



IDAHO  
LEGAL  
HISTORY  
SOCIETY

EST. 2005

## CALENDAR

### Idaho Legal History Society Full Committee Meetings 2013

May 23, August 22,  
November 21, 2013  
3:00 pm - 5:00 pm

5th Floor Judges' Conference  
Room  
U.S. Federal Courthouse  
Boise, Idaho

\* \* \* \*

Oral histories will be taken at  
the Idaho State Bar  
Annual Meeting  
July 18 and 19, 2013  
Coeur d'Alene, Idaho

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# IDAHO HISTORY PRESERVED BY LAW PROFESSIONALS

*The first "caligraph" used in court recording in Idaho* was among the significant contributions by members of the legal profession to the State Historical Society during the early years of the 20<sup>th</sup> century. Idaho's lawyers and judges regularly donated artifacts and documents to the Society in the decades after its formation in 1907. Renowned attorney and governor, James H. Hawley, was president of the board of the Historical Society of Idaho during the 1920s. Lawyers Kate E.N. Feltham (Weiser), Samuel H. Hays (Boise), and the estate of Judge William J. Smith (Twin Falls) donated some of the larger museum collections of the 1920s and 1930s.

Feltham, Idaho's fifth female lawyer and an active suffragist, contributed her collection of shells, Native American arrowheads and pottery, ivory-handled knives, cameos, old sewing tools, silk quilt blocks, and "hair work ready for mounting." Hair work was the 19<sup>th</sup> century tradition of weaving the hair of loved ones into jewelry, decorations, and keepsakes. Feltham also donated several prayer books, an 1833 Bible, and an 1850 dress.



*Early calligraph machine.*

Hays and his wife Gertrude, who served on the Historical Society's Board of Trustees, made donations nearly every year for decades. Hays' extensive political and legal memorabilia included the gavel used at the Democrat's first state convention at Boise. It was reportedly made of wood from U.S. President Andrew Jackson's farm. In 1925, Hays provided the Society with the first "caligraph" used for "court writing" in

Idaho, and in 1930 with the old safe used at the Boise Assay Office beginning in 1874 to store gold dust and gold bars. He

also contributed many photographs and documents, including a map of the Lewis and Clark expedition routes.

Smith's estate donated his large collection of natural items with coral, shells, starfish, stalactites, and mastodon bones. Smith's collection also included mounted birds, squirrels, a wombat, an alligator, and a badger, as well as horns and antlers from buffalo, antelope, and moose. Knives, guns, swords and ammunition, Native American artifacts, Army memorabilia, and items found along the Oregon Trail were also donated.

A rusted gun, said to have belonged to "a boatload of voyageurs and Indians who were carrying a Catholic priest down the Snake River in the early days," was a featured item. The boat went over Shoshone Falls and all its passengers died on the rocks below. The gun was found with a crucifix and a candlestick on a sandbar below the falls at low tide. Smith's donation also included an old Boise-to-Idaho City overland stagecoach and an Oregon Trail freight wagon. The Smith collection was so large that it filled a whole section of the museum's new display room.

Other lawyers and judges or their spouses who donated to historical society collections during the 1920s and 1930s included: Probate Judge Clark W. Stanton (Jerome); Judge W.D. Mallory (Twin Falls); Mrs. James E. Babb (Lewiston); William E. Borah (Boise); Mrs. Fremont Wood (Boise); Frank Martin (Boise); Judge Isaac N. Sullivan (Boise); Mrs. James H. Beatty (Boise), Mrs. Charles P. McCarthy (Boise); and Mrs. Texas Angel (Hailey) who provided a Civil War uniform worn by her husband.

*Sources: Biennial Reports of the Trustees of the State Historical Society of Idaho, 1921-1934.*



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This newsletter published quarterly by:

**Idaho Legal History Society**  
550 West Fort Street  
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From left: Judge Michael McLaughlin, Court Reporter Kim Madsen, & Reginald Reeves in 2010 (Idaho Legal History Society).

## A MESSAGE FROM THE PRESIDENT Hon. Ron Wilper



*...it is required of a man that he should share the passion and action of his time, at the peril of being judged not to have lived.*

*O.W. Holmes, Jr.*

*Reginald Reeves* faces no such peril.

The Honorable Michael McLaughlin interviewed Idaho Falls attorney Reginald (Reg) Reeves in 2010 for the Idaho Legal History Society (ILHS) oral history project. The transcript of the interview was recently released. It offers a glimpse into the life of a persevering black American who dealt with adversity as opportunity and, in the process, earned a well-deserved reputation as a philanthropist.

A 1947 graduate of North Carolina A&T, Reg worked for two years, then came to Idaho in 1949 to attend the University of Idaho College of Law. He

certainly had the academic credentials, having graduated

*magna cum laude* in mathematics. His brother, a dean at

UCLA, wanted Reg to join him there. Reg explained why

he chose Idaho: "I had a list of all the law schools in the country. It was published by the National Negro College Fund. They listed schools and what their fees were, dormitory rates, tuition, and whether they had overt discrimination on a racial basis."

He explained that he chose Idaho over South Dakota because the South Dakota school was brand new and "...the Moscow school was old. I opted to go to the school with the history, with the tradition [and] track record."

The \$750 annual cost was also attractive. "That's room, board, fees, tuition, and an occasional movie." As the only black law student, Reg experienced discrimination. "[Idaho] was on the list of no overt discrimination, but it was there."

In 1952, Reg graduated but delayed entering practice just long enough to follow the advice of Professor George Bell to write a paper on copyright law for a national contest. No one from Idaho had ever entered it before. Prior winners had been from Harvard, Yale, Princeton, and Columbia. Reg won. "I received the longest telegram I have ever seen. It was about 8.5" by 11" or maybe longer than that telling me that I had won first place in the nation." His winning paper was published the following year in the Copyright Law Symposium.

Reg went to work in Idaho Falls with the father of his classmate, Alvin Denman. "Mr. Denman was just a good man." As a general practitioner in the early 1950s, Denman's practice consisted of "...a little of everything. He was selective in the sense that he'd have to feel good about the case, or he turned the prospective client away."

When asked if he faced challenges as a black lawyer practicing in Idaho Falls in the 1950s, Reg responded, "Could you rephrase the question, Judge? What challenges didn't I face?" He mentioned a few:

*...couldn't find a place to stay. Not a hotel would give me a room the first night in town. The judges would distribute a list of all the cases to be heard on law and motion day. My name was always last even though the list was alphabetical. A number of things like that. Just minor slights.*

Minor slights were experienced by women in those days too. Reg remembers when one judge rode a circuit comprising all of eastern Idaho: "The court reporters had to be male in those days because they couldn't allow a mere female to travel to Salmon with a judge who was always [a]male."

Following the passage of the Civil Rights Act in 1964, things began to change, but slowly in Idaho. "It's hard to

*continued on page 3*

## S.H. HAYS: ATTORNEY GENERAL & HISTORY DONOR

*Samuel Hubbard Hays* was born in Wisconsin in 1864, the son of lawyer James B. Hays, an active Democrat and Chief Justice of the Idaho Supreme Court (1885-1887). Samuel attended Northwestern University and taught school in Wisconsin for two years. 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 married Gertrude Lindsey at Blackfoot in 1888. Gertrude was very active in Idaho women's clubs and civic affairs, including the suffrage movement. She

served as a regent of the University of Idaho and on the Board of Trustees of the State Historical Society of Idaho.

Samuel, too, was a supporter of the suffrage movement. He was quoted in a 1902 book by Susan B. Anthony:

*Woman suffrage has been in operation in Idaho for over four years and there have been no alarming or disastrous results. I think most people in the state, looking over the past objections to the extension of the right of suffrage, are now somewhat surprised that any were ever made.*

Samuel Hays served on the Boise City Council from 1894 to 1895, before taking office as Idaho Attorney General. In 1898, Attorney General Hays was responsible for carrying out martial law enacted in response to the Coeur d'Alene mining riots.

In private practice during the early 20<sup>th</sup> century, Hays specialized in irrigation law for a number of companies in Twin Falls. He served as mayor of Boise City from 1916 to 1919, focusing on the importance of libraries and preserving Northwest history. He was also responsible for



*Samuel H. Hays, above.  
(Hawley 1920)  
Hays house, Boise,  
at right.  
(National Register of  
Historic Places)*

enforcing the City's prohibition of alcohol. In addition to his civic work, Hays was active in the banking industry.

The newly-formed Historical Society of Idaho took Hays' interest in the early 20th



century. Together, he and Gertrude donated artifacts and archival materials to the Society nearly every year for decades.

Samuel Hays died at Boise in 1934 and was buried in Morris Hill Cemetery. The Hays home in Boise, designed by architects Tourtelotte & Hummel, was listed in the National Register of Historic Places in 1982.

*Sources: History of Idaho Vol. 3, J.H. Hawley, 1920;  
Women's Suffrage in America, E. Frost-Knappman &  
K. Cullen-DuPont, 2005;*

*Biennial Reports of the Trustees of the State Historical Society of Idaho,  
1921-1934.*

## SERVICE TO THOSE IN NEED PAYS THE RENT

*continued from page 2*

put a date on it. The attitude[s] in Idaho and Idaho Falls were so untied to national attitudes except southern ones. And they were not affected by changes in society in general. The problem still existed in Idaho Falls until much later." When asked if he let "the problem" grind him down, Reg said, "I was determined not to." Reg played clarinet in the Idaho Falls Symphony for a dozen years. He learned to ski so he could follow his five children on the racing circuit. Mostly he helped people.

*I learned early in life that service to others is the rent we pay for the space we occupy, and I like to pay my rent. I do things. I don't do money.*

And oh, the things he does. He tells the story of visiting Guatemala and meeting a young engineer in desperate need of computers for school children. The engineer was used to talking to people who said things they did not mean or made promises they did not intend to keep, but he had not met Reg before: "When I say you will have computers, you will have computers. . . So within three weeks after I returned to Idaho, I made a few phone calls. I called, for example, a real estate office, and I would say, 'In your basement you have some computers you cannot use because you have replaced them. And you can't trade them in. You can't sell them. I want them.' 'How do you know we have computers in our

basement?'

"I said, 'Trust me, everybody has computers. You look in your basement and tell me how many you have and how many you are going to give to me.' That way I collected or arranged for hundreds of computers to send to Guatemala and to other places."

That is only one small example of the work that occupies most of Reg's time. He is a retired Lt. Colonel in the Army Reserve. He recounts the way he has used his military background and connections to do what he calls his most fulfilling work—the extra-legal, humanitarian work he does to pay his rent.

He is a recipient of military honors including the Commander's Award for Public Service and the Outstanding Civil Service Medal. The State of Idaho recognized Reg with the Brightest Star Award and the Health Hero's Award, and he is in the University of Idaho's Hall of Fame.

Reg Reeves is a living, breathing Idaho pioneer. We at ILHS are grateful to him for sharing with us a bit of the passion and action of his time.

Thanks to Judge McLaughlin for interviewing him, and to Kim Madsen for reporting the interview and preparing the transcript.

*In the years between the World Wars*, Idaho's legal profession came into its own with the establishment of a mandatory State Bar. Idaho was the third state in the U.S. to legislate a self-governing, self-regulating bar association in 1923 when the state legislature created the Board of Commissioners of the Idaho State Bar.

The new bar association conducted its first exam in June of 1925. This two-day test consisted of 60 questions and some legal research. Of the 12 applicants who took the first exam, eight were University of Idaho law school



John C. Rice,  
first president of the  
mandatory Idaho State Bar.  
(Photo: Molly Ramage)

during the 1920s and 1930s compared to previous years. Idaho lawyer Pearl McCall became the first woman Assistant U.S. Attorney for the District of Columbia in 1921. She was admitted to practice before the U.S. Supreme Court three years later.

Three women were admitted to the practice of law in Idaho in the 1920s: Pearl Tyer, Bertha Muckey, and Adelyne Champers. Mary J. Smith, and Gladys Dennis were admitted in the 1930s.

Legal profession 'firsts' during this era included:  
**1923:** Mary Shelton was the first woman graduate of the University of Idaho College of Law.

**1925:** Justice John C. Rice was the first president of the new

## IDAHO LAW IN THE INTERWAR YEARS, 1920-1939

graduates. Unfortunately, all eight failed the exam, and the bar commissioners were heavily criticized for the test.

Caseloads increased tremendously during these years as Idaho's Supreme Court and District Courts addressed the needs of the state's growing population and its agricultural depression. In 1920, the Idaho Legislature increased 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.

Outside the courtroom, the highly partisan elections of Supreme Court justices were used increasingly in power struggles between Idaho's political parties. After extensive review of the issue, the Idaho State Bar's Judicial Council proposed legislation in 1932 mandating non-political

elections of both Supreme Court justices and District Court judges. They also allowed members of the bar a greater voice in the selection of judges.

During the Depression years, the diminished state of lawyers' finances became an important topic of discussion at State Bar meetings. Unpaid license fees increased dramatically during the 1930s and the State Bar filed 48 complaints against lawyers in 1934 for nonpayment of fees.

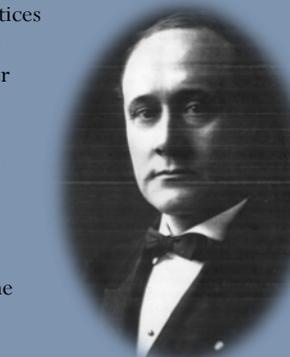
Idaho's women lawyers thrived



Adelyne Champers  
(Kristensen 2005)



Pearl Tyer (Kristensen 2005)



James F. Ailshie  
(Idaho State Historical Society)

mandatory Idaho State Bar.

**1926:** Frank S. Dietrich was the first Idahoan appointed to the U.S. Ninth Circuit Court of Appeals. Kate E.N. Feltham was the first woman elected County Prosecutor in Idaho.

**1929:** Adelyne Champers was the first woman to argue and win a case before the Idaho Supreme Court.

**1934:** James F. Ailshie was elected to the Idaho Supreme Court in the first non-partisan judicial election.

**1935:** Mary Smith was the first woman lawyer to address a meeting of the Idaho State Bar.

**1939:** Though not a lawyer, Margaret Geisler was the first woman judge in Idaho.

Sources: *"The Middle Third of the Century: the War Years and the Depression,"*

Hon. J.J. McFadden, 1990;

*"Building a Profession: A History of the Idaho State Bar,"*

M.K. Buckendorf, 1992;

*The First 50 Women in Idaho Law*, D.K. Kristensen, 2005.

## 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. He was born in Michigan in 1859 and grew up in the Midwest. At the age of 17, he headed for Colorado to work in construction for the Western Union Telegraph Company. For nearly three decades, Smith continued that work in the West, eventually ending up in Idaho where he joined in the platting and building of Twin Falls. Along the way, he collected the natural and cultural objects that would one day fill a room at Idaho's historical museum.

Smith was well regarded in his community. He was appointed and later elected police judge, probate judge, and justice of the peace. Like many probate and municipal judges of the time, he did not have formal legal training. His daughter observed that "he taught himself law by his love of reading." Smith also served on the Lincoln County School Board for many years.

In his decades of travel and work along the telegraph lines of the West, Smith developed an avid interest in archaeology and taxidermy. His large amateur collection of natural and cultural items was supplemented by an extensive reference library. After his death in 1919 at Twin Falls, Smith's wife Clara donated his collection of archaeological and natural materials to the Historical Society of Idaho for use in their museum.

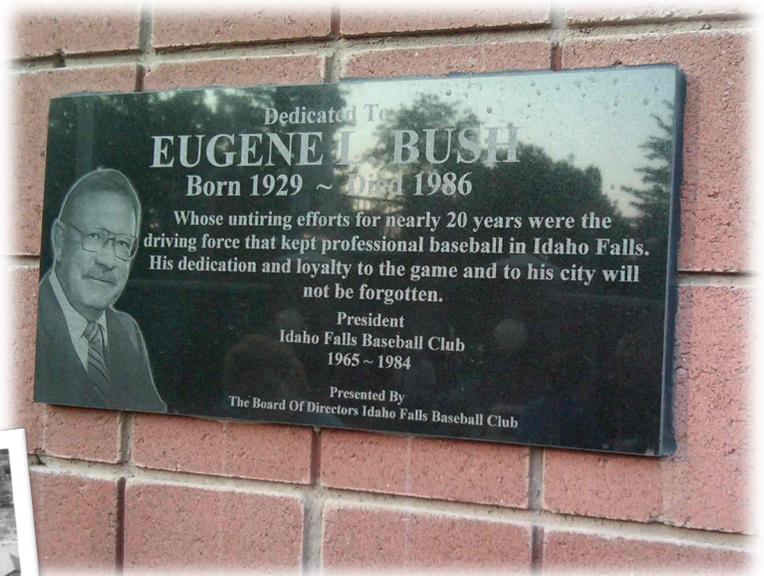
Sources: *History of Idaho Vol. 3*, by H.T. French, 1914;  
*Unpublished William J. Smith Story*, by C.B. Smith, undated.

20<sup>TH</sup> CENTURY PROFILE

**EUGENE L. BUSH**

*One of baseball's most dedicated supporters,* attorney Eugene L. Bush, was born at Idaho Falls, Idaho, in 1928 (in contrast to the date in the photo at right). He earned his law degree in 1951, opened a law practice at Idaho Falls in 1952, and served as a justice of the peace. Throughout the 1950s, Bush was active in Republican Party politics and was elected Bonneville County Prosecutor in 1958.

Bush was elected to the State Legislature during the 1960s and was appointed to the Constitutional Revision Commission in 1966, replacing



Highland Park Field. (Fred Sagebaum).

James C. McClure.

Bush was also active in local and state bar associations, serving as an Idaho State Bar Commissioner from 1982 to 1985.

For nearly 20 years, Eugene Bush was president of the Idaho Falls Baseball Club (1965 to 1984). The Club incorporated in 1939 and supported professional baseball in Idaho Falls for more than 74 years.

With the exception of the World War II years, Idaho Falls had a professional baseball team every year from the 1920s. Beginning in the 1940s, the teams played ball at Highland Park. During Eugene Bush's tenure as president of the club, a new concrete facility was built in 1975 to replace an old wooden one destroyed by fire.

Over the years, at least 11 major league organizations placed teams at Idaho Falls, generally in the Pioneer League. Bush was also a

board member of the Pioneer League and dedicated many years of hard work to its success.

For decades until his death in 1986, Eugene Bush was the untiring supporter of baseball in Idaho Falls. His love of the game carries on today in his grandson Nate, who became a high school and American Legion baseball player at Boise High School.

Sources: *Idaho Falls Post Register* 1951-1968;

*History of Melaleuca Field*, [www.melaleucafield.com](http://www.melaleucafield.com);

*Comments of Judge Ronald E. Bush.*

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