



IDAHO  
LEGAL  
HISTORY  
SOCIETY

EST. 2005

July 8 - 10, 2009

ILHS Booth

Idaho State Bar Convention  
Boise Centre on the Grove  
Drop by our history display  
and share your stories of the  
past. We are taking oral  
histories at this event!

October 8 - 10, 2009

ILHS Booth

Tri-State Conference  
Idaho Chapter  
Federal Bar Association  
Sun Valley, Idaho

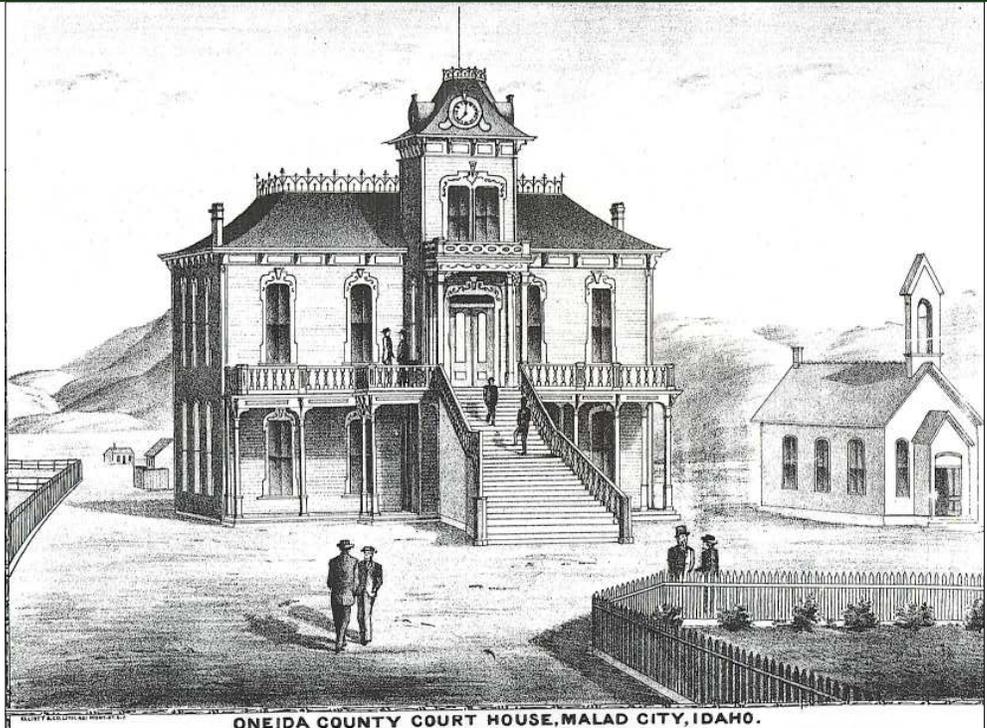
If you missed us in July,  
please stop by and see our  
display this fall.



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IDAHO'S GRAND COURTHOUSES  
OF THE 19TH CENTURY



ONEIDA COUNTY COURT HOUSE, MALAD CITY, IDAHO.

*Before the New Deal work programs of the 1930s erected "modern" Art Deco courthouses in some Idaho counties, the majestic 19th century brick and stone courthouses of the territory stood as the center of civic life in Idaho's county seats. In the 1880s, a new courthouse symbolized the coming of age of the county and town in which it was located. It was often the only or the most prominent building in the block, surrounded by a broad open area to emphasize its importance on the landscape. Fine lithographs of several of these edifices illustrate Wallace W. Elliott's 1884 History of Idaho Territory. The courthouses of the 1880s were usually square two-story buildings with a tower, porch or balcony enhancing the entrance. They were generally built in the Italianate or Romanesque Revival styles.*

*Oneida County Courthouse 1882*

The Oneida County seat was moved to Malad City in 1866 to be near the stagecoach line and freight road between Corinne, Utah and the mines in Butte, Montana. The ornate old courthouse illustrated above was built in Malad in 1882 at a cost of \$12,000.



Oneida County's "modern" Art Deco courthouse, designed by Sundberg and Sundberg, was built during the 1930s in the Art Deco style. It was listed in the National Register of Historic Places in 1987.

(Continued on page 4)

## ILHS ORAL HISTORY COMMITTEE

To participate in the Oral History Project as an interviewer, narrator or transcriber, please contact any of these committee members:

**Ernie Hoidal, Chair:**

[eahoidal@hoidallaw.com](mailto:eahoidal@hoidallaw.com)

**Cameron Burke:**

[Cam\\_Burke@id.uscourts.gov](mailto:Cam_Burke@id.uscourts.gov)

**Dianne Cromwell:**

[dcromwell@cableone.net](mailto:dcromwell@cableone.net)

**Teri Harbacheck:**

[tharbacheck@boisestate.edu](mailto:tharbacheck@boisestate.edu)

**Kathy Hodges:**

[Kathy.Hodges@ishs.idaho.gov](mailto:Kathy.Hodges@ishs.idaho.gov)

**Katherine Moriarty:**

[katherine.moriarty@inl.gov](mailto:katherine.moriarty@inl.gov)

**Scott Reed:**

[scottreed@verizon.net](mailto:scottreed@verizon.net)

**Jess Walters:**

[waltersjess1@cableone.net](mailto:waltersjess1@cableone.net)

**Ron Wilper:**

[dcwilprj@adaweb.net](mailto:dcwilprj@adaweb.net)

**Rita Ryan:** [rtarya@cs.com](mailto:rtarya@cs.com)



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## A Message from the President

Deb Kristensen

*Welcome* to the inaugural edition of the Idaho Legal History Society's newsletter. Since the ILHS was informally organized in 2004, we have undertaken and accomplished many things. From commissioning an original play commemorating the 100<sup>th</sup> anniversary of the 1907 trial of "Big" Bill Haywood for the assassination of former Governor Frank Steunenberg, to gathering the oral histories of some of Idaho's most colorful members of the bench and bar, the ILHS is committed to preserving Idaho's rich legal history and sharing it with members of the public. With this first issue of our newsletter, we hope to expand our educational reach and keep our many members located throughout the state up to date on our efforts.

Oscar Wilde once said: "Anybody can make history. Only a great man can write it." If that is true, the ILHS is lucky to have a number of great men and women currently serving on its Oral History Project. Chaired by Ernie Hoidal and ably supported by many members, including Judge Ron Wilper, Dianne Cromwell and Rita Ryan, the Oral History Project is the most active group within the ILHS. Indeed, the Oral History Project has an ambitious schedule of oral history interviews in the coming months – including quite a few coordinated around the Idaho State Bar's annual meeting in July. Our hope is to gather the personal and professional life histories of some of the people who have shaped Idaho's legal history in order to preserve and share them with the greater community.

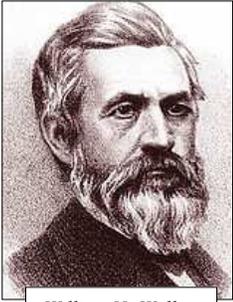
The ILHS is also working on a number of other projects, including developing a regular lecture series, continuing its tradition of sponsoring an issue of the Idaho State Bar's monthly magazine, *The Advocate*, and working with the Idaho State Bar to collect the earliest records of the organized bar in Idaho and make them publicly available on our website. And, of course, we have undertaken the task of providing a useful newsletter to keep our members better informed of our activities and volunteer opportunities.



## 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.

## ALTERNATING JUSTICE & OTHER IDIOSYNCRASIES OF IDAHO'S TERRITORIAL COURTS



William H. Wallace

*When President Abraham Lincoln* appointed William H. Wallace the first governor of the Territory of Idaho in 1863, Wallace organized Idaho Territory into three judicial districts with appointed judges. H. T. French's 1914 *History of Idaho* lists the districts as:

- First District: Nez Perce and Shoshone Counties — A.C. Smith, Judge
- Second District: Boise County — Samuel C. Parks, Judge.
- Third District: Missoula County and the county east of the Rockies — Sidney Edgerton, Judge.

Idaho Territory's Supreme Court met at the state capital periodically to decide the cases on appeal. The chief justice and his two associate justices (as well as the governor) were paid the princely sum of \$3,000 per year for their services.

There were also elected probate judges in several counties and justices of the peace in each precinct.

From 1863 to 1875, the appointed judges were described by James H. Hawley as "mere political hacks rewarded for doubtful services in distant states." Hawley considered Milton Kelley (Ada County 1865) and John Clark (Nez Perce County 1875) to be the exceptions to

this description.

The first term of District Court was held in 1863 at Idaho City. Hawley recounted the legendary story of the judge in this first court where most of the civil cases stood upon demurrer. The demurrers were argued and the decisions reversed until all were before the judge. Without explanation, the judge then decided the legal questions by over-ruling the demurrer in the first case, then sustaining it in the second, and so on alternately, without regard to the case, until all were decided.

This particular approach to dispensing justice aroused the ire of the attorneys present. According to French's 1914 history, when prominent lawyer E.D. Holbrook requested an explanation for this apparently arbitrary action, the judge responded:

*Mr. Holbrook, if you think a man can be appointed from one of the eastern states, come out here and serve as a judge in Idaho on a salary of \$3,000 a year, payable in greenbacks worth forty cents on the dollar, and give reasons for everything he does, you are mightily mistaken.*

Some of the problems inherent in this early system were resolved beginning in 1875 when Idaho judges began to be appointed based on qualifications, rather than as rewards for political services rendered.

## E.D. "NED" HOLBROOK & CHARLES DOUGLAS SHOOTOUT AT IDAHO CITY

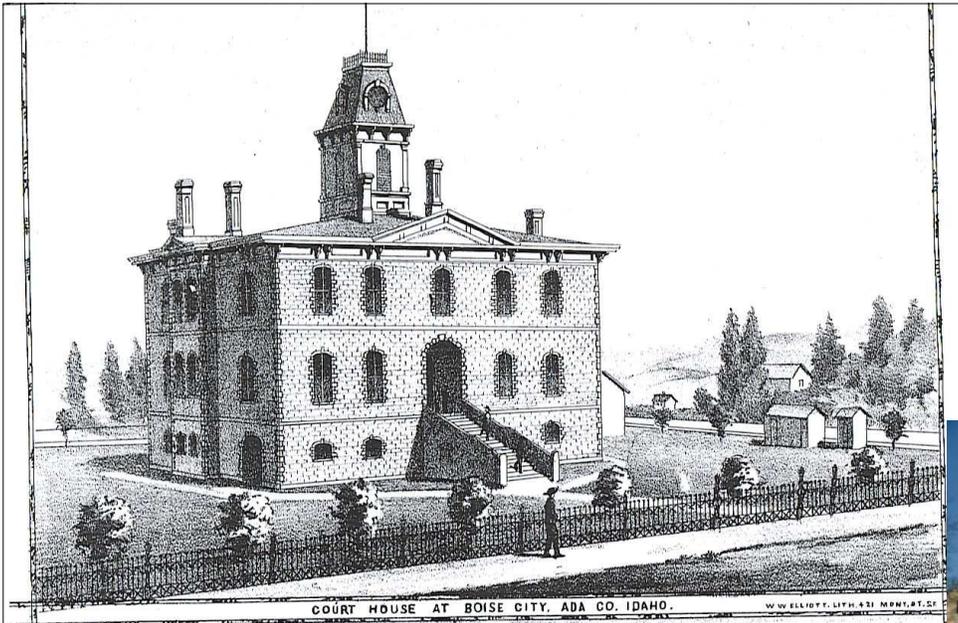
*Edward D. Holbrook* was a popular Idaho City attorney who was the Democratic representative to the U.S. Congress from Idaho in 1865 when he was 24 years of age. His claim to fame was his censure by the U.S. House of Representatives in 1869 for use of "unparliamentary language." He did not run for re-election thereafter.

Holbrook's career came to an abrupt end in the summer of 1870 when he was shot to death at Idaho City as the result of an internal dispute in the Boise County Democratic party. According to James Hawley's 1920 *History of Idaho*, the dispute centered on whom should control nominations — a group led by Holbrook or one led by James I. Crutcher and others. When Crutcher was subsequently defeated in the Sheriff's election, he held Holbrook responsible.

Crutcher's brother-in-law, Charles H. Douglas, met up with Holbrook on an Idaho City street in June of 1870. Both parties exchanged angry words. Gunshots were fired and Holbrook was mortally wounded. He died the next day and was interred at the Masonic Cemetery. Douglas was arrested and indicted for murder. At trial, his case was acquitted on the finding that both of the parties had willingly entered into the altercation.



(Continued from page 1)



## *Ada County Courthouse 1882*

The first building used for Ada County government in 1865 was reportedly woefully inadequate, even at the time. A grand new courthouse (at left), illustrated in Elliott's 1884 lithograph, was built in 1882.



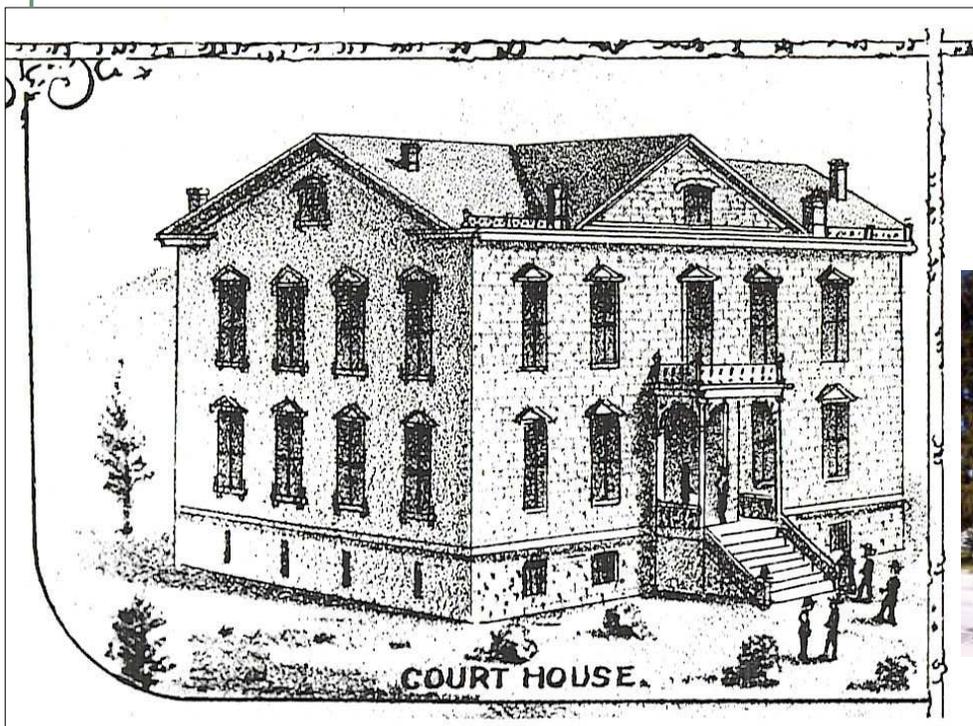
By the 1930s, the 1882 courthouse was considered old and outmoded. It was removed in 1938 and replaced by a minimalist Art Deco structure (at right) built on the same site — today's "old courthouse".

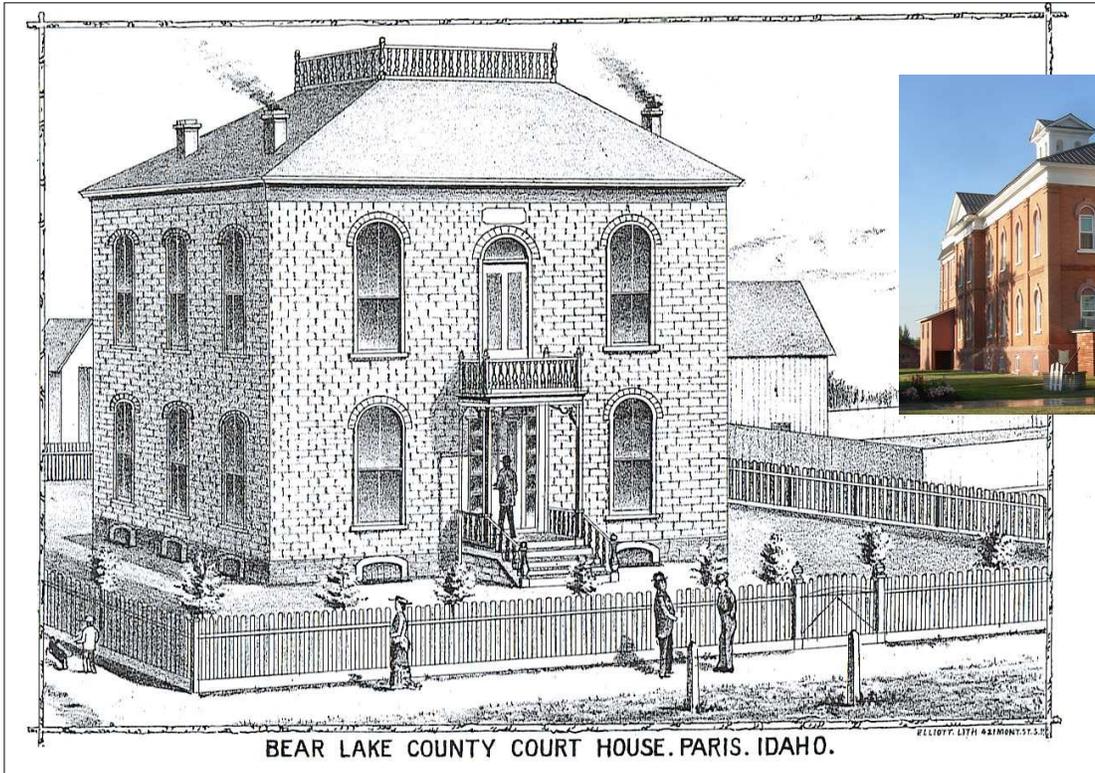
## *Blaine County Courthouse 1883*

The Blaine County courthouse is one of the oldest remaining county courthouses in Idaho. Hailey became the county seat of Alturas County (later Blaine County) in 1882. The next year, 1883, the two-story, Italianate-style county courthouse was built on a raised stone basement (below). It was designed by Horace Greeley Knapp with cast-iron window sills and cast-iron pediments capping the windows. Lattice-work balustrades framed the steps of the entrance and the balcony above. In later years, the iron window pediments and lattice-work were removed.

This courthouse was one of the few from the 1880s that survived the work programs of the 1930s.

This courthouse was one of the few from the 1880s that survived the work programs of the 1930s.





### *Bear Lake County Courthouse 1885*

Bear Lake County was created from Oneida County in 1875. Ten years later, in 1885, the brick courthouse was designed by T.O. Angell and built in the Italian Renaissance Revival style. Although it was later modified, the building survived the 1930s work programs and was listed in the National Register of Historic Places in 1977.

## WPA COURTHOUSES OF THE 1930S



The Bonner County Courthouse (at left) in Sandpoint, Idaho, was purchased in 1908, but a WPA work project in the 1930s made extensive alterations and additions to the original building. In Bob Gunter's, *History of Sandpoint, Idaho*, one local resident recalled:

"It was during the depression and people needed food. My father was caught poaching deer and since they had no jail they sentenced him to help the WPA build the courthouse and jail."



Cassia County Courthouse  
Burley, Idaho, 1939



Jerome County Courthouse  
Jerome, Idaho, 1939



Jefferson County Courthouse  
Rigby, Idaho, 1939

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 the understanding and appreciation of the legal history of Idaho.

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