



IDAHO
LEGAL
HISTORY
SOCIETY

EST. 2005

CALENDAR

ILHS Annual Meeting

Tuesday January 26,
2010 Noon—1:30 pm in
Boise at the James A.
McClure Federal Building
& U.S. Courthouse,
5th Floor.

Videoconferencing is
scheduled from Boise to
Pocatello. To include
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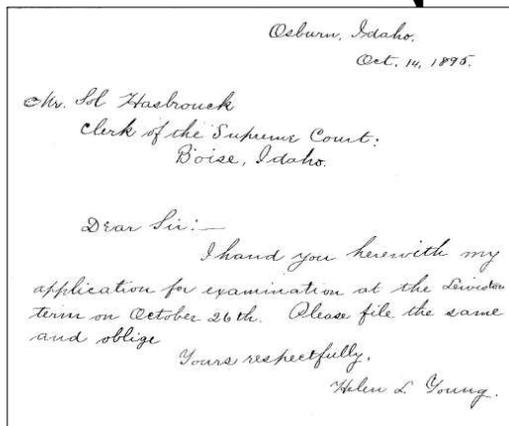
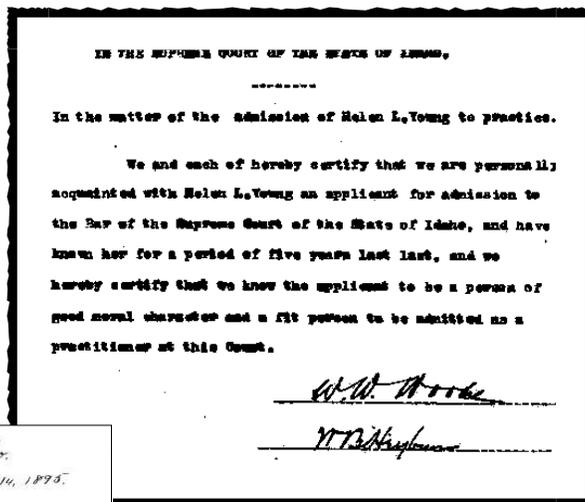
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IDAHO'S FIRST WOMAN LAWYER
PRACTICED LAW BEFORE
SHE COULD VOTE

The 1890s was a decade of great change in Idaho. The Territory became a state, suffragists agitated for a woman's right to vote, and the first woman was admitted to the practice of law. Helen L. (Nellie) Nichols Young was granted admission to the bar in 1895 by the Idaho Supreme Court a year before women had the right to vote in Idaho.

Nellie's stepfather, Daniel E. Waldron, was an attorney who moved the family from Nevada to San Francisco and then to northern Idaho in the early 1880s where he set up practice in the small town of Osburn during the local mining boom. Nellie began studying law in Waldron's firm as early as 1885.

She married a miner, Orville R. Young, in 1887 and began teaching school in Shoshone County the next year.



In 1892, a collection action was brought against her husband in which a bank tried to attach two of Nellie Young's personally-owned mining claims. She hired prominent north Idaho attorney and later U.S. Senator W.B. Heyburn, to represent her.

Heyburn argued that the bank's attachment and sale were improper as the claims had been a deeded gift to Nellie and were her separate property

"free from the control of her husband." Nellie's action eventually prevailed in 1895 before the Idaho Supreme Court.

Eight months later Heyburn and W.W. Woods (later one of Idaho's first district court judges) sponsored Helen L. Young in her application for admission to practice law, attesting that "the applicant possesses the requisite qualification to entitle her to be admitted to practice" law. They further explained that Young had studied law for more than two years under the direction of her stepfather, an attorney in good standing. According to Heyburn and Woods she had studied an extensive list of legal sources.

At the time of her application to practice law, Idaho statutes limited the admission of attorneys in Idaho to "white males." However, on October 26, 1895, the Idaho Supreme Court, comprising Chief Justice John T. Morgan, Justice Isaac N. Sullivan and Justice Joseph W. Huston, convened in Lewiston and ordered that Young be

(Continued on page 4)

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This newsletter published quarterly by:
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 Boise, Idaho 83724

A Message from the President

Deb Kristensen



I am pleased to present the Idaho Legal History Society’s third issue of its quarterly newsletter (previous issues can be viewed on the ILHS website at www.id.uscourts.gov/ilhs). This issue is particularly special to me for two reasons.

First, it contains an informative article about Helen L. Young, the first woman admitted to practice law in Idaho. Much of the information for this article was obtained from a 2005 book entitled “1895-1975: *The First 50 Women in Idaho Law*” – a project of mine that represented more than a year of research into the earliest women practitioners in the state.

Young’s admission is remarkable for many reasons, not the least of which is the fact that she was admitted at a time when Idaho statutes limited the admission of attorneys to “white males” and women had not yet been given the right to vote. What makes this article special to me is the fact that Claudia Druss, our newsletter’s editor and publisher, was able to take the information I was able to gather about Young and build on it – filling in some of the blanks along the way. We still don’t have a picture of Young, but Claudia’s efforts have inspired me to continue digging!

Second, this issue represents my last newsletter as President of the ILHS. I joined the ILHS in 2005 and have served in various roles over the years, including as President for the past two years. During this time I have seen the ILHS grow from a good idea to a reality, and have witnessed the hard work and dedication of our members to collect and preserve Idaho’s rich legal history. I have been honored to serve the ILHS and its members, and look forward to contributing to its success in the years to come.

I hope to see you all at our annual meeting on January 26, 2010.

ILHS MISSION STATEMENT

- (1) To foster and promote public knowledge of, and interest in, Idaho's legal history;
- (2) To promote and encourage research of Idaho's legal history;
- (3) To collect and preserve records, relics, oral histories and other things of interest to Idaho's legal history, and to make the same accessible for public examination;
- (4) To encourage interest in Idaho's legal history through meetings, presentations, lectures and other public forums; and
- (5) To procure or publish and distribute historical material for educational purposes, the proceeds of which, if any, are to be used exclusively for the express purposes of the Association.

“FLYPAPER LYDA” AND HER SPECIAL APPLE PIE

Little Lyda Trueblood grew up to be one of the first known female serial killers. In 1900, seven year-old Anna Elizabeth “Lyda” Trueblood, the middle of five children, was living with her family in the settlement of Ferdinand in Idaho County. Her father was a farmer who moved his family to Twin Falls by 1906.

In 1912, at age 19, she married Robert Dooley and the couple settled with his brother Ed on a ranch in Twin Falls. Their daughter Lorraine was born in October of 1913.



***“Oh, Twin Falls farms are bonnie
in the middle of July,
And ‘twas there that Lyda Southard
baked her famous apple pie.”***

Anonymous

Ed Dooley died suddenly in August of 1915 of what was thought to be ptomaine poisoning. Lyda and Robert received \$2,000 from his life insurance policy.

When Robert died two months later, supposedly of typhoid, Lyda collected another \$2,500 on his life insurance. Finally little Lorraine passed away in November in a death also ruled as typhoid.

The next year, Lyda Dooley married William G. McHaffie in Twin Falls and the couple moved to Hardin, Montana. In October of 1918, McHaffie suddenly died of influenza. Lyda could not collect on his \$5,000 life insurance policy because McHaffie had let it lapse.

Salesman Harlan C. Lewis married Lyda in March of 1919 in Billings, Montana. He, too, died of influenza four months later. Lyda then collected on his \$10,000 life insurance policy.

Under the name of Anna May McHaffie, Lyda next married Twin Falls ranch foreman Edward F. Meyer in August of 1920 in Pocatello, Idaho. Meyer fell ill and died a little over a month after their marriage in September. An autopsy requested by the insurance company showed typhoid in his blood.

This time, Lyda left the area without collecting on his \$12,000 life insurance policy, possibly because Meyer’s death had come to the attention of local law enforcement officials who were alerted by Lyda’s quick disappearance after the funeral and by a worker at the ranch who had gotten sick at the same time as Meyer, but had recovered. This investigation led Deputy Virgil

Ormsby to look into the death of Harlan Lewis in Billings. There he found the drug store where Lyda had purchased large quantities of flypaper in the fall of 1918, just before McHaffie died.

The family who bought the McHaffie house found a barrel full of flypaper in the basement. Ormsby believed that Lyda boiled the arsenic out of the flypaper and used it to poison one or more of her husbands.

In the spring of 1921, Meyer’s body was exhumed and was found to contain enough arsenic to have caused his death. When the remains of her other husbands were exhumed they also were found to contain lethal quantities of arsenic. Lyda was charged with murder on April 22, 1921.

Ormsby followed Lyda’s trail from Idaho to California, Mexico, and finally to Hawaii where her latest husband, Navy

Chief Petty Officer Paul V. Southard, was stationed. Lyda had married him in 1920 under the name Eva Edith Meyer. Lyda Southard was arrested in Honolulu and returned to Twin Falls for trial in 1921. She pled not guilty to all charges.

The court overruled the defendant’s demurrer, which was based on the claim that guilty knowledge on Southard’s part was not confirmed, and that there was no statement that the poison alleged to have caused Meyer’s death was administered by Southard.

Judge William Babcock presided at the trial with prosecutors Roy L. Black, Frank L. Stephan and E. A. Walters. Defense lawyers were W. P. Guthrie, Homer Mills, A. R. Hicks, and A. J. Meyers. The trial made national headlines, including extensive coverage in the *New York Times* and *San Francisco Chronicle*.

Under questioning by Frank Stephan, Idaho State Chemist E.F. Rhodenbaugh said he found about 5 grains of poison in Meyer’s body. Lyda was convicted of second degree murder and sentenced to 10 years to life at the Idaho State Penitentiary in Boise.

Her infamous tale was memorialized in a song written by an unknown author around 1921 entitled: *Southard’s Famous Apple Pie* about her pies laced with arsenic. The lyrics were sung to the tune of “Annie Laurie” and began:

*Oh, Twin Falls farms are bonnie in the
middle of July,
And ‘twas there that Lyda Southard
baked her famous apple pie.*

(Continued on page 5)

HELEN YOUNG: IDAHO'S FIRST WOMAN IN LAW

(Continued from page 1)

“admitted to practice as an Attorney and Counselor in all the Courts of this State.”

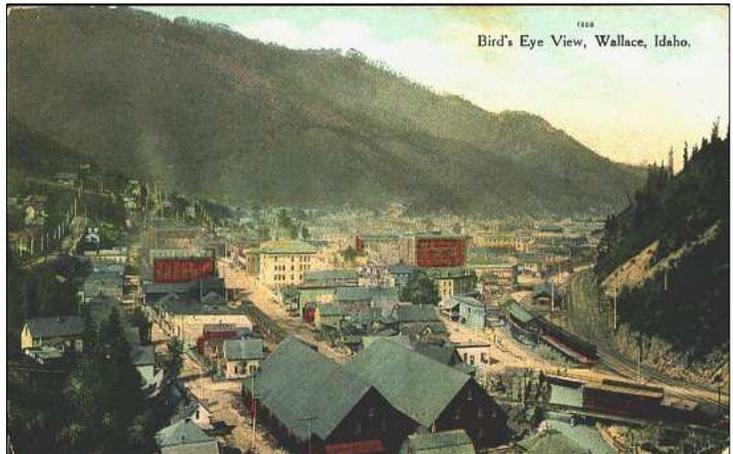
Young was also active in the women’s suffrage movement in Idaho and was assigned by the National American Woman Suffrage Association (NAWSA) to take charge of the movement in northern Idaho in 1896. Nellie Young and Kate E. N. Feltham (also later an Idaho lawyer) were elected as vice-presidents. A few months later, in November of 1896, the Woman’s Suffrage amendment to the Idaho Constitution was adopted, making Idaho the fourth state to grant women the right to vote.

In 1900, Helen was teaching school in Shoshone County while her husband Orville served on the school board of trustees. In September of that year, Orville and another school board member, James Lyle, entered into a contract with Helen, hiring her to teach school for \$70 a month.

The contract was protested by other school board members because of Orville’s financial interest in his wife’s employment. However, the case was dismissed in district court and Helen was elected as County Superintendent of Public Instruction for Shoshone County by nine votes.

On appeal to the Idaho Supreme Court in 1902, the decision was reversed. The question at issue was whether a contract to teach school made by the wife of one of the members of the school board was void or not. The court held the contract to be void in an opinion by Chief Justice Quarles. Later that year, Helen lost her bid for re-election as superintendant by more than 300 votes.

Helen Young became a Christian Scientist in 1902 while living in Wallace, Idaho. She and Orville appear to have separated sometime after 1902 and Helen moved to New York City to continue her study of Christian Science. She wrote extensively on Christian Science topics and compiled a book



Wallace, Idaho circa 1908.

entitled *Scriptural Healing: Arranged from the Bible*, published in 1907.

By 1906, Young qualified as a Christian Science “practitioner,” someone who has had systematic training in Christian Science and is employed to “practice purely spiritual healing.” She worked as a practitioner in Manhattan from 1906 until 1915 when she moved to Butte, Montana.

Young returned to New York in 1918 and left on a tour of Europe, Asia and the Middle East in 1924. Her passport application listed her as a widow five years younger than her actual age. The application also listed her as having been married to Orville in 1890 and widowed in 1909.

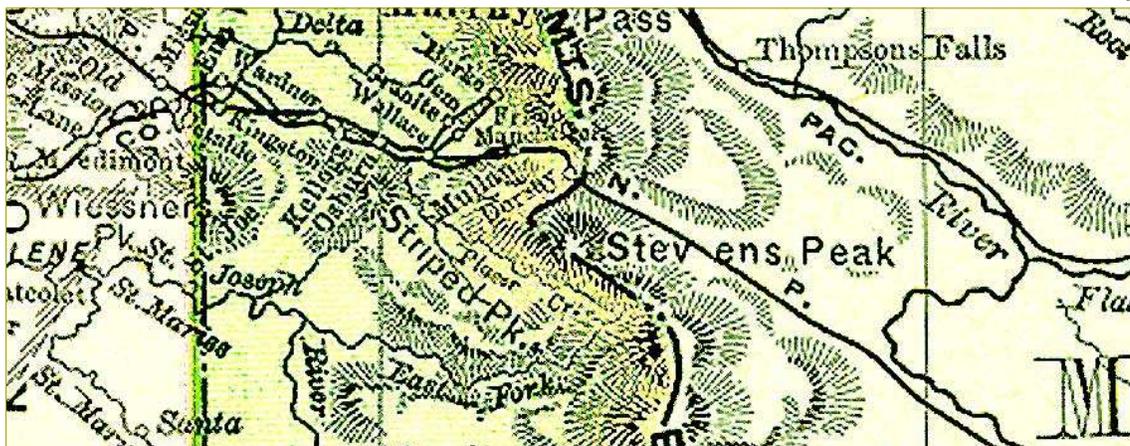
In contrast, U.S. Census records show that Orville was alive and living in Shoshone County until his death in 1924 when he was buried in Nine Mile Cemetery in Wallace, Idaho. The 1910 U.S. Census records list him as divorced.

Little else is known about Helen’s life. There are no photographs of her held by the Idaho State Historical Society and there is little public mention after she left the school district in 1902. Helen Young died in New York in 1951.

Sources: -*The First 50 Women of the Idaho Bar*
by Debora K. Kristensen

-U.S. Census
1880-1920

-*Idaho Statesman*,
9/17/1902



1895 map of the Wallace/Osburn, Idaho area where Helen Young lived and worked as a young woman.

Pioneer Judge Milton Kelly Played Many Roles

A man of many accomplishments,

Milton Kelly was an attorney, freighter, judge, newspaper publisher, hot springs developer, and one of the organizers of Idaho's Republican party. Kelly, was born in Onondaga County, New York in 1818. He studied law in Wisconsin, and was admitted to the bar about 1845.

In 1861, Kelly went west to California and later to Auburn, Oregon where he engaged in freighting between Auburn and Placerville, Idaho. He later moved to Placerville and was elected to serve in the first session of the Idaho territorial legislature held in Lewiston.

Kelly, along with Enos T. Gray and William C. Rheem, were prosecutors in Idaho Territory's first court case, the famed Magruder murder trial that began in Lewiston in January of 1864, Judge Samuel C. Parks presiding.

David Renton Howard, James P. Roumain and G.C. Lowry were tried for the murder of Lloyd

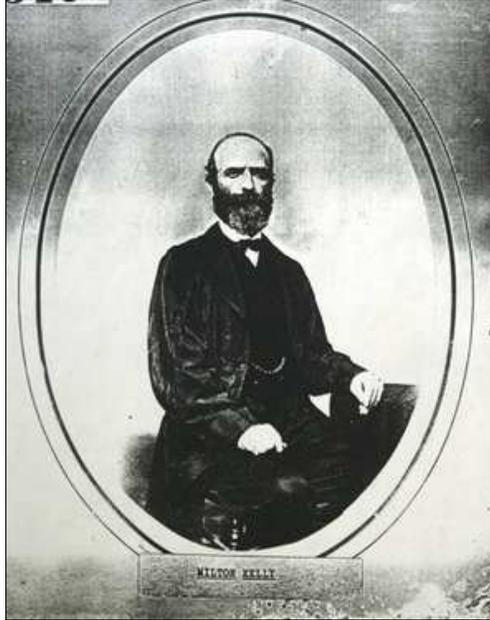
Magruder, a gold camp supply merchant. They were found guilty and sentenced to hang on March 4th, 1864.

The sentence was carried out, although Idaho had no law against murder at the time.

Kelly's judicial career began when he was appointed to a four-year term as an associate justice of the new Idaho Supreme Court in 1864 and was assigned to the first judicial district in northern Idaho (Nez Perce, Shoshone and Idaho counties). It was President Abraham Lincoln's last official appointment before his death.

After completing his term on the court, Kelly moved to Boise City where he purchased the *Idaho Statesman* newspaper in 1871 and became its editor and publisher. He sold the paper in 1889 to the Statesman Publishing Company, and retired to the hot springs he owned east of Boise.

Kelly devoted his retirement to improving his Kelly Hot Springs resort until he died of a stroke in 1892 and was buried in Pioneer Cemetery.



Idaho State Historical Society

Sources: -*Illustrated History of the State of Idaho, Lewis Publishing Company*
- *History of Idaho, James H. Hawley*

Lyda Escapes to Marry Again & Again

(Continued from page 3)

A visitor to the prison described Lyda as "plump and cheerful." She sold fancy needlework to visitors who could not resist her appealing voice and sales pitch. Lyda was a model prisoner for several years, cultivating a garden with rose trellises that she eventually used to climb down the prison wall and escape in 1931.

While on the run, Lyda married Harry Whitlock for whom she worked as a housekeeper and nurse for his ailing mother. Whitlock helped authorities capture her in 1932.

Throughout her two stays in prison, Lyda repeatedly campaigned for a pardon and is said to have become almost hysterical each time it was denied. She was finally pardoned and released in 1941. Idaho Governor Chase A. Clark voted against her release because he felt that the interests of society would be best served by keeping Lyda locked up. However, he was outvoted by his two colleagues on the parole board.

Lyda went on to marry again after leaving prison. Her last husband, Hal Shaw, mysteriously disappeared two years later. Lyda, now known as Anna E. Shaw, moved to Salt Lake City, where she died of a heart attack while walking home in 1958. She is buried in Twin Falls.



Idaho State Historical Society



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Sources: -*U.S. Census 1900*; -*Idaho Marriages 1842-1996*;
-*Lady Bluebeard, W.C. Anderson*; -*Mrs. Bluebeard, F. Cipriani*

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