

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



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Name Change for the Law Library

At its July 18, 2014, meeting, the Douglas County Law Library Board of Trustees voted unanimously to rename the Law Library for the Honorable Michael J. Malone, who is retiring after having served 32 years on the bench of Division IV of the Seventh Judicial District of Kansas. It will hereafter be known as the Michael J. Malone Douglas

County Law Library. Judge Malone was the driving force behind the establishment of the Library.

The name change was announced publically on August 28th at a retirement dinner for Judge Malone sponsored by the Douglas County Bar Association on the eve of his last official day of work in Division IV.

The Library's e-mail addresses and website URL will not change, but forms, signage, and the name of this newsletter, will. If Library patrons notice something that has not been updated, please advise Library staff so it can be.

Judge Malone Leaves Law Library Board

With his resignation as Judge in Division IV, the Honorable Michael J. Malone leaves the Board of Trustees of the Library. He was President of the Board from its inception in February 2001 until he stepped down from the office at the July 2013 Board meeting.

While serving on the Board, he took the Law Library from an idea to a reality, and

has been instrumental in its development. The Law Library would not be what it is today without the vision and dedication of Judge Malone.

Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 12th.

The September Douglas County Bar Association Brown Bag CLE program will be on Thursday, September 18, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Steve Berndsen from the Office of Judicial Administration will present *Kansas Judicial Branch Electronic Filing*. One hour of CLE credit is pending approval. Handout material can be downloaded from the [DCBA website](#).

Current Art Gallery Exhibition

The August/September 2014 Law Library and Division IV art gallery exhibitions are paintings by P Jenny.

The exhibitions will run through the end of September 2014.

The October/November exhibitions in the Michael J. Malone Douglas County Law Library Art Gallery and the Division IV Art Gallery are scheduled to be mixed media by Kerry Thonen. More information on these exhibitions will be in the October 2014 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.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

ABA Child Law Practice: Helping Lawyers Help Kids, v. 33:5 (May 2014) and v. 33: 7 (July 2014).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 299:2/v. 50:2 (July 2014).

Search and Seizure Bulletin, v. 51:7 (July 2014) and v. 51:8 (August 2014).

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 Law Library is always open to requests from patrons for material to purchase to enhance its resources.

This Month In Legal History

September 1907 - County Attorney Harley busts the liverymen's and barbers' trusts.

Around the end of August 1907, the owners of boarding houses in downtown Lawrence, Kansas, all raised their weekly rates. A week or so later, the boarding stable men in town all raised their rates. Not to be outdone, the liverymen and hack drivers in town had a notice^f published in three succeeding edi-

tions of the *Lawrence Daily Journal* newspaper, on September 9, September 10, and September 11, 1907, in which they announced that they had all agreed to charge the same fares for hiring out their transportation services. The amounts they would charge were spelled out in the notice, which also included the names of all those who were participating. The published notice of the price increase did not mention a date when the agreement was to go into effect, but it was reported to have been planned for the 15th. Someone took offense at this price fixing, and complained to the County Attorney of Douglas County, Kansas, Thomas Harley on the morning of September 12th. He investigated, and soon determined that under state law, the liverymen and hack drivers were creating a trust. Creating a trust was a misdemeanor violation of the law in Kansas. The penalty for violating the law was imprisonment for "not less than thirty days nor more than six months," and a fine for each of the participants of "not less than one hundred dollars nor more than one thousand dollars." In addition, for "each and every day" that the violation continued, there would be a one hundred dollar fine levied against each participant. The statute also made clear that it was "the duty of the county attorneys to diligently prosecute any and all persons violating any provisions" of the act. Failure to do so would be a misdemeanor with a penalty of imprisonment in the county jail for "not less than ten days nor more than ninety days," and a fine of "not less than one hundred dollars nor more than five hundred dollars." Conviction would also result in the county attorney forfeiting his office. Harley wasted no time in contacting the liverymen and hack drivers and had them come to his office the afternoon of the 12th, where he "laid down the law" to them. Harley had determined that since the trust had not yet gone into effect, no violation had yet occurred. The published announcements did not by themselves consti-

tute a violation of the law. He advised the liverymen and hack drivers sitting in his office to dissolve their trust as soon as possible, and to publish a notice of the withdrawal of their agreement in local newspapers. At first they argued their position with him, but soon promised to follow his advice. Harley also contacted the local newspapers, telling them to cease publishing the notices as they were "aiding and abetting" the criminal activity. One newspaper pointed out that the previous actions of the boarding house and boarding stable owners to raise their prices apparently would also come under the law, and that "there would be no escape for the violators if anybody file[s a] complaint with the county attorney, as both agreements have already gone into effect." If this was not enough, the very next day, September 13th, the barbers in Baldwin City, Kansas, published notices² in the two newspapers in their town, the *Baldwin Ledger* and the *Baldwin Republican*, advising their customers that after September 20th, they would all charge five cents extra for a neck shave. Someone filed a formal complaint with County Attorney Harley on the morning of the 17th, which included the notice from the *Baldwin Ledger* and "a pointed reference to his action in stopping the liverymen's trust in Lawrence." He wrote a letter to the Mayor of Baldwin City, Charles W. Mitchner, stating that the barbers' trust was in clear violation of the law and must be dissolved. It was reported that Mayor Mitchner was expected to communicate with the barbers that evening. He must have done so, and it must have been taken to heart, because a notice³ from the barbers appeared three days later in the September 20, 1907, edition of the *Baldwin Ledger*, withdrawing their notice of the extra charge for neck shaves. No retraction notice from the liverymen and hack drivers in Lawrence can be found in local newspapers, so it appears they did not follow that part of County Attorney Harley's advice. There is no indica-

tion that any were prosecuted, so they must have quietly disbanded their trust before the 15th. There is also no indication that the boarding house and boarding stable owners every got into trouble with the law for their previous actions. There are several possible explanations for this. One possibility is that no one cared enough to file a complaint against them, but given what happened to the liverymen and hack drivers in Lawrence, and the barbers in Baldwin City, this does not seem likely. Another possibility is that while the liverymen and barbers publicly announced their agreements by publishing notices of them in newspapers, the boarding house and boarding stable owners made no public announcements of their supposed agreements, so without one of the participants admitting to agreements existing, County Attorney Harley could have been hard pressed to find grounds to prosecute. Given what he would have been risking if he did not prosecute when he should have, it is likely that he would have made every effort to do so if evidence existed. There is also the possibility that given the serious penalties that would result from prosecution and conviction, all the parties involved quietly worked things out. Why all the interest in trusts at that time? Theodore Roosevelt was President of the United States in 1907, and among other things, he was known as "The Trust Buster" for his tireless efforts to reign in predatory monopolies and the "Robber Barons" of the era. This had put trusts and trust busting in the minds of many Americans.

¹ The text of the notice appeared as follows.

Notice.

State of Kansas, Douglas County, ss:

We, the undersigned Liverymen and Hackmen of the City of Lawrence, Kansas, hereby agree that all Hack hire shall be from or to either Railroad depot, 25¢; for conveying each adult person as far South as Ontario street and West to Arkansas street, South of Elliott street in said city, except that part of said city south of Quincy street and west to Ohio

street, where the fare shall be 50 cents and to any part of said city other than herein above named, the fare shall be 50¢ one or two persons, more than two, 25 cents each, and the fare to or from Haskell Institute for a load of Four persons or any less number of persons shall be \$1.00, and for each additional person 25¢; for one or two persons North of Elliott street 50¢, and more than two 25¢ each. For a team and surrey for a half day, Sundays \$4.00; for week days \$3.00 for each half day, and for one horse and surrey for Sunday half day \$3.00, and week days \$2.50 for half day. Single horse and buggy half day Sunday forenoon \$1.50, afternoon \$2.50, after supper \$2.00; week days forenoon \$1.50, afternoon \$2.00, after supper \$1.50. Hacks for funerals \$3.00 each. For Union Pacific depot east to Dicker's Store 25¢ east of that 50 cents.

Will Spurgeon,
Donnelly Bros.
C.H. Hunsinger,
E.P. Hunsinger,
Moak Bros. & Sharpe,
W.J. Francisco & Sons,
Anton Anderson.

² The text of the notices appeared as follows (note: the correct spelling is Burgett).

Baldwin Ledger -

Notice

After September 20th we will charge 5 cents extra for neck shaves.

Geo. Burgett,
McPheeters,
Axton

Baldwin Republican -

Notice

After Sept. 20th, 5c extra will be charged for neck shaves at the following barber shops.

Bugretts, Axtons and
McPheeters.

³ The text of the notice appeared as follows (note: the correct spelling is Burgett):

The notice given last week of the charge of 5 cents for neck shave to begin September 20th is hereby withdrawn.

GEO. BURKETT,
McPHEETERS,
AXTON.

Lawrence Daily World, v. 16, no. 131 (September 12, 1907), p. 1; Lawrence Daily Journal, v. 51, no. 215 (September 9, 1907), p. 3; Lawrence Daily Journal, v. 51, no. 216 (September 10, 1907), p. 3; Lawrence Daily Journal, v. 51, no. 217 (September 11, 1907), p. 3; Jeffersonian Gazette, v. 27, no. 5 (September 18, 1907), p. 7; Baldwin Ledger, v. 25, no. 6 (September 13, 1907), p. 2; Baldwin Republican, v. 6, no. 50 (September 13, 1907), p. 8; Lawrence Daily World, v. 51, no. 222 (September 17, 1907), p. 1, and, Baldwin Republican, v. 25, no. 7 (September 20, 1907), p. 4.

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 11th Street, Lawrence, Kansas, 66044. The Law Library's telephone number is: 785-838-2477. The Library's e-mail address is: 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
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