

**IDAHO LEGAL HISTORY SOCIETY  
ANNOTATED NEWSLETTER INDEX**

**VOLUME 1, ISSUE 1 (JULY 2009)**

**Idaho's Grand Courthouses Of The 19th Century**

An illustrated history of some of Idaho courthouses of the 1880's. At that time, a courthouse was often the most prominent, and important, building in a county. Courthouses of the time were often of the Romanesque Revival or Italianate styles, with a grand towering entrance central to the square, two-story building. The highlighted courthouses and the stories behind them include the Oneida County Courthouse, built in 1882, Idaho; the original Ada County Courthouse, built in 1882; Blaine County Courthouse, built in 1883; the Bear Lake County Courthouse, built in 1885;

Key Terms: courthouse; lithograph; architecture; Art Deco; Oneida County; Malad, Idaho; Ada County; Blaine County; Hailey, Idaho; Alturas County; Bear Lake County.

People: Wallace W. Elliott; Sundberg and Sundberg; Horace Greeley Knapp; T.O. Angell.

Sources/Literature: History of Idaho Territory (1884), by Wallace W. Elliott

Photos/Illustrations: 1882 Oneida County Courthouse, lithograph; modern Oneida County Courthouse, photograph; 1882 Ada County Courthouse, lithograph; 1938 Ada County Courthouse, photograph; 1883 Blaine County Courthouse, lithograph; modern Blaine County Courthouse, photograph, 1885 Bear Lake County Courthouse, lithograph; modern Bear Lake County Courthouse, photograph.

**WPA Courthouses of the 1930s**

Examples of original Idaho courthouses that were altered by WPA projects during the 1930s.

Key Terms: Works Progress Administration (WPA)

Sources/Literature: *History of Sandpoint, Idaho* by Bob Gunter.

Photos/Illustrations: 1930s Bonner County Courthouse, photograph; 1939 Cassia County Courthouse, photograph; 1939 Jerome County Courthouse, photograph; 1939 Jefferson County Courthouse, photograph.

### **Alternating Justice and Other Idiosyncrasies of Idaho's Territorial Courts**

Discussion of the three original Idaho Territory judicial districts, established in 1863 by Governor William H. Wallace, and the judges appointed to each, as well as the Idaho Territory Supreme Court, elected probate judges, and appointed judges of the time. Until about 1875, Idaho judges were often appointed as a reward for political services. Attorney James H. Hawley described them as "mere political hacks rewarded for doubtful services in distant states." The appointment system led to some interesting outcomes. An example is the exchange between an appointed judge and prominent attorney E.D. Holbrook that took place in an 1863 Idaho City courtroom.

Key Terms: First governor; original First Judicial District; Nez Perce County; Shoshone County; original Second Judicial District; Boise County; original Third Judicial District; Supreme Court; District Court first term; demurrer; judicial appointment

People: Abraham Lincoln; William H. Wallace; A.C. Smith; Samuel C. Parks; Sidney Edgerton; James H. Hawley; Milton Kelly; John Clark; E.D. Holbrook

Sources/Literature: *History of Idaho*, by H.T. French.

Photos/Illustrations: William H. Wallace, sketch

### **E.D. "Ned" Holbrook & Charles Douglas Shootout at Idaho City**

An account of the sensational murder of popular Idaho City attorney Edward "Ned" Holbrook by Charles H. Douglas as a result of an internal dispute in the Boise County Democratic Party.

Key Terms: Idaho City; U.S. Congress; Boise County Democratic Party; Masonic Cemetery; shootout; murder; acquitted

People: Edward Holbrook; James I. Crutcher; Charles H. Douglas;

Sources/Literature: *History of Idaho (1920)*, by James Hawley

**Avoiding the “Rapids of Rum” . . . Idaho’s Dry Years**

A look at the anti-saloon “dry” movement in Idaho. Two Idaho governors worked hard to mobilize the anti-saloon movement in Idaho, leading to an Idaho constitutional amendment imposing state prohibition. In 1916, the law was challenged in the case of Ed Crane, leading all the way to the U.S. Supreme Court. That Court’s 1917 affirmation of the Idaho decision against Crane cemented the foundation for national prohibition. However, as soon as prohibition was in place, Idaho moonshiners moved to supply alcohol and violations of the law abounded, and this “dry” state was anything but.

Key Terms: Anti-saloon; dry; U.S. Supreme Court; U.S. Constitution; governor; prohibition; 14th Amendment; fundamental privileges; 18th Amendment; National Prohibition Act; moonshiners; Soda Springs, Idaho; moonshine parties; Caribou County; Bootlegger’s Union; Star Valley, Wyoming; Bonneville County; Mackey, Idaho; distiller; Mackay Moonshine; mining; Wardner; repeal; 21st Amendment

People: Governor James H. Brady; Governor Moses Alexander; Ed Crane; T.A. Walters; Frank Moore; Justice James McReynolds; Sheriff James D. Agnew, Jr.; Boise Police Chief Henry R. Griffith

Sources/Literature: Editorial, *Soda Springs Chieftain*, 1920, 1929; *New York Times*, 1917; *Idaho Panhandle Oral History Project*, 1979; National Prohibition and Repeal in Idaho, by D.J. Hanson

Photos/Illustrations: Governor James H. Brady, 1909 photograph; “Down the Rapids of Rum,” cartoon; moonshine, photograph; large copper still, photograph

**Defending “Ferd” Patterson: the Murder of Sheriff Pinkham**

The story of violent gambler Ferdinand J. (Ferd) Patterson who got away with murder – twice. The first murder was of a steamship captain. After acquittal for that murder, Patterson, an ardent Democratic secessionist, murdered the first sheriff of Boise County, Sumner Pinkham, an outspoken Union supporter. At trial, attorney Frank Ganahl, so moved the jury that Patterson was acquitted of the murder in less than two hours, even though he had planned the killing.

Ganahl was a gifted orator who practiced in Idaho City, Silver City, Hailey, and Coeur d'Alene. Patterson was later murdered in Walla Walla, Washington in 1866.

Key Terms: Murder; Union; secessionist; Warm Springs resort; Boise City; Idaho City; vigilantes; trial; self-defense; acquittal

People: Ferdinand J. Patterson; Sumner Pinkham; Governor and Senator William McConnell; Frank Ganahl; Hugh Donahue; U.S. Senator W.B. Heyburn

Sources/Literature: *Early History of Idaho*, by W.J. McConnell; *History of Washington, Idaho, and Montana*, by H.H. Bancroft; *Idaho Statesman* and *Walla Walla Statesman*, 1866

Photos/Illustrations: Ferdinand (Ferd) J. Patterson, photograph; Sumner Pinkham, photograph

### **Gold to Greenbacks: Idaho in the U.S. Currency Debate**

After the Civil War, paper money, also known as “greenbacks,” was a major issue. The U.S. government created paper money to finance the war. However, the greenbacks were not backed by gold or silver. Within a year, Idaho was flooded with paper money, leading to the Specific Contract Act that required debts to be paid with gold coin. Although national and local merchants lobbied to have paper money retired, farmers and others lobbied to keep the paper money in circulation. Ultimately, following a similar act in Nevada, the Idaho Supreme Court struck down the Act for conflicting with federal law.

Key Terms: Civil War; paper money; greenbacks; gold; notes; credit; Specific Contract Act; debts; Territorial Committee of the Idaho Legislature; legal tender; U.S. Legal Tender Act

People: Justice John Cummins; Thomas Nast

Sources/Literature: *Idaho Statesman*, 1865; *Journals of the Council and House of Representatives of the Territory of Idaho 1866-1867*; *Law in the West* (2001), by G.M. Bakken

Photos/Illustrations: “Milk Tickets for Babies in Place of Milk,” cartoon by Thomas Nast

## **VOLUME II, ISSUE 1 (January 2010)**

### **Idaho’s First Woman Lawyer Practiced Before She Could Vote**

The story of Helen L. (Nellie) Nichols Young, Idaho’s first female attorney, set against a backdrop of great change in Idaho. Young studied law in her stepfather’s firm. Prominent

attorneys W.B. Heyburn and W.W. Woods sponsored Young in her application to practice law at a time that the practice of law in Idaho was limited to white males, and before women had the right to vote. The Idaho Supreme Court ordered that Young be admitted. Young was active in the women's suffrage movement, was a teacher, a County Superintendent of Public Instruction, and eventually became a Christian Scientist spiritual healer.

Key Terms: Suffragists; Idaho Supreme Court; Osburn, Idaho; Shoshone County; woman's right to vote; National American Woman Suffrage Association (NAWSA); Idaho Constitution; Woman's Suffrage Amendment; Wallace, Idaho; Christian Scientist; Nine Mile Cemetery People; Helen L. (Nellie) Nichols Young; Daniel E. Waldron; Orville R. Young; W.B. Heyburn; W.W. Woods; Chief Justice John T. Morgan; Justice Isaac N. Sullivan; Justice Joseph W. Huston; Kate E.N. Feltham; James Lyle

Sources/Literature: *Scriptural Healing: Arranged form the Bible* (1907), by Helen L. (Nellie) Nichols Young; *The First 50 Women of the Idaho BAR*, (2005), by Deborah Kristensen; U.S. Census, 1880-1920; *Idaho Statesman*, 9/17/1902

Photos/Illustrations: Nellie 1895 letter to Clerk of the Supreme Court; Nellie's Bar sponsorship letter; 1908 Wallace, Idaho, photograph; 1895 map of Wallace/Osburn, Idaho

### **"Flypaper Lyda" and Her Special Apple Pie**

An account of Anna Elizabeth "Lyda" Trueblood, an Idaho native and one of the first known female serial killers. Between 1912 and 1921, Lyda is suspected of murdering four husbands, her brother-in-law, and her own daughter. Lyda, who had several aliases, was charged with the murder of her fourth husband in 1922. The trial made national headlines. Lyda was convicted of second degree murder and sent to the Idaho State Penitentiary in Boise. In 1931, Lyda escaped and married for the sixth time. She was caught and returned to the Penitentiary until she was pardoned and released in 1941. She married for the seventh time, and her husband mysteriously disappeared.

Key Terms: Ferdinand, Idaho; Twin Falls, Idaho; married; ptomaine poisoning; life insurance policy; typhoid; Hardin, Montana; Billings, Montana; Pocatello, Idaho; insurance company; flypaper; arsenic; poisoned; exhumed; arrested; second degree murder; Idaho State Penitentiary; *Southard's Famous Apple Pie*; escape; rose trellis; capture; pardon; parole board

People: Anna Elizabeth "Lyda" Trueblood (aka Anna May McHaffie/Eva Edith Meyer/Anna E. Shaw); Robert Dooley; Ed Dooley; Lorraine Dooley; William G. McHaffie; Harlan C. Lewis; Edward F. Meyer; Deputy Virgil Ormsby; Paul V. Southard; Judge William Babcock; Roy L. Black; Frank L. Stephan; E.A. Walters; W.P. Guthrie; Homer Mills; A.R. Hicks; A.J. Meyers; E.F. Rhodenbaugh; Harry; Whitlock; Governor Chase A. Clark; Hal Shaw

Sources/Literature: *New York Times*; *San Francisco Chronicle*; U.S. Census, 1900; Idaho Marriages, 1842-1996; *Lady Bluebeard*, by W.C. Anderson; *Mrs. Bluebeard*, by F. Cipriani

Photos/Illustrations: Anna Elizabeth “Lyda” Trueblood, three photographs

### **Pioneer Judge Milton Kelly Played Many Roles**

Milton Kelly was an attorney, freighter, judge, *Idaho Statesman* owner and publisher, hot springs developer, and one of the organizers of Idaho’s Republican Party. Not only did Kelly serve in the first session of the Idaho territorial legislature, he was a prosecutor in Idaho Territory’s first court case, an original associate justice in the Idaho Supreme Court, and President Abraham Lincoln’s last official judicial appointment before his death.

Key Terms: Idaho Republican Party; Placerville, Idaho; Idaho territorial legislature; Lewiston, Idaho; prosecutor; Magruder murder trial; associate justice; Idaho Supreme Court; Boise; Kelly Hot Springs; Pioneer Cemetery

People: Milton Kelly; Enos T. Gray; William C. Rheem; Judge Samuel C. Parks; David Renton Howard; James P. Roumain; G.C. Lowry; Lloyd Magruder; President Abraham Lincoln

Sources/Literature: *Illustrated History of the State of Idaho*, Lewis Publishing Company; *History of Idaho*, by James H. Hawley

Photos/Illustrations: Milton Kelly, photograph

## **VOLUME II, ISSUE 2 (April 2010)**

### **Poor House, Poor Farm: Idaho’s Poorhouse Laws**

A look at Idaho’s poorhouses of the late nineteenth century. In 1863, the first session of the Idaho Territorial Legislature assigned the legal responsibility of caring for the poor to county commissioners as a way to provide efficient, cost effective relief to the poor, as well as to reform individuals from the bad habits thought to have led them to poverty. The Ada County Poor Farm and the Twin Falls County Poor Farm are highlighted, as well as the story of how one Idaho governor ended up in a poorhouse.

Key Terms: County Poorhouse system; indigents; poor farms; Shoshone County; Ada County Poor Farm; Boise; Twin Falls County; Coeur d’ Alene; mining; miner unrest

People: Governor Norman Willey; Governor George L. Shoup

Sources/Literature: *Poor Law Legislation*, Idaho State Historical Society Reference Series #151; Idaho Oral History Center #540; *Norman B. Willey*, Idaho State Historical Society Reference Series; "Over the Hill to the Poorhouse," (1897) poem by Will Carleton

Photos/ Graphics: Idaho County poor farm, photograph; Bonner County poor house, photograph.

### **Lawyer Shoots Judge Morford Over a Woman**

After losing his wife and ranch to tragedy in 1866, prominent Boise attorney Theodore Burmester found himself in the middle of a love triangle that ended with the shooting of Judge Russell B. Morford in the middle of Boise's Main Street. In a scandalous verdict, Burmester was acquitted of the murder by Judge David Noggle, even though this was not the first time Burmester had aimed his gun at another.

Key Terms: Shootout; Overland stage road; farmhand; attack; fire; died; Hart's Exchange hotel; Owyhee County; adultery; divorce; Boise; Main Street; killed; Idaho Democratic Convention; wallet; jury bias

People: Theodore Burmester; Minnie Burmester; Judge Russel B. Morford; Judge Scaniker; Mr. Rosborough; Frank Ganahl; H.C. Street; Judge David Noggle;

Sources/Literature: *Idaho Tri-Weekly Statesman*, December 1869, January 1870; *Portland Oregonian*, June 1866; *Elliott's 1884 History of Idaho Territory*

Photos/Illustrations: Hart's Exchange, lithograph

### **Chief Justice Noggle's Controversies**

Judge David Noggle was deeply involved in Idaho political struggles, made debatable rulings from the bench, and served as Chief Justice of the Idaho Territory.

Key Terms: Chinese Miners' Tax case; defendants; acquittals; politics; controversy; women's rights; dementia

People: Judge David Noggle; President Ulysses Grant

Sources/Literature: *History of Rock County, Wisconsin (1879)*; *History of Washington, Idaho, Montana: 1845-1889*, by H.H. Bancroft; Idaho State Historical Society Reference Series #83

Photos/Illustrations: Chief Justice David Noggle, photograph

### **20th Century Idaho Profiles – The Human Touch: Frederick C. Lyon**

The first of the 20th Century Idaho Profiles features Frederick C. Lyon, Clerk of the Idaho Supreme Court from 1982 to 2004. This personal profile of Mr. Lyon is an excerpt from an interview conducted by Cameron Burke for the ILHS oral history program, which documents the history of legal practice in Idaho. Reported by Jean M. Buchanan.

Key Terms: Idaho Supreme Court; Salmon, Idaho; University of Idaho Law School; Court of Appeals; ballot box system of case assignment; North Idaho Term; Southeast Idaho Term; Idaho State Bar; *Idaho Reports*; first time attorneys; Pocatello; volunteer; St. Luke's Regional Medical Center; neonatal intensive care unit

People: Frederick C. Lyon; Diana Burns; Chief Justice Charles Donaldson; Chief Judge Jesse Walters

Photos/Illustrations: Frederick C. Lyon, photograph; Idaho Supreme Court Building in Boise, photograph

### **Senator Dubois & Idaho's Test Oath**

A short biography of controversial Senator Fred T. Dubois, an anti-Mormon law maker whose campaign to disenfranchise Mormon voters led to Idaho's test oath, passed in 1884. Dubois was both a Republican and a Democrat during his career in Idaho politics, and was ultimately removed from Democratic party leadership by a decision of the state supreme court. Although he helped Idaho obtain statehood, he is widely remembered for his strong anti-Mormon views.

Key Terms: Anti-Mormonism; Republican; Democrat; Idaho State Penitentiary warden; campaign; polygamy; test oath; Free Silver platform; U.S. Senate; delegate; Fiftieth Congress; Fifty-First Congress; Republican Party; split; Silver Republican; "dynamiter"; labor dispute; Coeur d' Alene; Idaho Legislature; Blackfoot, Idaho

People: Fred T. Dubois; "Honest" John Hailey; William Jennings Bryan; President William McKinley; Governor Frank Steunenberg

Sources/Literature: *Biographical Directory of the United States Congress*, Library of Congress; *Fred T. Dubois Biographical Sketch*, by L.W. Graff, Jr.



Photos/Illustrations: Fred T. Dubois, photograph; Idaho Test Oath Argument booklet, photograph

### **A Man of the Times: Judge Stanrod**

In 1882, Drew W. Standrod moved to Idaho where he practiced law in Malad City. Standrod was elected district attorney on an anti-Mormon platform, which was at a fever pitch in county and state politics. He later became a member of the Idaho Constitutional Convention drafting committee, and was elected judge for the Fifth Judicial District.

Key Terms: Cadiz Institute; Malad City, Idaho; district attorney; anti-Mormon; Idaho State Constitutional Convention; Fifth Judicial District; Pocatello, Idaho; Standrod & Terrell; Standrod Mansion; banking; First National Bank of Pocatello; D.W. Standrod & Company; Bank of Blackfoot; gubernatorial race; Idaho public utilities commission

Sources/Literature: *History of Idaho* (1914), by H.T. French; *Idaho Statesman*, 1900; *D.W. Standrod's Mansion*, Idaho State Historical Society Reference Series #965

Photos/Illustrations: Drew W. Standrod , photograph; Standrod Mansion, photograph

## **VOLUME II, ISSUE 3 (July 2010)**

### **Emma Cox & The Stagecoach: Personal Injury in the 19th Century**

A chronicle of Emma Cox's 1870 case against Northwestern Stage Company for injuries she sustained as a non-paying passenger when the stage overturned on the road from Silver City, Idaho. Former Chief Justice John R. McBride served as Emma's counsel, and, by using unorthodox trial strategy, was able to secure a judgment against the company. A glimpse into the jury room adds another layer of curiosity to this case.

Key words: Silver City, Idaho; stagecoach; accident; injuries; Boise; Hart's Hotel; suit; Northwestern Stage Company; Native American woman; bones; jury; judgment; *supersedeas*; Idaho Supreme Court; damages; average

People: Emma Cox; Chief Justice John R. McBride; Henry Prickett; H.L. Preston; Judge Joseph R. Lewis; Thomas Donaldson

Sources/Literature: *Idaho of Yesterday* (1941), by T.C. Donaldson; *Idaho Statesman*, November 1870 , and February & March 1871.

Photos/Illustrations: Chief Justice John R. McBride, photograph; a stagecoach, photograph; the road from Silver City, photograph

### **Ned Curtis: Governor/Lawyer/Librarian**

Born in the East, Edward J. (Ned) Curtis made his way west during the gold rush of 1849. Settling in California, Curtis practiced law, worked as a newspaper editor, and was elected to the California state legislature. His illustrious career took him to Oregon, where he served in the legislature, and to Idaho where he was appointed Secretary of Idaho Territory. Under Idaho's Organic Act, Curtis served as de facto governor of Idaho Territory longer than any of the official gubernatorial appointments. Curtis held other important posts and is known for his efforts to establish some of the first libraries in Idaho, including the Idaho Law Library. He was described by one Idaho Governor as "one of the most distinguished members of the early Idaho bar."

Key Words: mining; gold; Silver City, Idaho; Princeton; judge; Democratic Convention; Oregon Legislature; appointment; governor; delegate; 1872 Republican national convention; adjutantgeneral; Indian War; libraries; book collection; Idaho Law Library; territorial penitentiary; Pioneer cemetery

People: Edward J. Curtis; Richard T. Miller; Rufus Choate; President Arthur; President Harrison; Governor James H. Hawley

Sources/Literature: *The First 50 Men in Idaho Law* (2010), by Deb Kristensen; *History of Idaho* (1920), by J.H. Hawley; *Idaho's Early Libraries*, Idaho State Historical Society, 1993

Photos/Illustrations: Edward J. Curtis, photograph; Silver City Hotel, photograph; E.J. Curtis Monument, photograph

### **Idaho Bar One of the First to Self-Regulate**

Idaho was the third state in the U.S. to legislate a self-governing, self-regulating bar association, spurred by the large numbers of applicants to practice law after World War I. Although many difficulties first stood in the way of a bill for self-regulation before the Idaho legislature, Bar members were successful in getting the statute passed in 1923. The Act created Board of Commissioners that is still in place today.

Key Terms: self-governing; self-regulating; state bar association; voluntary bar association; bill;

Idaho State Legislature; Senate Livestock Committee; predatory animals; *Goodwin Model Act*; American Judicature Society; Board of Commissioners; Idaho Supreme Court; rules of professional conduct; judges

People: John McMurray

Sources/Literature: *Building a Profession* (1992), Buckendorf

### **Laughing Inside the Law**

A look at humor and the practice of law in early Idaho and today, with some entertaining anecdotes.

Key Terms: Humor; jokes; courtroom; rhetoric; rhyme; LegalHumour.com

People: Rufus Choate; Colonel T.; Marcel Strigberger; G.C. Edwards

Sources/Literature: *Bench and Bar: a Complete Digest of the Wit, Humor; Asperities, & Amenities of the Law* (1871), by L.J. Bigelow; *Legal Laughs: A Joke for Every Jury* (1914), by G.C. Edwards

## **VOLUME II, ISSUE 4 (Fall 2010)**

### **Early Probate Judges Schooled in Life**

Idaho's first court system included elected probate judges, many of whom were not trained in law. They were men with practical experience, respected in the community, with a multitude of job experiences ranging from stagecoach driver to charcoal worker to teacher. Their wide array of life experiences made for a common sense, working man's approach to deciding the cases in their courts. Highlighted judges: Judge Philemon W. Polly; Judges Osa Bell; Judge Clark T. Stanton; Judge Thomas A. Johnston; Judge James L. Fuller; Judge Samuel D. Davis; Judge Ezra E. Brandt; Judge William W. Lovelace

Key Terms: Probate judges; two year term; appointed; Gem County; Clerk District Court Bannock County; Bannock Indian War of 1878; Rocky Bar; Wood River Valley; Jerome County; Pocatello, Idaho; Bannock County; Civil War; Bliss, Idaho; Gooding County; Marsh Lake; Cassia County; mining; Snake River; Alturas County Commissioner; Lincoln County; re-elected; illiterate; Gooding, Idaho; Twin Falls County; Weiser, Idaho; Weiser Irrigation District

Sources/Literature: *Idaho: The Place and Its People* (1933), by B. Defenbach; *History of Idaho* (1914), by H.T. French; *Justice for the Times: A Centennial History of the Idaho State Courts* (1990), by C.F. Bianchi

Photos/Illustrations: Probate Judge Clark Stanton, photograph

### **“Bub” Meeks & Butch’s Gang Rob a Bank**

The story of Henry “Bub” Meeks who, along with Butch Cassidy and Elzy Lay, robbed a Montpelier, Idaho bank. After a well-planned get away, Meeks and Cassidy’s group were involved in other exploits. Eventually, Meeks was apprehended and put on trial in front of Judge Drew W. Standrod and Prosecutor Alfred Budge for the robbery. Meeks alone was convicted and sentenced for the robbery. He was sent to the Idaho State Penitentiary from which he attempted to escape on two occasions. During the second attempt he was shot in the leg. He attempted suicide and eventually spent the rest of his days in an insane asylum.

Key Terms: Fremont County, Wyoming; Brigham Young; Big Horn Basin; Idaho border; aliases; bank robbery; Montpelier, Idaho; Bear Lake County; Sheriff; volunteers; Montpelier Canton; horses; posse; escape; attorney; apprehended; trial; convicted; sentenced; Idaho State Penitentiary; “Old Selam Endurance Ride”; shot; amputated; insane asylum; Blackfoot, Idaho; Wyoming State Hospital

People: Henry “Bub” Meeks; Brigham Young; Butch Cassidy; Elzy Lay; M. Jeff Davis; Mike Malone; Douglas Preston; Judge Drew W. Standrod; Justice Alfred E. Budge

Sources/Literature: *Butch Cassidy: A Biography* (1998), by R.M. Patterson; *Treasured Tidbits of Time*, by P. Wilde; Bear Lake Convention and Visitors Bureau ([www.bearlake.org](http://www.bearlake.org))

Photos/Illustrations: Alfred Budge, photograph; capture of “Bub” Meeks, photograph; Bank of Montpelier check, photograph; Idaho Insane Asylum at Blackfoot, photograph

### **On Limiting Oratory in Court**

Justice Isacc N. Sullivan served on the Idaho Supreme Court for 26 years, from 1890 to 1916, during which time he heard nearly 3,000 cases. He offered sage advice to new attorneys to consider as they argued before the court. An amusing anecdote is included.

Key Terms: Idaho Supreme Court; Clerk of the Supreme Court; argument; snore; oratory People: Justice Isacc N. Sullivan; Sol Hasbrouck; Justice Joseph W. Huston

Sources/Literature: *The Bench and Bar as I Have Known Them* (1927), by I.N. Sullivan

Photos/Illustrations: Justice Isacc N. Sullivan, photograph; Sol Hasbrouck, photograph

## **Idaho Early Law School's Early Struggles**

A look at the beginning of the University of Idaho Law School. The law school's first class had 18 full-time students with one faculty member, and the law school was the 46th member of the American Association of Law Schools when it qualified for admission in 1914. It was accredited by the American Bar Association (ABA) in 1925. At first, admission numbers were low, and every Idaho student taking the first Bar exam held at the school in 1925 failed the exam. Discussions abounded regarding cost to tax payers, admissions standards, and training over the subsequent years. However, admissions numbers increased due to the Depression, and training standards improved.

Key Terms: College of Law; American Association of Law Schools; American Bar Association; admission; enrollment; graduate; preference; war veterans; Idaho Supreme Court; Idaho State Bar Association; bar exam; failed; Idaho law school standards; Idaho Legislature; Depression; law office training

People: James H. Forney; John F. MacLane; Justice Alfred Budge; Justice John C. Rice; Justice William Morgan

Sources/Literature: *From a Sagebrush Era to a Statewide Mission: Idaho's Law School Spans 100 Years* (2009), by R. McCoy; *Building a Profession: A History of the Idaho State Bar, 1860s to 1950s* (1992), by M. Buckendorf

Photos/Illustrations: 1928 Mock trial at University of Idaho Law School, photograph

### **VOLUME III, ISSUE 1 (Winter 2011)**

#### **John P. Gray: 20th Century Mining Lawyer**

By Scott W. Reed

John P. Gray was one of the most prolific and famous lawyers in Idaho history. Gray began his legal career in Wallace, Idaho in the office of U.S. Senator Weldon Heyburn, and soon became deeply involved in mining law in Coeur d' Alene. Gray appeared before the state Supreme Courts of Idaho, Washington, Arizona, and Connecticut, federal courts, circuit courts, and the U.S. Supreme Court. He was described as "one of the nation's outstanding authorities on mining law." One of his cases, *Stewart Mining Company v. Ontario Mining Company* was a historical decision in mining law. 237 U.S. 350 (1915).

Key Terms: Coeur d' Alene; appellate record; state court; federal court; Coeur d' Alene Chapter of Inns; Bar and Bench; Ketchum, Idaho; Boise High School; George Washington Law School; Wallace, Idaho; mining; Sanders Beach; Coeur d' Alene Lake; Eighth Circuit; Ninth Circuit; U.S.

Supreme Court; denial of *certiorari*; biography; extra lateral apex rights; Potlatch Lumber Company; Idaho Constitution; condemnation of land; Idaho Supreme Court appointment; resigned; family legend; bootleg whiskey

People: John P. Gray; U.S. Senator Weldon Heyburn; W.F. McNaughton; Governor H.C. Baldrige; President Franklin Roosevelt; Dr. Mary Sanderson

Sources/Literature: *The Big Burn* (2009), by Timothy Egan; *Encyclopedia of American Biography*

Photos/Illustrations: Justice W.F. McNaughton, photograph; John P. and Stella Gray's Tudor Revival house at Coeur d' Alene, photograph

### **Tents to Towers Project Update**

Photos/Illustrations: Hawley & Puckett Law Office in Thunder Mountain, photograph

### **Long Lost Coroner's Record Sheds Light on Bunker Hill & Sullivan Inquest**

At some point, attorney John P. Gray apparently borrowed the bound record of the Shoshone County coroner's juries between 1893 and 1901 from the Shoshone County Clerk at Wallace, Idaho. The handwritten volume was discovered years later in his office. The reports shed light on several mining incidents, including the riot at the Bunker Hill & Sullivan Mine at Wardner, Idaho in which the mill was blown up. A discussion of coroner inquests of those days, and the story of the 1936 disaster at Morning Mine at Mullan, Idaho which killed ten men are also included.

Key Terms: Coroner; elected; coroner's reports; coroner's inquests; cause of death; jury; fault; Bunker Hill & Sullivan Mining Company; Wardner, Idaho; miners; riot; explosion; deaths; verdict; Shoshone County Commissioners; union; warning; Shoshone County Sheriff; Northern Pacific; Western Federation of Miners; Wardner Miners Union; Morning Mine; Mullan, Idaho; accident; Federal Mining & Smelting Company; State Mine Inspector; witnesses; Vicinity Trades and Labor Council. Union; poor conditions; cover-up; complaint

People: John P. Gray; Dr. Hugh France; Sheriff James D. Young; Edward Boyce; \_\_\_\_\_ Schmidt; \_\_\_\_\_ Cheyne; Moses S. Simmons; William Boyle; W. R. Stimson; H.C. Mowrey; Judge Albert H. Featherstone; Arthur Campbell; John L. Fitzgerald;

Sources/Literature: Unpublished Manuscript by Scott W. Reed; *Spokane Daily Chronicle*, October 7 & 16, 1936;

Photos/Illustrations: Wardner mill after explosion, photograph; 1908 Morning Mine, photograph

### **A.H. Featherstone, Mining Judge**

We meet Albert H. Featherstone, a lawyer, legislator, and judge who practiced law in the mining community of Wallace, Idaho. During the 1920s, he argued mining cases before the Idaho Supreme Court, served on the boards of directors of mining and utility companies, and was active in the First District Bar Association.

Key Terms: Wallace, Idaho; University of Minnesota Law School; mines; mining companies; Republican; Idaho Legislature; judiciary committee; committee on mines and mining; Idaho Supreme Court; First Judicial District; Idaho and Eastern Mining Company; Stroble lode mining claim; Lelanda mining district; St. Louis and Idaho Mining and Milling Company; retired; University of Idaho College of Science; A.H. Featherstone Mines Scholarship

People: Judge Albert H. Featherstone

Sources/Literature: *Idaho Mining News*, 1931; *History of Idaho* (1920), by James F. Hawley; *Idaho Falls Post-Register*, 1950

Photos/Illustrations: Big Elk Mining Company, Ltd. stock certificate, photograph; Coeur d' Alene Mining and Smelting Company, Ltd. stock certificate, photograph

### **Wallace's Mayor Takes Revenge**

Herman J. Rossi was a northern Idaho personality who was elected mayor of Wallace four times, was a state representative, a regent of the University of Idaho, chairman of the Idaho Board of Education, president of the Wallace Board of Trade, lieutenant colonel in the Idaho National Guard, and a successful insurance executive and mine owner. He was also tried for the murder of his wife's lover.

Key Terms: Samuels Hotel; Wallace, Idaho; shot; murder trial; unanimous; not guilty; temporary insanity; Shoshone County; First District Judge; Shoshone County Bar Association; mayor; resignation; Volstead Act; prohibition; "North Idaho Whiskey Rebellion"

People: Judge William W. Woods

Sources/Literature: *Historic Wallace Personalities*, Wallace-id.com, 2011; *History of Idaho* (1920), by J.H. Hawley.

Photos/Illustrations: Herman J. Rossi in an Elk's Club boxing match in 1902, photograph; Judge W.W. Woods, photograph

## **VOLUME III, ISSUE 2 (Spring 2011)**

### **Mary Smith Oldham: Distinguished Lawyer**

Mary Smith Oldham decided to become a lawyer at the age of eight after watching a Rexburg trial. She attended the University of Idaho School of Law and joined the practice of prominent attorney W. Lloyd Adams. She was the first woman to address the Idaho State Bar at its annual meeting, the second woman to be admitted to practice before the U.S. Supreme Court, and the first woman to serve as a judge in Idaho. Although she was asked by two Idaho governors to serve on the Idaho Supreme Court she declined both times. Mary Smith Oldham was a mother and a successful attorney for sixty years.

Key Terms: Rexburg, Idaho; University of Idaho; Depression; first woman; family law; battered husband; murder trial; insanity defense; judge; governor oath of office; daughters; Rexburg City Attorney; Sugar City Attorney; Fremont-Madison Irrigation District; lobbied; Washington, D.C.; Teton Dam; dam failure; Idaho State Bar; posthumously; Distinguished Lawyer award

People: Mary Smith Oldham; Justice Clarence J. Taylor; W. Lloyd Adams; Governor Arnold Williams; Volney Oldham

Sources/Literature: *Idaho Daily Statesman*, 1935; *The First Fifty Women in Idaho Law* (2005), by D.K. Kristensen; Frances Oldham Murphy CV/Bio

Photos/Illustrations: Mary Smith Oldham, photograph; excerpt of 1935 *Idaho Daily Statesman* announcement of Mary Smith Oldham admission to practice law

### **A Message From the ILHS President: Scott W. Reed**

ILHS President Scott W. Reed pays homage to attorneys that have given their services *pro bono* to spark major change. Highlighted attorneys: attorney (and later President of the United States) John Adams, who defended eight British soldiers who had killed five men in a mob scene; Abe Fortas, who defended Clarence Earl Gideon, in a case that changed the rights of all defendants; Boise attorney Allen Derr, who argued in front of the U.S. Supreme Court in *Reed v. Reed*, broadening the rights of women.



Key Terms: Kootenai County Bar; *pro bono*; Boston; British soldiers; acquitted; petition for *certiorari*; Sixth Amendment; discrimination against women; Equal Protection Clause; sexual discrimination; women's' rights

People: President John Adams; Samuel Adams; Clarence Earl Gideon; Abe Fortas; Allen Derr; Ruth Bader Ginsburg; Sally Reed; C. Bianchi

Sources/Literature: *John Adams* (2006), by D. McCullough; *Gideon's Trumpet* (1964), by A. Lewis; *Justice for the Times* (1990), edited by C. Bianchi

Photos/Illustrations: ILHS President Scott W. Reed, photograph; Allen Derr and Sally Reed, photograph

### **20th Century Profile: Ray Rigby, Distinguished Lawyer**

Ray Rigby is a distinguished lawyer with a long record of service to the State of Idaho. Rigby studied law at the University of Idaho law school, graduating in 1950. Shortly after completing his law degree, he was asked to run for prosecuting attorney by the chairman of the Madison County Democratic Party. Rigby, a Republican was elected to that office seven times. Additionally, he did much *pro bono* legal work for county residents. In 1965, Rigby was elected to the Idaho Senate. There, he served on the Judiciary Committee, as well as the Natural Resources Committee. In 1972, Rigby left the Senate to return to private practice where he worked extensively on rural electrification issues, including the 1994 Snake River Basin Adjudication. Rigby was awarded the Idaho State Bar's Distinguished Lawyer Award and, in 2010, was recognized by the Bar as a "60 Year Attorney."

Key Terms: Rexburg, Idaho; Sears Roebuck; University of Idaho; Pearl Harbor; G.I. Bill; Phi Alpha Delta law fraternity; Madison County Democratic Party; elected; prosecutor; legal services; *pro bono*; Rigby, Andrus & Rigby; Idaho Legislature; Idaho Senate; Rural Electrification Administration (REA); Interstate Council on Water Problems; United Nations World Conference on Water; Western States Water Council; Snake River Basin Adjudication

People: Ray Rigby; William F. Rigby; Thomas E. Ricks; Brigham Young; Lola Cook; Judge Henry S. Martin

Sources/Literature: Interview with Ray Rigby (2000-2001), Brad Willaims

Photos/Illustrations: Ray Rigby, photograph

### **For Love of a Dog: The Murder of Howard LaGrange**

The story of how one man's love for his little dog led him to murder. Benjamin Franklin "Lucky" Crafton was a laborer from California who had met a drifter by the name of Howard LaGrange in a pool hall in Rexburg in 1953. By the end of the night, LaGrange was dead. Crafton was charged with second-degree murder. Attorneys Lloyd Adams and Mary Smith Oldham were appointed by the court to defend him. Crafton was convicted and sentenced to life in prison. Included is an account of the heart-wrenching goodbye to his dog.

Key Terms: Dog; kicked; murder; trial; sentenced; crying

People: Benjamin Franklin "Lucky" Crafton, Howard LaGrange; Lloyd Adams; Mary Smith Oldham; Ray Rigby; Judge Henry S. Martin

Sources/Literature: *Idaho Falls Post Register* July 14-29 1953; Social Security Death Index; Interview with Ray Rigby by Brad Williams 2000 – 2001

Photos/Illustrations: W. Lloyd Adams, photograph; Mary Smith Oldham, photograph; white dog, photograph; Benjamin F. Crafton, photograph

### **Mining Town Court in Session**

Between 1890 and 1910, the courts of the new state of Idaho dealt with a wide range of passionate and sometimes-violent disputes, including confrontations between sheep and cattlemen, water rights disputes, labor unrest in the mines and the assassination of a governor. Here is a peek at the sometimes rowdy court sessions held in the mining town of Silver City in the early 20th century.

Key Terms: Silver City, Idaho; Murphy, Idaho; Silver City Courthouse; shout; court proceedings; drinking

People: Sheriff Mike Rock; Judge John MacLane

Sources/Literature: *A Sagebrush Lawyer* (1953), by J.F. MacLane

Photos/Illustrations: Tuff Nuts Lunch Station, Silver City, Idaho, photograph

## **Stewart Decree Set Stage for 20th Century Water Rights**

Idaho Territory's settlements by miners from California guided the direction of early water legislation. Miners claimed stream water along with their mining claims, recorded them in county offices, and posted the claims. Water appropriation was reflected in the new Idaho state constitution, but was not adequately addressed to prevent problems of insufficient water for all claims placed. Therefore, the courts were charged with settling the matter. In *Farmers Cooperative Ditch Co. v. Riverside Irrigation District et al*, District Judge George H. Stewart issued an opinion which adjudicated the Boise River water rights and priorities for 40 years. The "Stewart Decree" was upheld by the Idaho Supreme Court, and ended the abuse of excessive appropriation.

Key Terms: Water; miners; Idaho Legislature; prior appropriation; bill; Idaho Supreme Court; Idaho state constitution; water rights; unlimited appropriation; Boise River; water claims; *Farmers Cooperative Ditch Co. v. Riverside Irrigation District et al*; testimony; opinion; "Stewart Decree"; appeal; sliding scale; senior water rights

People: Judge George H. Stewart

Sources/Literature: Early Irrigation in the Boise Valley (1953), by P.L. Murphy

Photos/Illustrations: Judge George H. Stewart, photograph; Boise River, photograph

### **VOLUME III, ISSUE 3 (Summer 2011)**

#### **Badger & McCarty's Moral Turpitude**

The story of two wayward attorneys in early Idaho history. J.W. Badger had practiced law in Boise City, and was admitted to practice before the Supreme Court in 1891. S.H. McCarty was an attorney at Rocky Bar who specialized in debt collection and legal documents. The two attorneys formed their own practice and shenanigans ensued. After several incidents, Badger was officially disbarred in 1894. The Idaho Bar Association stopped short of disbarment of McCarty, who then suddenly died. After an extended absence, Badger reappeared in Idaho in the most unlikely occupation: the circus.

Key Words: Third Judicial District Bar Association; Ada County Bar Association; complaints; U.S. Land Office; charges; theft; complaint; arrested; perjury; false affidavit; indictment; grand jury; unprofessional conduct; Idaho Supreme Court; disbarred; fight; Boise; Main Street; legal ethics; evicted; petit larceny; died; Walter L. Main Circus

People: J.W. Badger; S.H. McCarty; Jonas W. Brown; George H. Stewart; Lycurgus Vineyard; J.H. Schaffer; Judge Edward Nugent; Judge James H., Beatty; George Ainslie; James H. Hawley; Justice Joseph H. Huston

Sources/Literature: *Idaho daily Statesman*, April 1893-October 1894, June 1897

Photos/Illustrations: Justice Joseph W. Huston, photograph; circus graphic

### **A Message From the ILHS President: Scott W. Reed**

In June, 2011, Hecla Mining Co. settled its liability in the Superfund judgment on the Coeur d' Alene Basin trial brought by the U.S., Coeur d' Alene Tribe, and the State of Idaho against all the major mining companies in 2001. One hundred years previous, the legal landscape in Idaho was very different for claims brought against mining companies for even egregious environmental destruction and pollution. *Mc Carty v. Bunker Hill & Sullivan* (1906 and 9th Circuit, 1908) is highlighted.

Key Terms: Hecla Mining Company; liability; Superfund; Coeur d' Alene Basin; trial; Coeur d' Alene Tribe; mining companies; settle; environmental; U.S. District Court; farmers; Coeur d' Alene River; dumping poisoning; pollution; Cataldo Mission; Coeur d' Alene Lake; injunction; denied; reservoirs; tailings; revenues; Idaho Constitution; miners; preferred right

People: Judge Beatty

Photos/Illustrations: Scott W. Reed, photograph

### **Attorneys Disbarred for a Range of Offenses**

A look at the evolving rules of professional conduct in 19th and early 20th century Idaho, with several stories of attorneys disbarred or spared, and their offenses.

Key Terms: Crime; ethical violations; discipline; Idaho Supreme Court; moral turpitude; committee of lawyers; investigate; disbarment; offenses

People: George W.C. Shutter; S.L. Tipton

Sources/ Literature: *Laws of the Territory of Idaho* (1864), by J.A. Glascock; *Compiled Laws of Idaho* (1918), by B.W. Oppenheim; *American Law Reports Vol. 8* (1920); by R.A. Burdett and M.B. Wailes; *Building a Profession* (1992), by M.K. Buckendorf

## Of “Quasi-Lawyers” & Miners . . . Idaho Chinese in the Courts

A chronicle of the Idaho Foreign Miners Tax and the case that would have decided its fate, set against the backdrop of Chinese American history, the mining industry, and Idaho politics. We also meet Billy Wy, a Chinese court interpreter who also was a well-respected “quasi-lawyer.”

Key Terms: Chinese immigrants; mines; railroad; population; translators; interpreters; eulogy; Foreign Miners Tax; Idaho Territorial Legislature; Shoshone County; Boise Basin; testimony; Chinese witnesses; treaties; Idaho City; legal fees; Boise District Court; Republicans; Democrats; Idaho Organic Act; brothels; procedural grounds; Chinese Exclusion Act; mining claims

People: Billy Wy; Judge W.B. Moore; Joseph W. Huston; John R. McBride; Henry E. Prickett; Chief Justice David Noggle; U.S. Marshal H.W. Moulton; President U.S. Grant; S.P. Scaniker; Theodore Burmester; R.E. Foote; Jonas W. Brown

Sources/Literature: *A Chinaman’s Chance on the Rocky Mountain Frontier* (2000), by Liping Zhu; *Chinese on the American Frontier* (2001), A. Dirlik

Photos/Illustrations: Chinese miners, photograph

### Jonas W. Brown, Pioneer Lawyer

Jonas W. Brown came to Idaho from California in 1862, and held several public offices in the mining town of Florence. He was the 47th lawyer admitted to practice in the state, and set up his practice at Idaho City. When mining activity diminished in the Boise Basin in 1882, Brown moved to Boise, where he practiced law and served as Probate Court Judge until the age of 82. Brown was an active Mason who wrote a history of freemasonry in Idaho. Also included are four other pioneer lawyers of the time.

Key Terms: California gold rush; county clerk; deputy sheriff; Idaho Territory; Florence, Idaho; mining; clerk of the district court; clerk of the probate Court; deputy county auditor; recorder; Idaho City; Idaho Bar; Governor of Idaho Territory; appointment; Boise; Republican; estate administrator; Brown & Cahalan; Probate Court; Mason

People: Jonas W. Brown; Governor Thomas W. Bennett; President U.S. Grant; Justice Milton Kelly; Thomas D. Cahalan; Texas Angel; A.H. Featherstone; Philemon W. Polly; Lycurgus Vineyard

Sources/Literature: *Illustrated History of Idaho* (1899); *The First Fifty Men in Idaho Law* (2010), by D.K. Kristensen; *The Papers of Ulysses S. Grant* (1998), by J.Y. Simon

Photos/Illustrations: Jonas W. Brown, photograph; Jonas W. Brown house in Boise, circa 1884, lithograph

## VOLUME IV, ISSUE 1 (Winter 2012)

### Sheep v. Cattle On Idaho's Range

Idaho's public rangelands were the center of violent conflicts in the 1870s as sheepherding moved into what had been almost exclusively cattle country. Sheepherders were disadvantaged in favor of cattle interests by Idaho's "Two Mile Statute," as illustrated here by three cases. In fact, one of the cases made it all the way to the U.S. Supreme Court, where the statute was upheld. The law restricting sheep grazing remained in effect in Idaho for fifty years until 1934 when Congress passed the Taylor Grazing Act, giving cattlemen and sheepmen the same status.

Key Terms: Public lands; cattle; sheep; grazing; trespass; damages; "Two Mile Statute"; human habitation; *Sifers v. Johnson*; dissent; Owyhee County Probate Court; guilty; Third Judicial District Court; appeal; Idaho Supreme Court; Equal Protection; Due Process; Fourteenth Amendment; U.S. Supreme Court; Taylor Grazing Act

People: Justice Ralph P. Quarles; Justice Isaac N. Sullivan; Justice Charles O. Stockslager; Secundio Omaechevarria; R.F. Bicknell; Benjamin W. Oppenheim; Shadrach L. (Shad) Hodgins; William Healy; Justice Louis D. Brandeis

Sources/Literature: "Cattle v. Sheep: The Idaho Experience," by J.J. Hasko, *The Crit*, Summer 2010; "Turn of the Century," S.W. Reed, in *Justice for the Times*, ed. C.F. Bianchi, 1990

Photos/Illustrations: Idaho rangeland, photograph; Oneida County sheep ranch, photograph

### Message from ILHS President Scott W. Reed

A more in-depth discussion of the cattle vs. sheep controversy through the cases of *Sifers v. Johnson* [7 Idaho 798 (1901)] and *Sweet v. Ballantyne* [8 Idaho 431 (1902)], and a look at how a century can change things.

Key Terms: *Sifers v. Johnson*; Blaine County; herds; sheep; destruction; jury award; "Two Mile Statute"; *Sweet v. Ballantyne*; taking without due process; appeal; nuisance; judicial notice; dissent; class legislation; public lands; Sun Valley hills; Twin Falls; "Running of the Sheep Festival"; Ketchum; *Payne v. Skaar*; CAFO; actionable public nuisance; Idaho Legislature; Right to Farm Act; I.C. § 22-4503; I.C. § 22-4504

People: Justice Ralph P. Quarles; Justice Isaac N. Sullivan

Photos/Illustrations: ILHS President Scott W. Reed, photograph

### **20th Century Profiles: Eugene L. (Gene) Miller**

In the Words of His Son, Patrick E. Miller

Gene Miller was a respected and esteemed trial attorney admitted into the Idaho Bar in 1949. Miller went into practice with Bill Hawkins (Hawkins & Miller) in Coeur d' Alene. His son, Patrick E. Miller later joined the firm. Gene Miller received the Idaho State Bar's Distinguished Lawyer Award in 1995. Here, Patrick Miller shares stories and memories of his father, and the lessons his father taught him with the Idaho Legal History Society Oral History Project.

Photos/Illustrations: Eugene L. Gene Miller, photograph

### **Idaho Justice "Stocky" Stockslager**

We meet Justice Charles O. "Stocky" Stockslager, who, in 1887, arrived in Hailey, Idaho from Kansas. In 1890, Stockslager was elected Fourth Judicial District Judge, and was re-elected twice thereafter. He presided over the 1897 murder trial of "Diamondfield Jack" Davis, a hired gunman for the Sparks-Harrell cattle operation. Stockslager served on the Idaho Supreme Court from 1900 to 1906 and was heavily involved in the 1906 investigation of the assassination of Governor Frank S. Steunenberg. Among his decisions on the Court was his support of sheepherders to graze on public lands.

Key Terms: Galena, Kansas; Clerk of the District Court; County Attorney; Mayor; malaria; Hailey, Idaho; Receiver for U.S. Land Office; elected; Fourth Judicial District; murder; Sparks-Harrell; hunting accident; investigation; assassination; Pinkerton detective; *habeas corpus*; Idaho Supreme Court; sheepherders; Democratic candidate; Idaho Legislature; appointed; Shoshone, Idaho

People: Charles O. "Stocky" Stockslager; Abraham Lincoln; President Grover Cleveland; Jackson Lee "Diamondfield Jack" Davis; Governor Frank S. Steunenberg; William D. "Big Bill" Haywood; Governor Frank Gooding; Governor James M. Hawley

Sources/Literature: *Big Trouble* (1997), J.A. Lukas; *Illustrated History of the State of Idaho* (1899), Lewis Publishing Co.; "Personalities Behind the Bench," R. Stapilus, *The Advocate* 34:2 (1991)

Photos/Illustrations: Justice Charles O. “Stocky” Stockslager, photograph

### **Justice on the Range: “Diamondfield Jack” Davis**

The chronicle of the sensational murder trial of Jackson Lee “Diamondfield Jack” Davis in 1897. Davis was a hired gunman for the Sparks-Harrell cattle operation, and was accused of murdering two sheep ranchers in 1896. Sparks-Harrell hired attorneys James H. Hawley, William Puckett, and Kirtland I. Perky (once the law partner of William Jennings Bryan) to defend Davis. Cassia County hired William E. Borah as special prosecutor, along with County Prosecutor John C. Rogers, and Utah attorney Orlando W. Powers. District Court Judge Charles O. “Stocky” Stockslager heard the case. Stockslager would later hear an appeal for the case as an Idaho Supreme Court Justice. Davis was convicted and sentenced to hang. However, twists and turns in the case lasted for years, with new suspects, eight stays of execution, a commuted sentence, and a pardon in 1902.

Key Terms: Gunman; Sparks-Harrell; shepherders; rangelands; accused; murder; Twin Falls; Albion, Idaho; trial; jurors; guilty; sentenced to hang; appeal; new trial; overruled; Idaho Supreme Court; upheld; Board of Pardons; suspects; superintendent; accused; deposition; self-defense; petitions; reprieve; denied; writ of *habeas corpus*; U.S. Circuit Court of Appeals; stayed; U.S. Supreme Court; affirmed; public opinion; technicality; Certificate of Probable Cause; letter; confessions; commuted sentence; Idaho State Penitentiary; innocent; pardon; Nevada; Diamondfield; celebrity; taxi

People: Jackson Lee “Diamondfield Jack” Davis; John Wilson; Daniel Cummings; James H. Hawley; William Puckett; Kirtland I. Perky; William Jennings Bryan; William E. Borah; John C. Rogers; Orlando W. Powers; Judge Charles O. “Stocky” Stockslager; James E. Bower; Jeff Gray; Judge James H. Beatty; Judge George H. Stewart

Sources/Literature: *Idaho Statesman*, 1902; *Diamondfield Jack: A Study in Frontier Justice* (2001), by D.H. Grover

Photos/Illustrations: Cattle grazing, photo; “Diamondfield Jack,” photograph; mining stock certificate signed by Davis, photograph

## **VOLUME IV, ISSUE 2 (Spring 2012)**

### **“Hilarious Lot of Jurors” Raises Public Outcry**

Public opinion weighed heavily in the outcome of an 1896 cattle theft case. The jury’s actions in the first case led to a public response that affected the verdicts in the later cases. In 1896, Ada



County rancher Edgar Ferris (or Farris) and another man were charged with stealing two bull calves. The case against Ferris went to trial, with William E. Borah and Norman M. Ruick appearing for the defense, and James H. Hawley and William Puckett prosecuting. The jury acquitted Ferris. However, because the jury was heard singing and cheering during the deliberations, the verdict was not taken seriously and the public was outraged. As a result, the jury in the second trial (for theft of the second calf) found Ferris guilty, even though the evidence was the same. Moreover, the other man was acquitted of the theft with the same evidence as that in both Ferris trials. The Idaho Supreme Court reversed Ferris's conviction.

Key Terms: Public opinion; cattle theft; jurors; verdict; shared pasture; cattle; theft; Ada County District Court; acquittal; cheering; singing; public outrage; letter to the editor; bailiff; hymn; guilty; grand larceny; evidence; sentence; bail; Idaho Supreme Court; appeal; reversed; concurrence

People: Edgar Ferris (Farris); \_\_\_\_\_ Pierce; Thomas Aiken; Martin S. Cobb; George Williams; James F. Connaughton; Judge James H. Richards; William E. Borah; Norman M. Ruick; James H. Hawley; William Puckett; Justice Joseph W. Huston; Justice Isaac N. Sullivan; Justice Ralph P. Quarles;

Sources/Literature: *Idaho Statesman*, March 1896 – April 1897; *The Pacific Reporter* Vol. 51, 1898

Photos/Illustrations: Calf, photograph

### **A Message from ILHS President Hon. Ron Wilper**

The new ILHS President introduces himself to members, shares the fascinating story of his deep family roots in Idaho, and discusses the ambitious ILHS Oral History Program that will capture the stories the most fascinating Idaho characters of our time.

Key Terms: President; predecessor; North Idaho; uncle; Idaho Legislature; Silver City; miners' union; "the big trouble"; Pinkerton; Thiel; Glasgow, Scotland; grandma; St. Theresa's Academy; Boise; Sisters of the Holy Cross; Albion Normal School; Deep Creek School; Buhl, Idaho; Salmon, Idaho; Great Depression; Meriwether Theatre; Sacajawea Memorial; Lemhi River; barn; Czech; Nampa; asthma; Nampa High School; CIA Agent; Libyan President; "Forgotten 98"; Morrison-Knudsen; Wake Island; World War II; mass grave; granddaughters; history; ILHS Oral History Project; Idaho State Bar Annual Convention; court reporters; Idaho Court Reporters Association; membership

People: Judge Ron Wilper; Scott W. Reed; Susie Headlee; R.J. Hanlon; Harry Orchard; Governor Frank S. Steunenberg; Big Bill Haywood; John Nugent; Margaret Hanlon; \_\_\_\_\_ Mach; Aunt Annie \_\_\_\_\_; Edwin P. Wilson; Muammar Gaddafi; Dave Wilper; Clarence Darrow; Nancy

Wilper Tacke; Frank Wilper; R.J. Wilper; Ernie Hoidal; Diane Cromwell; Judge Michael Oths; Mahmood Sheikh

Sources/Literature: *The Idaho Adventure* (2011) by Nancy Wilper Tacke and Todd A. Shallot; Photos/Illustrations: ILHS President Judge Ron Wilper, photograph; John Nugent house in Silver City, restored by Dave Wilper, photograph; Wake Island memorial to the “Forgotten 98” M-K construction workers who dies there in 1943, photograph

### **Boise Celebrates Borah Acquittal**

In April of 1907, an Idaho grand jury returned an indictment charging newly-elected Idaho Senator William E. Borah and others with conspiring to acquire Boise County timber lands through fraudulent means. Also named in the indictment were Idaho’s Attorney General Frank Martin and former Governor Frank Steunenberg, killed in 1905, who was named as a John Doe. The jury acquitted Borah of all charges after only 15 minutes of deliberation, sending Boise into an eruption of celebration.

Key Terms: Politically motivated; fraud; timber; Boise County; Idaho Republicans; evidence: witness; Barber Timber Company; jury; acquitted; celebration; bell-ringing; fire truck; Idanha Hotel

People: Senator William E. Borah; Idaho Attorney General Frank Martin; Governor Frank Steunenberg; William D. “Big Bill” Haywood; Claudius Johnson; Norman M. Ruick; Judge Edward Whitson; James H. Hawley; S.L. Tipton

Sources/Literature: *Borah of Idaho* (1936), by C. Johnson: *Boston Evening Transcript*, October 1907; *The Idanha* (1984), by D. D’Easum

Photos/Illustrations: William E. Borah and James H. Hawley speaking to cheering crowds in front of the Idanha Hotel after Borah’s acquittal in 1907, photograph

### **Judge James H. Richards: Mayor, Suffrage Supporter**

The story of Judge James H. Richards, a distinguished and respected attorney, judge, mayor, legislator, and businessman. In 1891, Judge Richards was the first attorney admitted to practice before the new Idaho State Supreme Court, and was elected judge in the Third Judicial District. He heard over 400 cases in his first two years on the bench, and brought the lagging court calendar up to date in his district. Judge Richards and his wife were active in social causes, especially voting rights for women.

Key Terms: Cattle; school principle; Colorado Bar; partner; debt; Payette, Idaho; Republican Party; Idaho Supreme Court; resolution; Richards & Rogers; Richards & Haga; wife; Boise high

society; suffrage; Boise; mayor; Christian Scientist; speech; mining; President of the American Mining Congress; Idaho Legislature;

People: Judge James H. Richards; Frances Richards; Emma Smith Devoe; Hiram T. French; President William McKinley

Sources/Literature: *Illustrated History of the State of Idaho* (1899), Lewis Publishing Company; *History of Idaho, Vol. II* (1914), by H.T. French; *Idaho Deluxe Supplement* (1920), S.J. Clarke Publishing Company; *Winning the West for Women* (2011), by J.M. Ross-Nazzari

Photos/Illustrations: Judge James H. Richards, photograph

### **N.M. Ruick: Borah Partner & Foe**

Norman M. Ruick made his way from Connecticut, New York, Indiana, Arizona, and California to Idaho in the late nineteenth century. Ruick practiced law and was active in state politics as a leader in the Populist Party. Ruick served as Ada County Prosecutor, often partnering with his later foe, William E. Borah. Later, Ruick would lead an ill-fated prosecution of William E. Borah on charges that many believed were politically motivated.

Key Terms: Indiana Bar; Indianapolis; Wood River Valley; Bellevue, Idaho; Hailey, Idaho; Assistant District Attorney; Alturas County; Populist Party; Idaho Senate; Judiciary Committee; Boise; "Citizens' Free Silver Improvement"; Columbia Theatre; Ada County Prosecutor; foe; charges; timber; exonerated; dismissed

People: Norman M. Ruick; T.D. Calahan; Justice John W. Huston; William E. Borah; President Theodore Roosevelt

Sources/Literature: *History of Idaho Vol. II* (1920), by J.H. Hawley; *Illustrated History of the State of Idaho* (1899), Lewis Publishing Company; *New York Times*, June 14, 1908; *Idaho Daily Statesman*, 1897

Photos/Illustrations: Norman M. Ruick, photograph

### **20th Century Profile: Lawyer & Legislator Edith Miller Klein**

Idaho native Edith Miller Klein graduated from the University of Idaho in 1946, attended George Washington University Law School, and would become the 19th woman to be admitted to the Idaho Bar. Because Boise law firms would not hire women, or hired them at a salary comparable to that of a secretary, Miller Klein set up her own practice and was soon appointed Boise City Municipal Court Judge. She was the only female attorney in Boise at the time. She was later elected to the Idaho Legislature, where she served on the Judiciary Committee in both

the House and Senate, and wrote legislation to improve laws relating to children and women's rights. Miller Klein was inducted into the Idaho Hall of Fame in 1998, and was honored with a 50 year service award by the Idaho State Bar.

Key Terms: Wallace, Idaho; U.S. Labor Department; U.S. War Department; George Washington University Law School; Idaho Bar; appointed; Boise City Municipal Court Judge; courtroom attire; Idaho House; Republican; proposed; married; Washington, D.C.; L.L.M.; FCC; U.S. Supreme Court; Langroise Clark Sullivan & Smylie; Warm Springs Avenue; defeated; elected; Senate Judiciary Committee; House Judiciary Committee; legislation; Uniform Probate Code; Governor's Commission on the Status of Women; Idaho Hall of fame; service award

People: Edith Miller Klein; Sandy Klein; Henry C. Dworshak; Art Troutner; Governor Robert E. Smylie

Sources/Literature: *The First 50 Women in Idaho Law* (2005), by D.K. Kristensen; Boise Architecture Project.

Photos/Illustrations: Edith Miller Klein, photograph; Klein house, photograph

## VOLUME IV, ISSUE 3 (Summer 2012)

### Pocatello 1894: Lawyer-Client Intrigue

During the early years of statehood, Twin Falls attorney J. Edward Smith was alleged to have transmitted confidential client information in a capital murder case—a charge that was considered unprecedented and appalling by members of Idaho's legal profession. Linked to the case was a midnight foray by Smith and Bannock County law enforcement officials to dig up gold allegedly stolen during the murder.

Key Terms: Confidential client information; capital murder; gold; Bannock County District Court; employer; robbery; inmate; trial; absence; guilty; sentenced to hang; conviction; request for new trial; appeal; Idaho Supreme Court; unprofessional conduct; confidential client information; appellate brief; grand larceny; cleared; defended; manslaughter; assault; jailed; \$10 bill; bloodstains; Pocatello, Idaho; Lava, Idaho; train; digging; railroad tracks; stolen money; buried; gold pieces; witness; abdicate; Idaho Supreme Court; intentional disclosure; privileged communications; client; Board of Pardons; Italian consul; intercede; suicide; note; innocence; Italian; Mafia; Idaho Falls; Bingham County

People: J. Edward Smith; Charles Perry; Patrick McNamara; Charles M. Phelps; James H. Hawley;

Judge Drew W. Standrod; Herbert V.A. Ferguson; P.E. Keeler; Justices Isaac N. Sullivan; Justice John T. Morgan; Justice Joseph W. Huston; Governor William J. McConnell

Sources/Literature: *Reports of cases argued and determined in the Supreme Court of the State of Idaho, Vol. 4, 1903*; *The American Lawyer Vol. 3, 1895*; *Brief for Appellant*, Idaho Supreme Court, 1894; *Spokesman-Review*, Dec. 1894; *Idaho Statesman*, Mar. 1895.

Photos/Illustrations: 1891 Pocatello, Idaho, photograph; Gold coins, photograph

### **A Message From ILHS President Hon. Ron Wilper**

Ernie Hoidal's oral history committee recorded 31 interviews at the 2012 Idaho State Bar Annual Convention. Former governors, prominent lawyers, and retired judges who were, and in some cases continue to be, in the thick of the legal action and passion of our time. Age and experience has brought them to a place from which they can pause, turn around, and look back on their careers in the law. This oral history project allows us to celebrate the great figures who have shaped Idaho history and to understand why they made the decisions they have. We can understand where we have been, and avoid unintended consequences and repeating historical mistakes.

Key Terms: Oral History Committee; interviews; court reporter; volunteer; evolution of law

People: Oliver Wendell Holmes; Ernie Hoidal

Photos/Illustrations: ILHS President Hon. Ron Wilper, photograph

### **Central Idaho Divorce Haven**

In the late 1930s and early 1940s, Idaho relaxed its divorce laws in an effort to compete with Nevada for the lucrative divorce business. The changes helped to make Idaho, especially Sun Valley, a hotbed of divorce.

Key Terms: Divorce; residence requirements; Nevada; waiting period; remarriage; out-of-state-clients; vacation; Gooding County; celebrities; anonymity; *Skiing* magazine; heiress; fight; man beaten

People: Averell Harriman; Willis E. Sullivan; C.W. Post; Marjorie Meriweather Post; Mary Smith Oldham; Bert Bowler

Sources/Literature: *Skiing*, February 1974; "Middle Third of the Century," *Justice for the Times*, (1990), by J.J. McFadden; *First 50 Women in Idaho Law* (2005), D.K. Kristensen; *Building a*

*Profession* (1992), by M.K. Buckendorf; *Nevada State Journal*, September 1947

Photos/Illustrations: Vintage Sun Valley postcard

### **Divorce Court in Territorial Times**

A humorous story of an Idaho divorce case before Idaho Territory Supreme Court Justice and District Judge Alec Smith, as reported in *Europe* in the 1860s.

Key Terms: Divorce; Europe; decree

Sources/Literature: *The Irish law times and solicitors' journal*, Vol. II (1868)

### **H.V.A. Ferguson: Lawyer & Classical Poet**

In 1893, Colonel H.V.A. Ferguson moved to Pocatello to practice law. He served as Bannock County prosecutor, as special attorney for the city of Pocatello, at the Department of the Interior, and in the Idaho Legislature. Ferguson was also a well-known public speaker and author, and was active in Idaho Republican politics. He was also a published classical poet.

Key Terms: University of Michigan at Ann Arbor; New York; National Guard; murder trial; Bannock County; Department of the Interior; Republican politics; poet; published; Mountain View Cemetery; Pocatello

People: H.V.A. Ferguson

Sources/Literature: "Owain's Adventure, A Romantic Poem with a Smile in it" (1911), by H.V.A. Ferguson; "Carmen secular" (1905), by H.V.A. Ferguson; *Rhymes of Eld* (1912), by H.V.A. Ferguson; *History of Idaho Vol. III* (1914), by H.T. French; *Find a Grave* (2012)

Photos/Illustrations: H.V.A. Ferguson, photograph; H.V.A. Ferguson headstone, photograph; cover of "Owain's Adventure," copy

### **20th Century Profile: Willis E. Sullivan, Jr.**

Willis E. Sullivan, Jr. was a third generation Idaho lawyer who grew up listening to his father, Willis E. Sullivan, and his grandfather, Justice Isaac N. Sullivan, argue legal points into the night. He attended Harvard University Law School, and was admitted to the Idaho State Bar in 1936. He was later elected to the Idaho Legislature, and was active in the Idaho State bar where he

served as President of the Grading Committee. He practiced law for 55 years and was the first recipient of the Idaho State Bar's Distinguished Lawyer Award in 1983.

Key Terms: Journalist; Great Depression; *Idaho Statesman*; Idaho State Bar; legal research; Idaho Legislature; Grading Committee; Ninth Circuit Court of Appeals Judicial Council; University of Idaho College of Law Advisory Board; Idaho State Bar Distinguished Lawyer Award; endowment; scholarships; University of Idaho College of Law

People: Willis E. Sullivan, Jr.; Willis E. Sullivan, Sr.; Justice Isaac N. Sullivan; Felix Frankfurter; Thomas Reed Powell; Zachariah Chaffee; Edmund Morgan; La Verne Sullivan; William Langroise  
Sources/Literature: "Biographical Sketch—Willis Sullivan," Idaho State History Project (1990), M.K. Buckendorf; "The Sullivan Legacy," *University of Idaho Magazine*, Fall 2003

Photos/Illustrations: Willis E. Sullivan, Jr., photograph

## VOLUME V, ISSUE 1 (Winter 2013)

### Montana Lawyer First Female Before Idaho Supreme Court

In 1904, prominent Montana lawyer, Ella Knowles Haskell, came to Idaho as counsel in the case of *Monida & Yellowstone Stage Company v. Sherman*. Haskell's appearance was significant, as she was Montana's first female lawyer, and the first female lawyer to appear before the Idaho Supreme Court. The justices welcomed her. It would be another twenty five years before an Idaho woman, Adelyne Champers, would argue and win a case before the Court.

Key Terms: Montana; female; first; Idaho Supreme Court; etiquette; interest

People: Ella Knowles Haskell; Sol Hasbrouck; Ola Johnesse; Justice James Ailshie; Justice Isaac N. Sullivan; Charles O. Stockslager; Adelyne Champers

Sources/Literature: *Idaho Statesman* May 25, 1904; *1895-1975: The First 50 Women in Idaho Law*, Idaho State Bar, D.K. Kristensen.

Photos/Illustrations: Ella Knowles Haskell, photograph

### Idaho's Railroad Debate

A look at the way railroads changed Idaho. In the 1880s and 1890s, the advent of railroads brought lucrative new opportunities for Idaho Lawyers. By the mid-1880s, railroads crisscrossed the state and led to a population boom in southern Idaho and agriculture and

mining industries were connected to regional markets. The powerful presence of the railroads in Idaho was a focal point of debate among lawyers at Idaho's Constitutional Convention. On one side were those who argued that railroad companies should be aggressively regulated to protect the public. On the other, those who argued that heavy regulation would stifle business in Idaho. The debate was reported in newspapers across the country.

Key Terms: Railroads; Idaho Panhandle; Northern Pacific; Utah & Northern Railroad; Oregon Short Line Railway; construction; routes; Idaho; Montana; Wyoming; Pocatello; Fort Hall Indian Reservation; purchased; Shoshone Tribe; Bannock Tribe; population boom; business; debate; Idaho Constitutional Convention; Committee on Public and Private Corporations; Shoshone County; Democrat; regulations; Republican; commerce; debate; railway passes; bribes  
People: Alexander Mayhew; William H. Claggett; James H. Beatty

Sources/Literature: *New York Times*, July 14, 1889; *Idaho's Constitution, the Tie that Binds* (1991), by D.C. Colson; *Proceedings and Debates of the Constitutional Convention of Idaho 1889, Volume II* (1912), by I.W. Hart

Photos/Illustrations: Railway, photograph; Pocatello-area locomotive, photograph

### **A Message From IKHS President Hon. Ron Wilper**

A thank you to the volunteers who worked tirelessly to conduct, transcribe, edit, and catalogue the large number of oral histories gathered at the 2013 Idaho State Bar Convention. Idaho is the only state to use court reporters in this endeavor. The oral histories will be appreciated by lawyers, judges, and academics for generations to come. Including a welcome to new ILHS Treasurer, Walt Sinclair.

Key Terms: Members; interviews; Coeur d' Alene; Idaho State Bar Convention; effort; court reporter; welcome; Treasurer; Stoel Rives; litigator; membership

People: Ernie Hoidal; Diane Cromwell; Walt Sinclair; Susie Headlee; Scott W. Reed

Photos/Illustrations: ILHS President Hon. Ron Wilper, photograph; ILHS Treasurer, Walt Sinclair, photograph

### **Hasbrouck at Center of Idaho Law & Politics**

Solomon (Sol) Hasbrouck was one of early Idaho's most popular legislators and lawyers. He came to Idaho for the mining, and soon became engaged in early Idaho politics, and accompanied Governor Caleb Lyon on his famed duck hunting trip. Hasbrouck served as Clerk



of the Idaho Supreme Court, and while there, he took up the study of law. Hasbrouck was admitted to the Idaho Territorial Bar in 1871. He continued to serve Idaho in many capacities.

Key Terms: Gold; Granite Creek, Idaho; Owyhee County; mines; County Commissioner; Idaho Territorial Legislature; Republican; politics; duck hunting; escape; arrest; Idaho's capital; Lewiston; Boise; tax collector; Clerk of the Idaho Supreme Court; law; Idaho Territorial Bar; Merchandising; Mayor; Washington County; Idaho Constitutional Convention

People: Sol Hasbrouck; Governor Caleb Lyon; Justice John Cummings

Sources/Literature: *Illustrated History of the State of Idaho* (1899), Lewis Publishing Company; *Idaho Falls Register*, September 14, 1906

### **"Duck Hunting" on the Clearwater with Governor Lyon**

In 1864, legislators from southern Idaho voted to change Idaho's capital from Lewiston to Boise. The vote set in motion a series of events that created enmity between north and south for decades to come. In the end, Governor Caleb Lyon escaped arrest by leaving town for a purported duck hunting trip with Sol Hasbrouck. The trip proved to be quite an adventure.

Key Terms: Idaho capital; Lewiston; legislature; Boise City; challenged vote; writ; violated terms of election; arrest; duck hunting; Clearwater River; canoe; Snake River; White's Ferry; Washington; embezzlement; Idaho Indian Fund; Secretary; heavy guard: Nez Perce County

People: Governor William H. Wallace; Thomas M. Pomeroy; Judge John C. Berry; Governor Caleb Lyon; Sol Hasbrouck; John Silcot; Silas D. Cochran

Sources/Literature: *History of Idaho Volume 1* (1914), by H.T. French; *Illustrated History of North Idaho* (1903), Western Historical Publishing Co.

Photos/Illustrations: Duck hunting, photograph

### **The Wit of Sol Hasbrouck**

An amusing look at how a long-winded attorney put the Clerk of the Supreme Court to sleep, and why a vat of rancid butter is declared to be in contempt of court.

Key Terms: Court; sleep; oratory; couch; snore; smell; dairy inspector; capitol building; butter; analyze; sewer inspector; dog; vitrified brick; wagon grease; note; Silver City; contempt of court

People: Justice Isaac N. Sullivan; Sol Hasbrouck; Alex McPherson; John T. Morrison; Justice Charles O. Stockslager; Mark the dog

Sources/Literature: "The Bench and Bar as I Have Known Them" (1927), by Hon. I.N. Sullivan; *Idaho Statesman*, December 22, 1904

Photos/Illustrations: Sol Hasbrouck, photograph; 1908 Idaho State Capitol, photograph

## **VOLUME V, ISSUE 2 (Spring 2013)**

### **Idaho History Preserved by Law Professionals**

In the early years of the twentieth century, many amazing documents and artifacts were donated by current and past members of Idaho's legal profession to the State Historical Society. From Native American artifacts donated by lawyer Kate E.N. Feltham, to an old Boise-to-Idaho City overland stagecoach, donated by the estate of Judge William M. Smith, Idaho lawyers and judges have graciously given all Idahoans the opportunity to understand Idaho history firsthand.

Key Terms: "Caligraph"; court recording; State Historical Society; artifacts; documents; museum collections; hair work; gavel; safe; gun; civil war uniform

People: Governor James H. Hawley; Kate E.N. Feltham; Samuel H. Hays; Judge William J. Smith; Gertrude Hays; U.S. President Andrew Jackson; Lewis and Clark; Judge Clark W. Stanton; Judge W.D. Mallory; Mrs. James E. Babb; William E. Borah; Mrs. Fremont Wood; Frank Martin; Judge Isaac N. Sullivan; Mrs. James H. Beatty; Mrs. Charles P. McCarthy; Mrs. Texas Angel

Sources/Literature: Biennial Reports of the Trustees of the State Historical Society of Idaho, 1921-1934

Photos/Illustrations: Early calligraphy machine, photograph; river travelers by canoe, illustration

### **A Message from ILHS President Hon. Ron Wilper**

The Honorable Michael McLaughlin interviewed Idaho Falls attorney Reginald (Reg) Reeves for the Idaho Legal History Society oral history project. The transcript offers a glimpse into the life of a persevering black Idahoan who sees adversity as opportunity, has earned a well-deserved reputation as a philanthropist, and is decorated by the military, the State of Idaho, and his alma mater.

Key Terms: Interview; oral history; transcript; A 1947 graduate of North Carolina A&T; University of Idaho College of Law; magna cum laude; mathematics; UCLA; National Negro College Fund; overt discrimination; South Dakota; Moscow; paper on copyright law; national contest; first place in the nation; Copyright Law Symposium; black lawyer; Idaho Falls; challenges; women; Civil Rights Act in 1964; attitudes; “the problem”; clarinet; Idaho Falls Symphony; skiing; racing circuit; service to others; Guatemala; computers; Lt. Colonel in the Army Reserve; humanitarian work; military honors; Commander’s Award for Public Service; Outstanding Civil Service Medal; Brightest Star Award; Health Hero’s Award; University of Idaho’s Hall of Fame; transcript.

People: O.W. Holmes, Jr.; Reginald (Reg) Reeves; Judge Michael McLaughlin; George Bell; Alvin Denman; Kim Madsen

Photos/Illustrations: ILHS President Hon. Ron Wilper, photograph; Reginald R. (Reg) Reeves, photograph; Judge Michael McLaughlin, Kim Madsen, and Reginald R. (Reg) Reeves, photograph

### **S.H. Hays: Attorney General & History Donor**

Samuel H. Hays was the son of lawyer James B. Hays, who was an active Democrat and Chief Justice of the Idaho Supreme Court. When James was appointed to Idaho’s District Court, Samuel came with him to Idaho and worked as a clerk of the court. He was admitted to practice law in Idaho in 1890. Samuel Hays was a supporter of the suffrage movement, and served on the Boise City Council before acting as Idaho’s Attorney General. In that role, he was responsible for carrying out martial law enacted in response to the Coeur d’ Alene mining riots of 1898. He later served as Mayor of Boise, and he and his wife, Gertrude, were generous contributors of artifacts and archive materials to the newly-formed Historical Society of Idaho. The Hays home in Boise is listed in the National Register of Historic Places.

Key Terms: Democrat; Chief Justice of Idaho; Northwestern University; Wisconsin; Idaho District Court; clerk of the court; admitted to practice; wife; Blackfoot; suffrage movement; regent; University of Idaho; Board of Trustees of the State Historical Society; quote; Boise City Council; Idaho Attorney General; martial law; Coeur d’ Alene mining riots; irrigation law; Twin Falls; mayor; Boise; libraries; history; prohibition; banking; donations; Morris Hill Cemetery; Hays home; National Register of Historic Places

People: Samuel H. Hays; Chief Justice James B. Hays; Gertrude Lindsey; Susan B. Anthony

Sources/Literature: *History of Idaho Vol. 3* (1920), by J.H. Hawley; *Women’s Suffrage in America* (2005), by E. Frost-Knappman & K. Cullen-DuPont; Biennial Reports of the Trustees of the State Historical Society of Idaho, 1921-1934

Photos/Illustrations: Samuel H. Hays, photograph; Hays house, photograph

### **Idaho Law in the Interwar Years, 1920-1939**

A look at how the legal landscape in Idaho and beyond changed in the years between the World Wars. Idaho established a mandatory State Bar, saw increased caseloads, and expanded the Idaho Supreme Court from three to five justices to deal with the caseloads and to reduce delays. By 1932, there were 16 District Court judges in Idaho, up from the original five in 1890 when Idaho became a state. The Idaho State Bar proposed legislation mandating non-partisan elections of Supreme Court Justices and District Judges. The Great Depression had a negative effect on lawyers' finances, but female attorneys flourished during that time. Many "firsts" occurred in those years.

Key Terms: World Wars; State Bar; Board of Commissioners of the Idaho State Bar; bar exam; failed; caseloads; Idaho Supreme Court; District Courts; Idaho Legislature; partisan elections; power struggles; license fees; complaints; women lawyers; U.S. Supreme Court; University of Idaho College of Law; U.S. Ninth Circuit Court of Appeals; judge

People: Pearl McCall; Pearl Tyer; Bertha Muckey; Adelyne Champers; Mary J. Smith; Gladys Dennis; Mary Shelton; Justice John C. Rice; Frank S. Dietrich; Kate E.N. Feltham; James F. Ailshie; Margaret Geisler

Sources/Literature: "The Middle Third of the Century: the War Years and the Depression" (1990), by Hon. J.J. McFadden; "Building a Profession: A History of the Idaho State Bar" (1992), by M.K. Buckendorf; The First 50 Women in Idaho Law (2005), by D.K. Kristensen

Photos/Illustrations: Justice John C. Rice, photograph; Adelyne Champers, photograph; Pearl Tyer, photograph; James F. Ailshie

### **Judge Smith: Collector of the Natural & Cultural**

William J. Smith began his legal work as a police judge for the new town of Twin Falls in 1905. As he traveled the West, he collected the natural and cultural objects that would one day fill a room at Idaho's historical museum.

Key Terms: Police judge; Twin Falls; construction; Western Union Telegraph Company; collected; historical museum; probate judge; justice of the peace; Lincoln County School Board; travel; archeology; taxidermy; reference library; Historical Society

People: Judge William J. Smith; Clara Smith

Sources/Literature: History of Idaho Vol. 3 (1914), by H.T. French; Unpublished William J. Smith Story, by C.B. Smith, undated.

### **20th Century Profile: Eugene L. Bush**

Attorney Eugene L. Bush was active in Republican politics, served as Bonneville County Prosecutor, was elected to the Idaho Legislature, and served as Idaho State Bar Commissioner. He is also remembered for his dedication to baseball in Idaho Falls.

Key Terms: Baseball; law degree; Republican; Bonneville County; Idaho Legislature; Constitutional Revision Committee; bar associations; Idaho State Bar Commissioner; president; Idaho Falls Baseball Club; professional baseball team; Highland Park; major league organizations; Pioneer League;

People: Eugene L. Bush; James C. McClure

Sources/Literature: *Idaho Falls Post Register* 1951-1968; History of Melaleuca Field, [www.melaleucafield.com](http://www.melaleucafield.com); Comments of Judge Ronald E. Bush.

Photos/Illustrations: Idaho Falls Baseball Club dedication plaque, photograph; Highland Park Field, photograph

## **VOLUME V, ISSUE 3 (Summer 2013)**

### **Juvenile Justice: Twin Falls, 1912**

In the years after it was founded in 1904, the town of Twin Falls experienced a rise in juvenile crime that swelled the dockets of probate court and led to extensive discussion in local election campaigns regarding appropriate methods of obtaining justice for juveniles. Judge James W. Shields was notably involved in many of the Twin Falls cases and established an approach that received local acclaim.

Key Terms: Twin Falls; juvenile crime; probate court; justice for juveniles; gangs of thieves; guilty; probation; parental supervision; state industrial school; progress reports; parental

cooperation; St. Anthony; theft; parole; curfew; honor system; Idaho Legislature; training; vocation; mistreatment

People: Judge James W. Shields; \_\_\_\_\_ Ormsby; Lyda Southard; Judge J.M. Shank; Homer Hagler

Sources/Literature: *Twin Falls News* September 26, 1912, January 23, February 13 & May 15, 1913; *Juvenile Justice in Idaho* (2006)

Photos/Illustrations: Judge James W. Shields, 1912 newspaper photograph

### **Twin Falls' First Female Jury Decides 1912 Case**

In Twin Falls, Idaho's first recorded all-female jury was selected in 1912 in the court of Probate Judge James W. Shields. The case involved a female defendant, Mrs. Edward Bolts, who was charged with drawing a revolver on a fellow rancher and striking him with the gun. The jury of six women convicted Mrs. Bolts.

Key Terms: Women; juries; Territorial law; 1896 Suffrage Amendment to the Idaho Constitution; all-female jury; Twin Falls; self-defense; guilty; Amos Studio; memorial

People: Judge James W. Shields; Mrs. Edward Bolts; Arthur J. Requa; Alden R. Hicks; William P. Guthrie

Sources/Literature: *Twin Falls News*, September 26, 1912, December 5, 1912.

Photos/Illustrations: Portland Daily Telegram 1912 Cartoon of all-female jury, reprint

### **Boomtown Lawyers Made Their Mark**

Not only farmers saw opportunity in the widely publicized new irrigation settlement of Twin Falls in 1904. William P. (W.P.) Guthrie and Alden R. Hicks, two well-educated lawyers from Illinois, also made their way to the new boomtown and often appeared in court opposite each other.

Key Terms: Irrigation settlement; Twin Falls; boomtown; Civil War veteran; Southern Illinois College; law degree; University of Indiana; Twin Falls County Attorney; criminal defense; libraries; Republican; Stanford University; Northwestern University; University of Chicago Law School; Lewiston; Democrat

People: William P. (W.P.) Guthrie; Alden R. Hicks

Sources/Literature: *History of Idaho Volume III* (1914), by H.T. French; *Twin Falls Times*, October 1914

Photos/Illustrations: William P. (W.P.) Guthrie, photograph; Alden R. Hicks, photograph

### **Judge Shields Served Twin Falls & GAR**

After the Civil War, Judge James W. Shields made his way to the booming community of Twin Falls, Idaho, where he set up a law practice. He quickly gained respect, and was elected probate judge on the Republican ticket. He later moved to Boise. As a Civil War veteran, Shields was an active member of the Grand Army of the Republic (GAR) and served as Idaho State Commander.

Key Terms: Union Army; Civil War; Ohio; children; Colorado; widower; remarried; county judge; Twin Falls; Idaho Supreme Court; probate judge; Republican; Boise; assistant adjuster; Grand Army of the Republic (GAR); state commander; national vice commander; encampments

People: Judge James W. Shields; Mary Gilland; Hannah A. Hardy

Sources/Literature: *Twin Falls News*, May 30, 1912; *The Pacific Reporter Volume 102*, 1909

Photos/Illustrations: Judge James W. Shields in uniform, photograph; GAR Phil Sheridan Post built in Boise in 1892, photograph; GAR star shield, illustration

### **Idaho Judges & Lawyers Active in GAR**

The Grand Army of the Republic, the largest Civil War veterans' organization, was a political force nationally and in Idaho which helped to secure veterans' pensions and lobbied for Boise's Old Soldiers' Home. Several members of Idaho's legal profession were active in GAR. Also included is an example of the GAR explicit code of rituals

Key Terms: Grand Army of the Republic (GAR); Civil War; veterans' organization; politics; pensions; lobbying; Old Soldiers' Home; fraternal organization; code of rituals; meeting rules;

People: Judge William W. Woods; Justice Joseph W. Huston

Sources/Literature: *Rituals of the Grand Army of the Republic*, 1907; *History of the GAR* (1888), by R.B. Beath

### **20th Century Profiles: Justice Allan G. Shepard**

The one attorney to be elected to all three branches of Idaho government, Allan G. Shepard served as Idaho's Deputy Attorney General and Attorney General, and was elected to the Idaho Legislature, and later, to the Idaho Supreme Court.

Key Terms: Three branches of government; engineering; Army Air Corps; World War II; law degree; University of Washington; Master of Law; University of Virginia; Deputy Attorney General; private practice; Idaho Legislature; Republican; Attorney General; president; National Association of Attorneys General; Idaho Supreme Court; contested election; heart attack; lay in state; Idaho Capitol Rotunda; military honors; endowment; University of Idaho College of Law; professorship

People: Justice Allan G. Shepard; Judge Merlin S. Young

Sources/Literature: "Personalities behind the Bench: Biographical Sketches of Idaho's Supreme Court Justices," R. Stapilus, *The Advocate* 34, 1991

Photos/Illustrations: Justice Allan G. Shepard

### **20th Century Profiles: Judge Merlin S. Young**

Judge Merlin S. Young graduated from Boise High School, served in the Pacific during World War II, received his law degree from University of Southern California, and was admitted to the Idaho Bar in 1946. He was elected Ada County Prosecutor, served in the Idaho Legislature, and served as a district judge and U.S. Bankruptcy Judge for the District of Idaho.

Key Terms: Eden, Idaho; Boise High School; Whitman College; University of Michigan Law School; Navy; World War II; law degree; University of Southern California; Ada County Prosecutor; Idaho Legislature; Third Judicial District; wife; daughter

People: Judge Merlin S. Young; Lois F. Clark; Barzilla Clark; Justice Byron Johnson

Sources/Literature: *Idaho Statesman*, August 19, 2007

Photos/Illustrations: 1968 Judge Merlin S. Young Supreme Court campaign ad, reprint



**Warren's Mining District Lawyer James W. Poe**

Among the first miners in the Warren's Mining District was Missouri native James W. Poe, who would later become a prominent mining lawyer in the region. Poe was admitted to legal practice in Idaho's district courts in 1869. Gold fever went hand in hand with legal action and he soon achieved prominence in mining law. He was known locally as "Judge" Poe, a business, political, and legal leader in the Warren community. He was elected district attorney for northern Idaho, with an office at Lewiston. He also served as city attorney for Lewiston and attorney for the Lewiston School District. In 1891, he was admitted to practice in the new state of Idaho's Supreme Court. He participated in framing the Idaho constitution as a delegate to the state constitutional convention in 1899. He spoke out against what was perceived at the time as the threat of Mormonism; yet, he was an outspoken supporter of Indian suffrage.

Key Terms: Warren's Mining District; mining lawyer; Orofino; Smith & Company; Florence, Idaho; gold; Warren Creek; claim; District Recorder; Richmond, Idaho; "Secessionist Democrat" miners; salary; resigned; Williams & Gibbs; admitted practice; district courts; vigilante action; client; arrest; theft; trial; Smith's Saloon; threat; sentenced; penitentiary; quartz; Thunder Mountain; district attorney; Lewiston; Lewiston School District; Idaho's Supreme Court; Democrat; territorial legislature; constitutional convention; Mormonism; Indian suffrage; Board of Trustees; Lewiston State Normal School; fruit industry; orchard; Mason; Historical Society of Idaho Pioneers; Western Publishing Company's 1903 history of northern Idaho

People: James W. Poe; Mike Reynolds; Charles McKay; Three-Fingered Smith

Sources/Literature: *Illustrated History of the State of Idaho* (1899), Lewis Publishing Co.; *An illustrated History of Northern Idaho* (1903), Western Publishing Company; *Proceedings and Debates of the Constitutional Convention of Idaho 1889* (1912), I.W. Hart, ed.

Photos/Illustrations: "Judge" James W. Poe, photograph; Nez Perce County gold mining trails 1860-1867; Lewiston Normal School postcard image

**ILHS VP Honored with Leadership Award**

Idaho Legal History Society Vice President Ernie Hoidal received a recent Leadership Award from the National Football Foundation (NFF) for his commitment, generosity, and leadership in

fulfilling the National Football Foundation (NFF) mission of developing leaders through football. Hoidal has practiced law in Boise for the past 39 years, with an emphasis on immigration and nationality law. He attributes much of his professional success to his experiences as a football player. Under Hoidal's leadership, the NFF Southern Idaho Chapter has honored hundreds of outstanding high school and collegiate scholar-athletes, presenting more than \$70,000 in scholarships over the past 17 years.

Key Terms: Idaho Legal History Society; Leadership Award; National Football Foundation (NFF); student athletes; scholarships; Famous Idaho Potato Bowl game

People: Ernie Hoidal; Kevin McDonald

Sources/Literature: National Football Foundation

### **Families at Law: Charles F. & M. Oliver Koelsch**

The story of a father and son joined in the law. After studying law in the office of William E. Borah, Charles F. Koelsch was admitted to the Idaho Bar in 1897. During his career, he was elected Probate Judge in Ada County, Ada County Prosecutor, Idaho Legislator, and State Bar treasurer. He was active in animal issues and served as an early volunteer at Idaho's first Humane Society, founded in the 1890s. He also helped write a voter initiative creating the Idaho Fish & Game Commission. His son, Montgomery Oliver Koelsch, followed in his father's footsteps to become Assistant Ada County Prosecutor and Third Judicial District Judge like his father before him. President Dwight D. Eisenhower appointed Oliver Koelsch to the Ninth Circuit Court of Appeals in 1959 where he served actively until 1976.

Key Terms: Schoolteacher; Valparaiso University; Indiana; admitted; Idaho Bar; Probate Judge; Ada County; Ada County Prosecutor; Haywood trial; author; Idaho Legislature; Idaho State Bar; treasurer; appointed; Third Judicial District; retired; animal issues; volunteer; Humane Society; voter initiative; Idaho Fish & Game Commission; law library; private collection; Boise elementary school; son; University of Washington; law degree; Boise; private practice; Assistant Ada County Prosecutor; Ninth Circuit Court of Appeals; Seattle

People: William E. Borah; Charles F. Koelsch; Justice Isaac N. Sullivan; Big Bill Haywood; Montgomery Oliver Koelsch; Katherine Koelsch; President Dwight D. Eisenhower

Sources/Literature: *History of Idaho Volume II* (1914), by H.T. French, Lewis Publishing Company; Charles F Koelsch Papers, Idaho State Historical Society; Federal Judicial Center, "Biographical Directory of Federal Judges, Koelsch, Montgomery Oliver," 2010,. [www.fjc.gov](http://www.fjc.gov); French's History of Idaho

Photos/Illustrations: Charles F. Koelsch, photograph

### **Lewiston's Historic Courthouses**

As an early population center serving the mines of northern Idaho & Idaho's first capital, Lewiston saw its share of legal action. Four courthouses which represent the loci of local court cases from the earliest days of settlement through the 20th century are featured.

Key Terms: Population center; mines; Idaho's first capital; courthouses

People: Myrtle Bailey; W.B. Cooper; Curtis Richardson

Sources/Literature: Nez Perce County Historical Society

Photos/Illustrations: 1870 The Luna House, photograph; 1897 Nez Perce County Courthouse, photograph; remodeled Nez Perce County Courthouse, photograph; Drawing by Myrtle Bailey of the first courthouse in Lewiston

## **VOLUME VI, ISSUE 2 (Spring 2014)**

### **Draft Resisters Tried in U.S. Court**

Two months after the bombing of Pearl Harbor, President Franklin D. Roosevelt ordered the internment of Japanese American citizens at relocation centers throughout the U.S. The federal government began moving Japanese Americans from Seattle and Portland to the Camp Minidoka Relocation Center near Hunt, Idaho, during the summer of 1942. Despite internment, many young Japanese American men enlisted in the Army and fought in Europe. Some internees, however, did not show up for service and were arrested and brought to trial in 1944 at Boise. This is the story of some of those charged and their experiences with court-appointed attorneys, against a backdrop of racism and intolerance.

Key Terms: Pearl Harbor; internment; Japanese Americans; citizens; Italian Americans; German Americans; governor; opposition; federal plan; congressional committee; unwelcome; concentration camps; military guard; Camp Minidoka Relocation Center; Hunt, Idaho; Idaho State Bar convention; Trading with the Enemy Act; World War I; enemy aliens; license to represent; forced relocation; U.S. Supreme Court; denied; enlisted; Army; casualties; arrested; trial; Boise; draft resisters; court-appointed; legal counsel; refusal to represent; traitor; quash; violation of due process; Selective Service Act; denied; jury pool; guilty; sentenced; federal penitentiary; amnesty petition; Presidential Pardon

People: President Franklin D. Roosevelt; Governor Chase A. Clark; R.P. (Pat) Parry; Gene Akutsu; Jim Akutsu; President Harry S. Truman

Sources/Literature: "Historical Overview," in *Japanese Americans in the Columbia River Basin* (2010), by L. Mercier; *Free to Die for their Country: the Story of the Japanese American Draft Resisters in World War II* (2001), by E.L. Muller; *In Mountain Shadows: A History of Idaho* (1996), by C.A. Schwantes; Proceedings of the Idaho State Bar Volume XVIII. Idaho State Bar, 1942; "Taking the Stand: The Lessons of Three Men Who Took the Japanese American Internment to Court," L.K. Bannai, *Seattle Journal for Social Justice* 4(1), 2005

Photos/Illustrations: Unloading internee possessions at Minidoka Center, photograph; relocation instruction placard, photograph

### **20th Century Profile: Rei Kihara Osaki**

The story of Rei Kihara Osaki, who attended law school while her family was interned during World War II. She would become Idaho's fourth woman and first Japanese American graduate of University of Idaho College of Law, and the sixteenth woman to practice law in Idaho.

Key Terms: Japanese American; University of Idaho College of Law; Japanese immigrants; Washington State University; political science; World War II; internment; Wyoming Heart Mountain Relocation Camp; graduate; bar exam; fourth woman; sixteenth woman; first Japanese American; Chicago; Office of Price Administration; married; California; family; Sherman J. Bellwood Lecture

People: Rei Kihara Osaki

Sources/Literature: "A Heritage of Courage, Rei Kihara Osaki '43," University of Idaho College of Law 2002 Annual Report

Photos/Illustrations: Rei Kihara Osaki, photograph

### **20th Century Profile: "King of Water" R.P. (Pat) Parry**

Known as the "King of Water," Twin Falls attorney R.P. (Pat) Parry's legal career was marked by his signature involvement in the Hells Canyon Dam controversy of the 1950s. He spent much of the decade as chief counsel for Idaho Power Company, working in favor of a private rather than a federal dam in Hells Canyon. This would pit him against the pro-public power charge led by Evelyn Cooper, counsel for the National Hells Canyon Association. The national battle led to the

U.S. Circuit Court of Appeals after the private dam license was issued in 1956, and Parry's career reached new heights.

Key Terms: "King of Water"; Twin Falls; Hells Canyon; dams; controversy; chief counsel; Idaho Power Company; private federal dam; license; dam complex; Federal Power Commission; national political issue; election; Democrats; public dam; presidential campaign; Boise; National Hells Canyon Association; testimony; Department of Interior; witnesses; U.S. Court of Appeals; Snake River; monopoly; Hells Canyon Complex; U.S. Undersecretary; law firm; medical services; Magic Valley Memorial Hospital; Jerome, Idaho

People: R.P. (Pat) Parry; President Harry F. Truman; President Dwight D. Eisenhower; Evelyn Cooper; Senator Henry Dworshak; Senator Herman Welker

Sources/Literature: *Public Power, Private Dams* (2006), by K.B. Brooks; "It Happened in Hells Canyon," K.B. Brooks, *The Advocate* Nov/Dec, 2010; *Ogden Standard-Examiner*, May 15, 1956; Reclamation Era 36(1) Bureau of Reclamation, 1950; The History of St. Luke's Magic Valley Medical Center, [www.stlukesonline.org/magic\\_valley/about\\_us/history.php](http://www.stlukesonline.org/magic_valley/about_us/history.php)

Photos/Illustrations: Dam, photograph; Members of National Reclamation Association in 1950, photograph

### **1951 Double Execution**

The story of the 1950 robbery and murder of an elderly Boise grocer, Newton Wilson, which led to the double execution of Idaho's two youngest penitentiary inmates ever to be executed in Idaho. The accused were defended by Jess Hawley, Jr., Jack Hawley, and Claude Marcus.

Key Terms: Robbery; murder; elderly; double execution; Oregon Penitentiary; release; Boise; burglaries; grocery store; pistol whipped; stabbed; discarded evidence; arrested; psychiatrist; jury; guilty; first degree murder; sentenced; Idaho Penitentiary; solitary confinement; Idaho Supreme Court; appeal denied; hanged; Two Yard

People: Newton Wilson; Troy Powell; Ernest (Ernie) Walrath; Jess Hawley, Jr.; Jack Hawley; Claude Marcus; Judge Charles E. Winstead

Sources/Literature: *Justice for the Times: A Centennial History of the Idaho State Courts*, C.F. Bianchi, ed., Idaho Law Foundation, 1990; "Two Youths Await Noose for Vicious Boise Murder," F. Turner, *Statewide Idaho Statesman* June 22, 1950.

Photos/Illustrations: Mug shots of Troy Powell and Ernest (Ernie) Walrath, photograph

**Marshal Pinkham Meets Coxey's Army**

This is the story of "Coxey's Army," a movement of hundreds of followers of wealthy populist and economic reformer Jacob S. Coxey as it moved through Idaho. The men were unemployed miners, lumberjacks, and railroad workers, to name a few, frustrated by the lack of work that resulted from the 1893 economic downturn. There were train hijackings, threats of violence, and arrests as the men made their way from Oregon through Idaho in an effort to reach Washington, D.C. As they moved across the state, the men stirred up crowds of supporters and engendered strong public support. Idaho's federal judge James H. Beatty regarded the men as "deluded" and fought tooth and nail to bring them to justice, along with U.S. Marshal Joseph Pinkham. However, "Coxey's Army" found support in local lawmakers who refused to open their jails to house the men. Although the Idaho "Coxey's Army" never reached Washington, D.C., their movement inspired many.

Key Terms: U.S. Courts; economic depression; train hijackings; economic reform; "Coxey's Army"; U.S. Marshals; Snake River Bridge; injunction; Union Pacific; marchers; Caldwell; Pocatello; Montpelier; restraining order; arrest; Paris; Bear Lake County; Pocatello; angry crowds; federal judge; federal troops; Boise; prisoners; Nampa; trial; conspiracy; sentence; "Camp Pinkham"

People: Jacob S. Coxey; William E. Borah; James H. Beatty; Joseph Pinkham; Dick Williams; John A. Riner; James H. Forney; Parley L. Williams; James H. Hawley; O.E. Jackson

Sources/Literature: "Law and Disorder: the Suppression of Coxey's Army in Idaho," by C.A. Schwantes, *Idaho Yesterdays* 25:2, 1981; *Big Trouble*, by J.A. Lukas, 1997

Photos/Illustrations: U.S. Marshal Joseph Pinkham, photograph; "Coxey's Army" forming in Seattle in 1894, photograph; "Coxey's Army" tent encampment on Idaho/Oregon border in 1894, photograph

**225th Anniversary of Federal Courts & U.S. Marshals**

2014 marks the 225th anniversary of the passage and signing of the Judiciary Act of 1789, which established the Federal Courts and the office of the U.S. Marshals. Here is a brief glimpse of the years between the appointment of Idaho's first U.S. Marshal by President Abraham Lincoln in 1863 to 1912, when the U.S. Circuit Court was abolished.

Key Terms: Board of Judges; U.S. District Courts of Idaho; U.S. Marshals; anniversary; Judiciary Act of 1789; Federal Courts; Idaho Territory; Congress; U.S. Ninth Circuit Court; U.S. Circuit Court; jurisdiction; U.S. treaties; abolished

People: President Abraham Lincoln; Larry Westberg

### **Go Join Coxeys Army**

Jacob S. Coxeys inspired a movement and a song written by DuBois and Talbot in the 1890s. Part of that song is here, as well as more information about the man himself.

Key Terms: Movement; speech; arrest; Congress

People: Jacob S. Coxeys; DuBois; Talbot

Photos/Illustrations: Jacob S. Coxeys, photograph

### **A Study in Contrasts: Idaho's First & Fourth U.S. Marshals**

Idaho's first Dolphus S. Payne was appointed in 1863 by Governor William H. Wallace. Unfortunately, Payne's career came to an untimely end due to a voter fraud crisis. After Marshals Frank Kenyon and James H. Alvord served, Joseph Pinkham was appointed the fourth U.S. Marshal for Idaho by President Ulysses S. Grant. Pinkham, who served from 1870 to 1878, had an illustrious career and several anecdotes are shared here.

Key Terms: Attorney; Republican; Olive Lodge Branch; U.S. Department of the Interior; census; mining districts; elections; vote certification; controversy; Fort Laramie; election; Union candidate; discrepancy; Democrats; fraud; blame; Idaho Territorial Convention; resolution; governor; appointed; 1864 reapportionment census; Columbia River; Boise City; stage routes; Boise Basin; mining towns; reputation; second term; ambush; robbers; near death; stagecoach; Pocatello; Wells Fargo stagecoach; 1892 miners' strikes; riots; Coeur d' Alene; restraining order; miner's union; Mine Owners' Association; Shoshone County; arrested; non-union miners; union; Burke; Wallace; "Coxey's Army"; worker uprising; U.S. Assay office; Morris Hill Cemetery

People: Dolphus S. Payne; President Abraham Lincoln; Governor William H. Wallace; Frank Kenyon; James H. Alvord; Joseph Pinkham; President Ulysses S. Grant; James H. Beatty; John P. Gray

Sources/Literature: "Absence of Idaho Territorial Officials-1864," Idaho State Historical Society Reference Series No. 376, 1966; "Laramie Fraud," Idaho State Historical Society Reference

Series No. 154, Revised 1966; *A Decent Orderly Lynching: Montana Vigilantes*, F. Allen, University of Oklahoma Press, 2013; *Annual Report of the Department of the Interior to the Thirty-Seventh Congress, Part II*, 1862; *A History of Olive Branch Lodge: And a Biographical Sketch of Members*, C.B. Cleland & F.L. Smith, 1901; *Illustrated History of Idaho*, Lewis Publishing Co., 1899.

Photos/Illustrations: U.S. Marshal Joseph Pinkham, photograph; Abraham Lincoln letter nominating Dolphus S. Payne, photograph

### **Justice. Integrity. Service**

A brief history of the badges worn by U.S. Marshals, including design and material. Includes eight photos of badges worn by marshals since the inception of the U.S. Marshals.

Sources/Literature: U.S. Marshals Service Badges, [www.usmarshals.gov/history/badges](http://www.usmarshals.gov/history/badges)

### **20th Century Idaho Profiles – Remembering William F. Degan**

This is a touching memorial written for Deputy U.S. Marshal William F. Degan, who was killed in the “Ruby Ridge” firefight in 1992. Degan was a natural leader who gave his life in service of his country. His is an example of bravery and strength that his son William followed by becoming a U.S. Marshal.

Key Terms: Deputy U.S. Marshal; “Ruby Ridge”; football star; University of New Hampshire; Special Operations Group (SOG); Hurricane Hugo; “Church of Love”; St. Croix, Virgin Islands; Commander; Director’s Special Achievement Award; fatally wounded; North Quincy, Massachusetts; Camp Beaugard, LA; son

People: William F. Degan; William Degan; Henry E. Hudson

Sources/Literature: U.S. Marshals Service

Photos/Illustrations: U.S. Marshal badge, photograph



## VOLUME VI, ISSUE 4 (Fall 2014)

### Early 20th Century Brings Environmental Law

A look at early Idaho environmental law against a backdrop of mining pollution of Idaho's waterways, conflict between corporations and individual landowners, and the controversy over the construction of the Hells Canyon Dam in the first part of the Twentieth Century when mining and industry trumped the rights individual landowners under the law.

Key Terms: Key Terms: Mining water pollution; Shoshone County; Standard Mining Company; Canyon Creek; Coeur d' Alene River; Wallace; dumping; lead; arsenic; District Court; dismissed; Idaho Supreme Court; Hill v. Standard Mining Co.; depopulation; flooding; pollution; mining right to water; Hill Mining & Milling Company; Kellogg; federal court; farmers; Bunker Hill & Sullivan; poisoning livestock; foreign corporations; Cataldo Mission; Coeur d' Alene Lake; Ninth Circuit Court of Appeals; agriculture; Idaho Constitution; Idaho Legislature; Coeur d' Alene River and Lake Commission; toxic lead; Great Depression; World War II; environmental law; hydropower; the High Dam; Hells Canyon; Bonneville Power Administration; Federalism; Idaho Power Company; the Oxbow Project; presidential election; Hells Canyon Complex; Federal Power Commission; Idaho Wildlife Federation; opposition; Salmon River; Clearwater River; wildlife; wilderness; dredge mining; DDT; Boise National Forest; lawsuits.

People: Josiah Hill; Judge Ralph T. Morgan; Justice Charles O. Stockslager; Justice James F. Judge Ailshie; Judge James H. Beatty; Judge Frank S. Dietrich; Attorney General Fred J. Babcock; Governor Robert E. Smylie; President Harry S. Truman; President Dwight D. Eisenhower; Governor Len Jordan; R.P. (Pat) Parry; Bruce Bowler;

Sources/Literature: "Turn of the Century: A Time of Trial, Troubles, Travail, and Triumphs," S.W. Reed, in *Justice for the Times*, ed. C.F. Bianchi, 1990; *Before Earth Day: The Origins of American Environmental Law, 1945-1970*, K.B. Brooks, 2009; "It Happened in Hell's Canyon: Idaho's Role in Shaping Environmental Law," K.B. Brooks, *The Advocate* 53:11-12, 2010; *The Eisenhower Years*, M.S. Mayer, 2010; *Living with Lead: An Environmental History of Idaho's Coeur d' Alenes, 1885-2011*, B.D. Snow, 2012.

Photos/Illustrations: Charles O. Stockslager, photograph; Hells Canyon Dam under construction, photograph

### **Idaho Attorney General Fred J. Babcock**

World War I veteran Fred (Bab) Babcock was admitted to the Idaho bar in 1924 and was elected to the office of Idaho Attorney General in 1930. There he dealt with the prison escape of Lyda Southard in 1931 and served as chair of a commission on industrial water pollution in Coeur d' Alene Lake and River. He later served as an officer in the Historical Society of Idaho Pioneers, and was a member of the Idaho Chapter of Sons of the American Revolution.

Key Terms: Mica Bay; Kootenai County; Coeur d' Alene High School; University of Idaho Law School; World War I; mining law; Lewiston; Nez Perce County; prosecuting attorney; deer hunters; John's Creek; accidental shooting; Republican ticket; annual salary; University of Idaho; *Idaho Law Journal*; powers and duties of attorneys general; Great Depression; California.

People: Fred Babcock; Charles S. Boren; Charles W. Hindman; Frank E. Fogg; Lyda Southard.

Sources/Literature: *Idaho: The Place and Its People*, B. Defenbach, 1933.

Photos/Illustrations: Fred J. Babcock, photograph.

### **Judge John E. White's Homestead Case Decided in U.S. Supreme Court**

The story of the dispute over a homestead claimed by the patriarch of one of Idaho's political dynasties which made its way to the U.S. Supreme Court in 1909. Judge John White and his family settled on the property near what is now Clark's Fork. However, part of that property was also claimed by the Whitcomb family. The issues of the case extended outside of the legal to the personal. Judge White and his family were southern Democrats unlike others in their community. At first, these differences led to strife, but the family eventually succeeded in both politics and business.

Key Terms: Homestead dispute; political dynasty; U.S. Supreme Court; Mississippi, Louisiana; Western Union; Clark's Fork; Southern Democrats; justice of the peace; probate judge; suit; First District Court; invalid ownership; damages; appeal; Idaho Supreme Court; affirmed; Washington D.C.; politics; community animus; shooting; procedural violations; farmer; lumber industry; Clarinda Copper Mining Co.; Bonner County; railroad; galena ore; mine; reclamation projects; Committee on Irrigation; Silver Purchase Act of 1934; Congress; Democrat; heart attack.

People: John E. White; Roberta White; John B. Whitcomb; Albert Allen; Compton White, Sr.; Compton White, Jr.

Sources/Literature: *A Political Dynasty in North Idaho, 1933-1967*, R.J. Doyle 2004; *Supreme Court Reporter*, Vol. 29, U.S. Supreme Court, 1909.

Photos/Illustrations: John E. White Homestead and family, photograph; John E. White, photograph.

### **20th Century Profile: Environmental Lawyer W. Bruce Bowler**

Pioneer conservation attorney Bruce Bowler graduated from the University of Idaho, and practiced law in Boise for 50 years. He worked passionately on behalf of Idaho's wilderness and wildlife, donated thousands of hours to protect these resources, and was active on many fronts, including serving as counsel for the Idaho Wildlife Federation. Bowler laid the groundwork for the field of environmental law in Idaho and beyond.

Key Terms: Conservation; Shoshone; University of Idaho; law degree; Boise; environmental law; pro bono; wildlife; wilderness; Ada County Fish and Game League; Idaho Wildlife Federation; Idaho Fish and Game Commission initiative; legislation drafting; dredge mining; Snake River; dams; U.S. Supreme Court; Federal Power Commission; environmental impacts; White Cloud Mountains; Sawtooth National Recreation Area; River of No Return Wilderness; National Advisory Board of the Bureau of Land Management; Idaho Water Pollution Control Advisory Council; Bonneville Power Administration's Regional Advisory Council; Roadless Area Taskforce; Idaho Research Advisory Council.

People: Bruce Bowler; Justice William O. Douglas;

Sources/Literature: Northwest Digital Archives, "Guide to the Bruce Bowler Papers 1894-2002," Idaho State Historical Society (2010). <http://nwda-db.wsulibs.wsu.edu>

Photos/Illustrations: Bruce Bowler, photograph.

## **VOLUME VII, ISSUE 1 (Summer 2015)**

### **Idaho Statehood July 3, 1890**

This is an account of events that influenced the boundaries of Idaho leading up to the territory's inception into the Union. The original boundary of Idaho Territory was forged through political rivals, John Mullan and William Wallace—they had competing maps drafted for the Territory of Idaho and in the end Wallace's map was adopted and he became the territory's first Governor. Fred T. Dubois was one of the major proponents of Idaho statehood and he came into power on an anti-polygamy platform. When he was elected to be the Republican delegate in Congress for the Territory of Idaho he helped preserve the panhandle of the territory and he successfully pushed for Idaho's statehood status which was signed into the Union on July 3, 1890.

Key Terms: Idaho Statehood; Test Oaths; Union; Boundary; Territory; Map; Mormon; Democrat; Republican; Panhandle; Lincoln; Boise; Lewiston; polygamy; anti-polygamy; 1890; Flag; Star; Politicians; Governor.

People: Fred T. Dubois, William H. Wallace, John Mullan, President Harrison, Edward A. Stevenson, Julius C. Burrows.

Sources: *Historical Overview: The Political Suicide of Senator Fred T. Dubois of Idaho*, by Leo Graff; *Detailed Biography of Fred Dubois*, by Leo Graff; *Origins of the Name “Idaho” and How Idaho Became a Territory in 1863*, by Merle Wells; *Historical Highway*, by Blythe Thimsen.

Photos/Illustrations: Proposed Map of Idaho, by John Mullan; Proposed Map of Idaho, by William Wallace; Newspaper front-page announcing Idaho’s Statehood; Map of Idaho after it was divided into Montana and Wyoming; William H. Wallace, photograph; Fred T. Dubois, photograph; Territorial Capitol, illustration.

### **The First Chief Justice: The Birth of Idaho**

Sidney Ederton was appointed to be the first Chief Justice of the Territory of Idaho in 1863. His travel to Lewiston—the capital at the time—was ended upon discovering that his wife was pregnant and he chose not to push through the harsh weather. After meeting with Governor Wallace he was appointed to Bannack—and with no cases to hear he left Bannack to lobby for the division of Idaho into separate territories in Washington D.C. His lobbying was a success and he was subsequently appointed as the first Governor of the Montana Territory. While he was lobbying in D.C. his wife gave birth to a girl whom she named Idaho—this was from the pregnancy that caused Edgerton to stop his travels to Lewiston.

Key Terms: Idaho; State; Territory; Chief Justice; Territorial Governor; Division of Idaho.

People: Sidney Edgerton, Abraham Lincoln, Idaho Edgerton, William H. Wallace.

Sources: *The Appointment and Removal of Sidney Edgerton, First Governor of Montana Territory* W. Turrentine Jackson; *History of Washington, Idaho, and Montana: 1845–1889* Bancroft, Hubert Howe, Victor, Frances Fuller.

Photos/Illustrations: Sidney Edgerton, photograph.

### **20th Century Profile: Fred D. Hoopes**

Fred D. Hoopes began practicing law in 1973 and he eventually joined forces with Tim Hopkins. While they had a lot in common, they were on different sides of the political spectrum—Fred was a Democrat while Tim was a Republican. Nominal differences aside, they both thought alike on various issues. In this portion of the oral history, Fred reminisces about Nixon, working

for Senator Church, and witnessing the Chicago Riots. While Fred and Tim have their ideological differences, they were friends long before they were law partners.

Key Terms: Politics; Conservative; Liberal; Democrat; Republican; Chicago Riots; Watergate; National Convention; Senate; Oral History.

People: Fred D. Hoopes; Tim Hopkins; Senator Frank F. Church; Richard Nixon.

Sources: Oral History taken by Katherine Moriarty.

Photos/Illustrations: Fred D. Hoopes, photograph.

## VOLUME VII, ISSUE 2 (Fall 2015)

### **Chase A. Clark the Idaho Lawyer as Public Servant**

Chase Addison Clark had a distinguished record of service in Idaho ranging from state representative from Custer County, adjutant general of the State of Idaho, candidate for the U.S. Senate, state senator from Bonneville County, mayor of Idaho Falls, governor of Idaho, and Federal District Judge. He was supported by the Prohibition Party as their candidate for governorship in 1892 and he himself was a staunch “dry” during the prohibition era. He served as governor of Idaho from 1941-1943 and this wartime. While he had a very good record as governor, his record is somewhat marred by the anti-Japanese statements he made while acting as governor. While Clark was not reelected his duties were not over—President Roosevelt appointed him to the federal bench in 1943 where he served Idaho until he retired in 1964. He was a tough but fair judge who had a soft spot for youthful offenders. This article delves into various aspects of Clark’s life and the duties he undertook while serving Idaho.

Key terms: Idaho Governor, Idaho State Senate, Minority floor leader, Democratic Governor, Senatorial Candidate, Prohibition, Idaho Legislature, Mayor, Federal District Judge.

People: Clark A. Chase, Moses Alexander, President Roosevelt, Bethine Clark, Jean Burnett, Barzilla Clark, C.A. Bottolfsen, C.C. Cavanah, Frank Church.

Sources: Robert C. Sims and Hope A Benedict, *Idaho’s Governors, Historical Essays on Their Administrations* (Boise state University, 1992); Boyd A. Martin, *Idaho Voting Trends: Party Realignment and Percentage of Votes for Candidates, Parties and Elections, 1890-1974* (The Idaho Research Foundation, Inc., 1975); Michael P. Malone, C. *Ben Ross and the New Deal in Idaho* (University of Washington Press, 1970); Bethine Church, *A Lifelong Affair: My Passion for*

*People and Politics* (2003); Lewiston Morning Tribune, December 31, 1966, p. 1; *The Idaho Statesman*, July 23, 2015, pp. D-1, D-3.

Photos/Illustrations: Clark Chase for Governor; Clark Chase for U.S. Senate.

### **City Officials Prosecuted During Prohibition**

City officials in Kellogg, Wallace, and Mullan were tried and convicted for conspiring to violate the National Prohibition Act. The city officials were profiting from the prohibition by perpetuating an underground market for alcohol. However, instead of lining their own pockets with the money they were putting the money into the town treasury where they were using the money to fund town-projects. U.S. Attorney H.E. Ray served as the prosecution during the trials and ended up getting convictions for all officials involved. Visiting federal judge J. Stanley Webster presided over the cases. While the officials were convicted and prosecuted or shipped off to prison, some of the convictions were overturned on appeal and eventually President Roosevelt granted them full pardons after the prohibition had ended.

Key terms: Prohibition, City Officials, Trial, Treasury, Kellogg, Wallace, Mullan, Alcohol, visiting federal judge, National Prohibition Act, Conspiracy.

People: U.S. Attorney H.E. Ray, J. Stanley Webster, President Roosevelt, Deputy Sheriff Charles Bloom, Sheriff R.E. Weniger.

Sources: *So Logical to Us*, Donna Krulitz Smith; *Prohibition in Idaho was hard to Swallow*, Syd Albright; "So Logical to Us," *Donna Krulitz Smith's Account of the Complex and Compelling Story of the Prohibition Experience in Northern Idaho's Coeur d'Alene Mining District*, Ron Roizen.

Photos/Illustrations: Group of Miners at the Hecla Mine in Mullan, Idaho; Bunker Hill Mine in Kellogg, Idaho.

### **Visiting Federal District Judge John Stanley Webster**

The article discusses the background of J. Stanley Webster and his path to becoming a federal district judge. He was born in Kentucky, went to law school in Michigan, and ended up as a federal district judge in Washington. Prior to becoming a federal district judge he taught law at Gonzaga University and served as a judge in the Superior Court of Spokane County. During his time as a visiting federal judge in Idaho he presided over the cases of city officials who were ultimately found guilty of conspiring to violate the National Prohibition Act—cases that received a lot of public attention at the time due to how divided the community was on the issue. The convictions were later over-turned on appeal or pardoned from President Roosevelt.

Key terms: Federal district judge, prosecutor, judge of the Superior Court, visiting judge.

People: John Stanley Webster, Ernest Lister, President Roosevelt.

Sources: Biographical Directory of the United States Congress; So Logical to Us, Donna Krulitz Smith; Guide to the John Stanley Webster Papers, 1901-1963.

Photos/Illustrations: Photograph of Judge J. Stanley Webster.

## VOLUME VII, ISSUE 3 (Spring 2016)

### Judge Robert Newhouse

Judge Newhouse held a variety of positions in Idaho throughout his life including prosecuting attorney, magistrate judge, and district judge. The article discusses how he navigated through those positions throughout his legal career and also covers the Sivak and Creech cases, of which Judge Newhouse played the a critical role as the presiding judge. Furthermore the article delves into Judge Newhouse's attitude towards jury duty and mentions several relevant anecdotes.

Key Terms: Prosecuting attorney, magistrate judge, district judge, death penalty, jury duty, Boise, Fairfield, Supreme Court, Election.

People: Robert Newhouse, Ron Wilper, Lacey Sivak, Thomas Creech, Justice Blistine

Source: *Oral History of Robert Newhouse* 5/4/2009, by Judge Ronald J. Wilper, and transcribed by Dianne Cromwell, Tucker & Associates.

Photos/Illustrations: Judge Newhouse; Election Advertisement for Judge Newhouse.

### History of Female Jurors in Idaho

This article discusses the development of female jurors in Idaho. They made their debut in 1897 when Frances Wood served as the first female juror, and that same year an all-female jury was empaneled. However, this did not definitively permit females to serve as jurors because in *State v. Kelley* the Idaho Supreme Court reversed a lower court decision because the conviction was made by a jury with females. The court held that the jury statutes only permitted men to serve on juries. Eventually these statutes were reformed in 1943 with help from the women's suffrage movement.

Key Terms: Juror, Jury, Women, Supreme Court, Women's Suffrage, Jury Duty, Case, Appeal, Legislature.

People: Frances Wood, Kelley.

Sources: *Women to Match the Idaho Frontier*, Steven Branting; *The U.S. Women's Jury Movements and Strategic Adaptation: A More Just Verdict*, Holly McCammon.

Photos/Illustrations: All-female jury in Idaho; Frances Wood.

### **Idaho and the Insanity Defense**

This article covers how Idaho abolished the insanity defense in criminal cases and some resulting litigation. In particular James Delling, a serial killer suffering from paranoid schizophrenia, was captured and tried in Idaho for killing two people in the state, attempting to kill someone in Arizona, and having a list with four other people he presumably intended to kill. Without the insanity defense Delling was convicted to life in prison. He appealed arguing that his due process rights were violated but the Idaho Supreme Court held that he was entitled to due process since evidence of his mental health issues could have been brought up at trial to combat the *mens rea* element of the offense. While the U.S. Supreme Court denied *cert.*, three of the justices believed that *cert.* should have been granted—in particular Justice Breyer suggested that the court should review the case to determine whether or not Idaho's modification was constitutional.

Key Terms: Insanity Defense, Criminal Law, Appeal, Idaho Supreme Court, Supreme Court, Serial Killer, Murder, Life Sentence, Constitution, Self-Defense, Paranoid Schizophrenia.

People: James Delling, Justice Breyer.

Sources: *Insanity in the State of Idaho*, Marc W. Pearce and Lori J. Butts; *Abolition of the Insanity Plea in Idaho: A Case Study*, Gilber Geis and Robert F. Meier; *Idaho Moves to Bar Insanity as Legal Defense*, NY Times; *Delling v. Idaho*, 133 S. Ct. 504 (2012).

Photos/Illustrations: Idaho Legislature.

### **Samuel D. Hays: Payette Lake Property and his Grandfather**

Samuel Hays recounted how his family came to possess the land west of the Payette Lake. It began with a man by the name of Jewsharp squatting on the land long enough to apply for a Homestead. Jewsharp became ill and Samuel H. Hays, father of Samuel D. Hays, helped pay for Jewsharp's hospital bills. Jewsharp ended up leaving the property to Samuel H. Hays in his will, but the was contested all the way up to the Supreme Court—the court ruled in favor of Hays. Samuel D. Hays also recounted how his father had presided as the judge over a Mormon, by the name of Parkinson, who was accused of harboring a polygamist. He was tried and convicted and ultimately sentenced to ten to fifteen years in prison. Upon release, Parkinson became a model



citizen and served on the Board of Regents alongside Samuel Hays' mother and teased her about how she was sitting on the same board as someone whom her father-in-law had sent to jail.

Key Terms: Payette Lake, Thunder Mountain, Homestead, Prison, will, Supreme Court, Polygamy, Board of Regents, National Guard, Judge, Chief Justice, Territorial Supreme Court, Blackfoot.

People: Samuel D. Hays, Samuel H. Hays, James Hays, Jews Harp Jack ("Jewsharp), Parkinson.

Sources: *Oral History of Samuel D. Hays* (1970).

Photos/Illustrations: Samuel H. Hays.

## VOLUME VII, ISSUE 4 (Summer 2016)

### The Fire That Forged the U.S. Forest Service

At a time when there was widespread debate over whether or not the U.S. Forest Service should be dismantled, a series of fires that conglomerated into a giant fire covering 300 million acres of land, mostly in Idaho swayed the minds of the population. Even with the efforts of the Forest Service and U.S. Army the fire could not be stopped, and for two days it ravished the land as one of the largest forest fires the world had ever seen. In spite of this tragedy it swayed public support for increasing the size and funding for the U.S. Forest Service and is what prompted its growth and helped prevent it from being dismantled.

Key Terms: The Great Fire, Forest Service, President Taft, Grand Forks, Falcon, Weeks Act.

People: Gifford Pinchot, John Weeks, President Taft.

Sources: Steve Cohen and Donald C. Miller, *The Big Burn: The Northwest's Forest Fire of 1910*; Stephen J. Pyne, *Year of the Fires: The Story of the Great Fires of 1910*; Becky Kramer, "A Region's Baptism of Fire."

Photos/Illustrations: After-effects of the fire

### **Hal-Hal-Ho-Tsot, Lawyer**

Lawyer was Chief of the Nez Perce tribe who was instrumental in securing land for his tribe. He was called Lawyer because of his political prowess, and his ability to persuade members of his tribe along with others. Growing up he saw what he called the “American Tide” that was coming, and realized early that fighting was not the answer. He spent his time as Chief pursuing diplomatic relations and negotiating the best he could to secure a future and land for his people. Eventually he stepped down and Chief Joseph took leadership.

Key Terms: Nez Perce, Great War of 1855, Treaty of 1855, Chief, Walla Walla Council.

People: Lawyer, Hal-Hal-Ho-Tsot, Governor Stevens, Chief Joseph.

Sources: Clifford M. Drury, *Chief Lawyer of the Nez Perce Indians*; J.F. Santee, *Lawyer of the Nez Percés*.

Photos/Illustrations: Picture of Chief Lawyer.

### **Oral History of Richard Wayne Sweney**

This article covers the career and work of Richard Wayne Sweney and shows how he transitioned from working with submarines to how he entered the legal field. It elaborates on his work starting out and how his practice developed from environmental cases and began including more political issues such as the attempt from county commissioners in Kootenai County to abolish the planning and zoning commission. Richard Wayne Sweney successfully litigated against their efforts and was successful. Following this he moved into administrative lawsuits and since 1980 focused on representing banks and lenders.

Key Terms: Oral history, environmental law, administrative law, politics, planning and zoning, Kootenai county, County commissioners, cold war.

People: Richard Wayne, Sweney, Scott Reed.

Sources: *Oral History of Richard Wayne Sweney*, Interviewed by Nancy Stricklin; Reported by Debra Kinney Clark, Coeur d’Alene, Idaho, July 18, 2013

Photos/Illustrations: Picture of Richard Wayne Sweney.

**Moses Alexander and His Role in the Lumber Strikes of 1917**

This article covers Governor Moses Alexander. He transitioned from clothing stores to politics. It also discusses the work he did in Idaho including the construction of a synagogue. He became governor of Idaho during one of the nation's most trying times—the brink of World War I. Furthermore, with tensions high, the situation was exacerbated by lumber strikes. The strikes grew increasingly contentious and Idaho was on the brink of implementing martial law. However, Alexander resisted martial law and searched for alternative means of resolving the problems. Eventually the strikes came to an end, and Alexander's efforts prompted discussions between the groups which led to gradual changes for the strikers. Alexander chose not to run for re-election in 1918 and went back to the mercantile work.

Key Terms: Lumber Strike, Governor, Mayor, Loggers, Council of Defense, Synagogue.

People: Moses Alexander, James H. Brady, John M. Haines, Ernest Parker.

Sources:

Lovin, Hugh T. "Moses Alexander and the Idaho Lumber Strike of 1917: The Wartime Ordeal of a Progressive." *Pacific Northwest Quarterly* 66.3 (1975): 115-22.

Sobel, Robert, and John Raimo. *Biographical Directory of the Governors of the United States, 1789-1978*. Westport, CT: Meckler, 1978.

*Guide to the Governor Moses Alexander Records 1911-1919*. Idaho State Historical Society.

Photos/Illustrations: Alexanders' "Mens Wear Shop."

**How a Class-Action Lawsuit Improved Mental Health Services in Idaho**

In 1980 attorneys Charles Johnson and Howard Belodoff initiated a class-action lawsuit on behalf of children affected by the mental health service institution in Idaho. It began with Jeff D., a minor who claimed that he was being given large doses of drugs that would zone him out and had to sleep in wards with child molesters. While the attorneys and the State eventually reached a settlement, issues continued to arise as the attorneys felt that the State's efforts were insufficient. The district court agreed and the cycle continued for three decades. The State took serious steps in 2000 and put in seven million dollars towards reform. However, it was not enough and the problems were too severe to continue the case resolved. In 2015, though, Governor Butch Otter and Howard Belodoff agreed upon the pervasive issues and made an

agreement to resolve them to cement the reform in the mental health industry in the State for children. The article also discusses the Supreme Court decision that arose during the course of litigation and settlement agreements.

Key Terms: Mental Health Services, Legal Aid, Mental Health Reform, Supreme Court.

People: Howard Belodoff, Charles Johnson, Butch Otter, B. Lynn Winmill, Jeff D.

Sources:

Martin, Jonathan. "Lost Children: A Force for Change." *The Spokesman-Review* (Spokane). N.p., 6 Oct. 2002.

Russell, Betsy. "Settlement Reached in Long-running Jeff D. Lawsuit over Children's Mental Health Services." *The Spokesman-Review*. N.p., 12 June 2015.

Clark, Bryan. "Settlement Reached in Decades-long Idaho Juvenile Care Case." *The Idaho Tribune*. N.p., 15 June 2015.

Evans v. Jeff D., 475 U.S. 717, 736 (1986).

Photos/Illustrations: State Hospital South in Blackfoot, Idaho.

### **Charles R. Donaldson and the *Reed v. Reed* Case**

While Charles R. Donaldson is widely known for serving as an Idaho Supreme Court Justice from 1969-1987, one of his most important decisions was when he served as a district judge. In 1968 he presided over the *Reed v. Reed* case and the statute at issue blatantly discriminated against women in favor of men. He ruled that bias against women had no basis in fact in modern society. Further, Judge Donaldson held that there was "no reasonable basis for the classification which gives preference to males over females." While the Idaho Supreme Court overruled his decision, he was vindicated at the Supreme Court of the United States where they agreed with Judge Donaldson. By then he had become a Justice of the Idaho Supreme Court and was not shy to remind his colleagues that he had been correct when deciding that case.

Key Terms: Idaho Supreme Court, U.S. Supreme Court, *Reed v. Reed*, Boise, Equal Protection, Civil Rights.

People: Sally Reed, Charles R. Donaldson, Cecil Reid.

Sources:

Miller, John. "Derr's Work Advanced Gender Equality." *The Spokesman-Review*. N.p., 11 June 2013.

Adler, David. "Idaho Judge Charles R. Donaldson Was among 'Prescient' Elite." *Idaho Statesman*. N.p., 20 Nov. 2015.

McBride, Dorothy E. *Women's Rights in the U.S.A.: Policy Debates and Gender Roles*. New York: Garland Pub., 1997.

*Reed v. Reed*, 404 U.S. 71, 76-77 (1971).

Photos/Illustrations: Sally Reed Memorial.

**SPRING 2017**

**Nellie: The First Woman Admitted to the Idaho Bar**

By John Wiltse

Born in 1862, Helen Loise Nichols Young was admitted to the Idaho Bar before she had the right to vote. In fact, at that time, she had neither the right to vote nor the right to be admitted to the Idaho Bar; however, that did not stop her from doing either. Although there was a statute in place restricting the practice of law to men, Helen, who preferred to go by "Nellie," became the first woman to be admitted to the Idaho State Bar at the age of 33. She was also instrumental in the women's suffrage movement as an active member of the National American Woman Suffrage Association, being elected its Vice President four months before Idaho Constitution was amended to give women the right to vote. Nellie was also a teacher and ran for Superintendent of Public Instruction for Shoshone County, winning by nine votes. In her later years, she was passionate about the study of Christian Science.

Key Terms: Idaho State Bar; women's rights; women's suffrage movement; voting rights; state statute; restricted admission; first woman; law license; National American Woman Suffrage Association; Idaho Constitution; constitutional amendment; teacher; Superintendent of Public Instruction for Shoshone County; election; Christian Science; *Blackstone's Commentaries*.

People: Helen Loise Nichols Young; Nellie Young; Weldon Brinton Heyburn; W.W. Woods; Charles Vance

Sources/Literature: Branting, Steven D. *Historic Firsts of Lewiston, Idaho: Unintended Greatness*. Charleston, SC: The History Press, 2012; Kristensen, Debora K. *The First 50 Women in Idaho Law: 1895-1975*. Boise: Idaho State Bar, 2005; Image from the Library of Congress: Prints and Photographs Division; Image from Wikimedia Commons, the free media repository.

Photos/Illustrations: Members of National American Woman Suffrage Association, photographs

## **Ida Leggett: First African-American Woman Admitted to the Idaho Bar**

By John Wiltse

While the first woman was admitted to the Idaho bar in 1895, it would be another 91 years before the first African-American woman would gain admission. After learning about Thurgood Marshall, Ida Leggett became determined to become a lawyer. Uncertain life circumstances and societal limitations only strengthened Ida's resolve and she eventually graduated from Gonzaga University law school in 1986. She became the first African-American woman admitted to the Idaho bar. Due to her talents, she was appointed to the Idaho Commission of Pardons and Parole, and in 1992, became the first African-American woman in the Idaho judiciary when she was appointed to a district judgeship in Lewiston where she served six years prior to her resignation in 1998 to be closer to her family in Washington state.

Key Terms: First African-American woman; segregation; NAACP Legal Defense and Education Fund; Tuskegee Institute; single mother; University of South Florida; Gonzaga University; legal fellowship; Coeur d' Alene; Idaho Commission of Pardons and Parole; District Judge; Lewiston; Idaho State Bar; Idaho judiciary

People: Ida Leggett; Supreme Court Justice Thurgood Marshall; Linda Copple Trout

Sources/Literature: Idaho Second District Court; Wikimedia Commons, the free media repository; "Interview With The Honorable Ida Leggett." Interview by Aisha Monet. "The Colored Girls." March 8, 2016. Accessed May 6, 2017. <https://thecoloredgirls.wordpress.com/2016/03/08/Interview-with-the-honorable-ida-leggett/>; Eadie, Richard D. "Judge Ida Leggett: A Pioneer Jurist in Idaho." Washington Courts. March 2000. Accessed May 6, 2017. [https://www.courts.wa.gov/programs\\_orgs/pos\\_mjc/newsletter/032000/equaljustice.cfm?article=leggett.htm](https://www.courts.wa.gov/programs_orgs/pos_mjc/newsletter/032000/equaljustice.cfm?article=leggett.htm); Branting, Steven D. *Historic Firsts of Lewiston, Idaho: Unintended Greatness*. Charleston, SC: The History Press, 2012; Kristensen, Debora K. *The First 50 Women in Idaho Law: 1895-1975*. Boise: Idaho State Bar, 2005.

Photos/Illustrations: Ida Leggett, photograph; Nez Perce County Courthouse, photograph

## **Frederick M. Taylor, U.S. District Judge for the District of Idaho 1954-1988**

By William K. Fetcher

Having grown up thinking he would become a truck driver, Fred Taylor attended the University of Idaho where he served as class president and manager of the University student newspaper. He graduated in 1926 with his law degree and, after passing the bar exam, became the unlikely write-in candidate for Valley County prosecuting attorney, where he served for nine years. He moved to Boise in 1938 to go into private practice and in 1942 he was elected to the Idaho Senate where he served until 1951. Fred Taylor served as Boise city attorney and managed a successful U.S. Senate campaign, and was nominated by President Dwight Eisenhower to a U.S. District Judgeship in 1954, amid controversy. He remained a U.S. District Judge for 34 years, until his death in 1988, having served seven years as Chief Judge for the District of Idaho. Judge Taylor's reflections on his

time on the bench, as well as commentaries from other notable Idaho legal figures included.

Key Terms: U.S. District Judge; Nampa; University of Idaho; *Idaho Argonaut*; Lewiston; McCall; prosecuting attorney; Valley County; Great Depression; Boise; Idaho State Senate; Boise City Attorney; World War II; campaign manager; U.S. Senate; nomination; second judgeship; controversy; Congress; Chief Judge for the U.S. District of Idaho; reapportionment; congressional districts; Idaho Judicial Historical Society; 5-4 Court decisions; criminal sentencing; reform

People: Judge Fred Taylor; President Dwight D. Eisenhower; Idaho Senator Henry Dworshak; Governor Robert Smylie; Idaho Supreme Court Chief Justice Allan Shepard; Chief Magistrate Judge Larry M. Boyle.

Sources/Literature: "Judge Taylor—In his Own Words," Interview conducted by Robert Smylie for the Idaho Judicial Historical Society, 1987; "Seniors." *Gem of the Mountains*, University of Idaho yearbook, 1926, p. 39; "Taylor approved as district judge," *Spokane (Washington) Daily Chronicle*, July 20, 1954, p. a3; "Fred M. Taylor is confirmed," *Lewiston (Idaho) Morning Tribune*, July 21, 1954, p. 1; Larry M. Boyle, "Is there a Case for Lawyers? The Giants of Idaho Law," *The Advocate*, 46 (December 2003), p. 10.

Photos/Illustrations: None

### **From "Silver Capital of the World" to "Center of the Universe"**

By John Wiltse

In 2004, the Mayor of Wallace, Idaho proclaimed the town to be Center of the Universe in a dispute with the Environmental Protection Agency (EPA) over the levels of lead sulfide in the town's soil, which the agency attributed to local mining operations and residents attributed to naturally high levels of lead in the soil. The idea of probalism became central to the debate: the EPA decided that if the residents of Wallace could *not* prove that the lead sulfide was *not* dangerous, the soil was thereby dangerous. The town eventually lost its fight with the EPA but remains the "Center of the Universe" according to a custom-built manhole cover in the middle of town

Key Terms: Wallace; "Center of the Universe"; Environmental Protection Agency; probalism; Northern Idaho; pollution; lead sulfide; mining; health risks; citizen revolt; Superfund site; manhole cover

People: Mayor Ron Garitone

Sources/Literature: Holmes, Tao Tao. "The Self-Proclaimed Center of the Universe is in Wallace, Idaho." *Atlas Obscura*, July 13, 2016. Accessed May 6, 2017. <http://www.atlasobscura.com/articles/the-selfproclaimed-center-of-theuniverse-is-in-wallace-idaho>; Lammle, Rob. "Idaho, the Center of the Universe." *Mental Floss*, November 26, 2013. Accessed May 6, 2017. <http://mentalfloss.com/article/53819/strange-states-idaho-center-universe>;  
Photograph courtesy of Jan Kronsell

Photos/Illustrations: Manhole cover, photograph