sup> Some census records have her name as Anna, while others have it as Ann.

<sup>2</sup> The 1860 census record has his name as Edward and that he was from New York. Why these discrepancies? It appears that Edwin, Louisa, and William were residing in a boarding house. The census taker

may have received the information that is recorded in the census from the owner of the house, who may not have known his tenants very well, and had made an error in supplying Edwin's name. Why is his birthplace recorded as New York when he was born in Alabama? Perhaps another error on the part of the owner of the house, or perhaps, in the year before the outbreak of the Civil War, southerners, especially those from the deep South, were not looked upon with favor by the residents of the free state of Ohio, and Edwin did not want his origins in a slave state to be known to them.

<sup>3</sup> Annie was sometimes referred to as Anna.

<sup>4</sup> Edwin was frequently referred to as "The Doctor."

<sup>5</sup> Mary Watkins and Anna must have just missed running into each other in the bedroom. The bedroom must have had two doors, one accessible from the kitchen, which Mary used, and one accessible from the front room, which Anna used. If there had been only one door into the bedroom that both women would have needed to use, then it would have been nearly impossible for them to have not encountered each other. It is not reported as to which one of the two women was the first to discover the tragedy, but whichever one was first, she did not cry out, as neither woman mentioned hearing anything like a cry coming from the bedroom. The likely scenario is that Mary, a younger woman who was already on her feet in the kitchen setting the table for supper, would have been able to quickly go into the bedroom upon hearing what she described as a gurgling sound, and so be the first to find the bodies. She must have been able to see the bleeding wound in Edwin's neck from her vantage point in the doorway to the kitchen, as Marcus reported that she had said that Edwin was bleeding to death when she located Marcus in the barn. After discovering the bodies, Mary would have left the bedroom and gone back into the kitchen by the same door she came in, and would have then exited the house by the nearest door, in this case the outside kitchen door, in search of Marcus. Anna, a woman in her sixties, was seated in the front room, possibly half asleep in the late afternoon heat of an early September day, or thinking about the husband she had lost less than a week before. She would have been much slower to react to the sounds coming from the bedroom, which she thought were caused by someone vomiting, and would have taken enough time getting to her feet and walking to the bedroom to have allowed Mary time to discover the bodies and exit the bedroom. Anna would have come into the bedroom by the door closest to the front room. She must have been behind Edwin, and not been able to see the front

of his neck from her vantage point in the doorway to the front room. She would then have been able to put her hand on his forehead from behind without seeing the wound in his neck. When she saw Annie's body on the bed and dropped Edwin's head, she would have left the bedroom and gone back into the front room by the door she had come in. She would have then exited the house by the nearest door, in this case the front door, in search of Marcus.

<sup>6</sup> The graves are marked by a monument in Oak Hill Cemetery on which are inscribed the names and dates of Thomas, Edwin, Louisa, and Annie. The monument has Louisa's name inscribed as "Lydia L. March." No record of a Lydia has been found anywhere in the history of Thomas March's family, so this must be a case of the stone mason who carved the monument somehow confusing her actual first name, Adelia, with Lydia. In addition, the monument records Edwin, Louisa, and Annie's death dates as September 6th. The September 6th edition of the Lawrence Republican Daily Journal clearly states that the murder/suicide occurred late the previous evening, so the three definitely died on the 5th. The 6th was the date of the coroner's inquest, so one possible reason for the discrepancy may be that the date of the coroner's verdict was considered to be the official day that they died, and so the monument records this instead of the actual one. There is also the possibility that the stonemason made another error. The cemetery records show a Mary March, whose death date is also noted as September 5, 1871, was buried alongside the others in the March family plot. She has a separate headstone whose inscription reads "Mary 1845-1900," with no last name given. The inscription shows that the cemetery record showing her death date being in 1871 is wrong, and so must be an error in recordkeeping by the cemetery. Who is this Mary who is buried alongside the March family? There is no record of anyone named Mary in Thomas March's family, so who could she be? Could this actually be Mary Watkins, who was a good friend of the March family and was in the house at the time of the tragedy, and who afterwards became like a daughter to Anna and was buried in the family plot? Given the fact that the cemetery records are wrong on her death date by nearly thirty years, it is not inconceivable that they are also wrong on her last name. Regardless, her true identity is unknown.

From: 1850 U.S. Census, District 13, Panola County, Mississippi, 10/24/1850; 1840 U.S. Census, Tuscaloosa, Tuscaloosa County, Alabama; Thomas C. March, "United States Census (Slave Schedule), 1850", District 13, Panola County, Mississippi, 9/26/1850; Edwin E March, "Ohio, County Mar-

riages, 1789-1994", FamilySearch website; 1860 U.S. Census, Chillicothe, Ross County, Ohio, 6/26/1860; [Panic of 1857](#), Wikipedia website; 1850 U.S. Census, District 130, Concord Township, Ross County, Ohio, 10/5/1850; Lawrence Republican Daily Journal, v. 3, no. 159 (September 6, 1871), p. 3; Lawrence Republican Daily Journal, v. 3, no. 160 (September 7, 1871), p. 3; 1860 U.S. Census, Town of Piketon, Seal Township, Pike County, Ohio, 6/11/1860; 1860 U.S. Census, Town of Piketon, Seal Township, Pike County, Ohio, 6/14/1860; 1860 U.S. Census, Town of Piketon, Seal Township, Pike County, Ohio, 6/16/1860; 1870 U.S. Census, Eudora Township, Douglas County, Kansas, 7/20/1870; [March Thomas, Lawrence Cemetery Interactive Map](#), City of Lawrence website; and, New York Times, September 10, 1871.

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 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.

### **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.

### **For Rent - Office Space.**

Office room for rent within appraisal office. Nice quiet working environment for someone wanting to go solo or get away from working in their house. \$250 per month all expenses paid. Available September 1. 543 Lawrence Avenue. Contact Ron Aul at 843-8540, Ext. 21.



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

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