



IDAHO  
LEGAL  
HISTORY  
SOCIETY

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## Oscar Worthwine & the “Greatest Event in Boise Football”

by Ernest A. Hoidal

“Go, Worthwine, go!” The Chicago crowd of 23,000 fans, half-frozen by cold and snow, leapt to its feet to cheer Oscar Worthwine’s fumble recovery return as the football powers of Cornell and the University of Chicago battled to a 6-6 tie at Marshall Field at the University of Chicago on November 14, 1908.

Idaho lawyer Oscar William Worthwine (known as “Worthie” on the U of Chicago team) was born on in 1885 at St. Joseph, Missouri. He was the fourth of five children of William H. Worthwine and Melissa (Hockaday) Worthwine. Oscar graduated from high school in St. Joseph and enrolled at the University of Chicago where he earned his Bachelor’s of Philosophy and Political Economics in 1910, as well as his Juris Doctor degree in 1911.

At Chicago, the legendary Amos Alonzo Stagg was his football coach. In Stagg’s 1927 autobiography, *Touchdown*, he wrote of Worthwine, “...[h]e worked his way through school, won a Phi Beta Kappa key, never missed a practice, a game, a scrimmage in three years and was

never hurt.” After the 1909 football season, sportswriters selected Worthwine as the first team fullback for the Western (now Big Ten) Football Conference.

Following college, Worthwine headed for Idaho. One of the first lawyers he met in Boise was Branch Rickey who tutored him for the Idaho State Bar examination, which he successfully passed. Worthwine was admitted into practice on December 16, 1911. Rickey was later best known for signing Jackie Robinson as the first black baseball player to play in major league baseball for the Brooklyn Dodgers in 1947.

In Idaho, Worthwine taught U.S. History at Boise High School and coached football, girls’ basketball, boys’ basketball, and boys’ track and field for the 1911-1913 seasons. His football coaching record ended with 23 wins, one loss, and one tie while playing Salt Lake, Twin Falls, and Weiser High School teams (imagine those train rides!). On Christmas Day in 1912, the Boise High squad defeated Wendell Phillips High School of Chicago 6-0 in what was said to be the “greatest athletic event in the history of Boise football.” Nearly 2,000 spectators, paying \$1 per ticket, crowded into Cody Park near Warm Springs and Broadway Avenues (now Dona Larsen Park) to cheer on the local team.

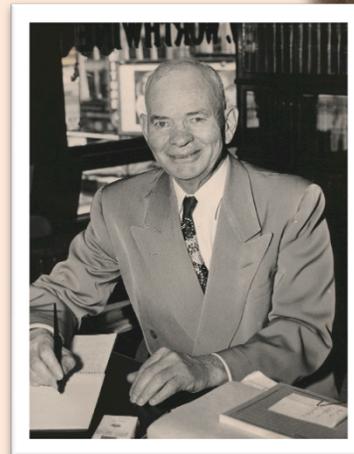
Worthwine joined the firm of Hawley, Puckett & Hawley in 1913 as a clerk and was a partner in the firm of Hawley & Worthwine from 1920 to 1940. He served as the Idaho State Bar’s secretary and was a member of the Idaho Code Commission, a member of the Boise Junior College Board of Trustees (1945-1957), president of the Boise Chamber of Commerce (1938-1939), and chairman of the Boise Chamber of Commerce Committee to select the site of Boise Junior College, now Boise State University. Worthwine formed Bronco Stadium, Inc. to facilitate the building of a 10,500-seat football stadium, which opened at Boise Junior College on September 22, 1950.

*At left, Boise Junior College football stadium, 1950s (Albertson Library, BSU).*

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*Oscar Worthwine in his Chicago jersey (above) and at his law office (at left) in later years.*



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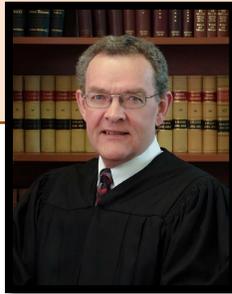
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## ILHS MISSION STATEMENT

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.



## A Message from the President Hon. Ron Wilper

*The Idaho Legal History Society's* (ILHS) membership roster grows each year. We are working hard to capture oral histories throughout the state. The Idaho State Bar (ISB) has graciously allowed the ILHS to participate each year in securing oral histories at their annual meeting. The next ISB annual meeting will be held in Coeur d'Alene on July 18 and 19, 2013. We are seeking nominations for approximately 24 oral histories to be taken at that time. Please forward the name, email address, and phone number of potential candidates for us to interview. Ernie Hoidal, ILHS Vice President, and others will be in attendance and we are hoping to add to the list of narrators of Idaho's rich legal history at that time.

We appreciate your membership in the ILHS and look forward to another exciting year.

## Idaho's Early 20<sup>th</sup> Century Boards of Pardon

*The new State of Idaho's* constitution provided for a Board of Pardons, consisting of elected officials, to consider inmates' petitions for release. The Board of Pardons sometimes decided cases for reasons that seemed unrelated to the issues at hand. For example, in one decision recorded by a stenographer, the first Pardons Board member voted no, the second voted yes because the man had a "good face," and the third voted no. Another time, a Board member defended his yes vote by saying of the inmate, "He isn't a bad looking fellow. He is kind of a slob, but I think he is all right."

Penitentiary records also reveal some interesting petitions and appeals during the late 19<sup>th</sup> and early 20<sup>th</sup> century. Petitions on behalf of inmate William McGraw claimed that he had not received a fair trial in 1897 because of the recent enactment of woman's suffrage and the influence of the female vote, as well as the judge's alleged aspirations to the Supreme Court, and an 1895 law that raised the age of consent to 18 years.

Dennis McCarty, who was convicted of murder, received letters of support from five former administrative officials of the penitentiary in his quest for a pardon. U.S. Marshall John Hailey noted that he trusted McCarty with his children, but said he did not know whether McCarty was actually guilty or innocent of murder.

In 1907, inmate David Richards petitioned for parole with the support of penitentiary staff, the warden, a judge, and 300 citizens of Malad, Idaho. He was released and within six months was reportedly disturbing the peace with continuing drunkenness.

After decades of concern about Idaho parole board decisions, the 1942 Idaho State Bar passed a resolution recommending formation of a new pardons board because of the "great laxity on the part of the state board of pardons in granting pardons, paroles and releases especially to habitual violators. . ." They advised that the new Board consist of members with law enforcement experience so that the work of lawyers, judges, and juries "be not nullified by the arbitrary, *ex parte*, action of a political, non-judiciary pardon board. . ."

*Sources: Inmates of the Idaho Penitentiary, 1864-1947, R.S. Johnstone, 2008; Conscience and Convenience: The Asylum and Its Alternatives in Progressive America, D.J. Rothman, 2000; Idaho State Bar Proceedings 1942.*

THE GREATEST ATHLETIC EVENT IN THE HISTORY  
OF BOISE

# FOOTBALL!

Wendell Phillips High School of

# CHICAGO

VS.

# Boise High School

Christmas Day—Cody Park—3 p. m.

TICKETS \$1.00

NOTE—Seat for all. Shelter will be provided for spectators in event of rain. Tickets on sale, Red Cross Pharmacy, Wastehead's, Joy's No. 1, Carlson-Lusk Hardware Co., Overland Cigar Store and Rawls' Stationery Shop. Try to get in!

This advertisement appeared December 24, 1912 in the Idaho Statesman

## "FOOTBALL NEWS PUTS BOISE ON THE MAP"

Associated Press news story, December 26, 1912

### 1912 Boise High Football team Undeclared Intermountain Champions

Boise 47 0	Payette	Moose Lodge
Boise 61 0		Nampa
Boise 53 0		Caldwell
Boise 29 7	Salt Lake City	
Boise 47 0		Payette
Boise 26 7		Weiser
Boise 113 6		Twin Falls
Boise 6 0	Wendell Phillips	



Boise Senior High School Football team 1912  
Coached by Oscar W. Worthwine

Gov. Robert E. Smylie said, "His was one of Idaho's great legal minds and he was a symbol of the highest precepts of the legal profession. His passing is to me and many others a deep personal loss." A.J. Teske, Secretary of the Idaho Mining Association said, "Mining men throughout Idaho and the Northwest are stunned and saddened by the unexpected death of Oscar W. Worthwine. He was highly esteemed throughout the western mining industry and widely acknowledged as the dean of mining law attorneys in the state.

J.L. Driscoll, Chairman of the Board, First Security Bank of Idaho described him as, "a citizen of unusual stature, one of Idaho's foremost attorneys of all time, a man of courage and of the highest integrity. Harry W. Morrison, President of Morrison-Knudsen Company, Inc., said, "Boise loses one of its outstanding citizens in the death of Mr. Worthwine. Calvin Dworshak, President of the Third Judicial District Bar said, "The bar has suffered a great loss in the death of Oscar Worthwine. He was one of the leading workers in the activities of the bar. He was a lawyer's lawyer."

Sources: *Chicago Sunday Examiner*, November 1908; *Idaho: The Place and Its People*, B. Defenbach, 1933; *Touchdown*, A.A. Stagg, 1927; *Courier*, Boise High School, 1912-1914; *Idaho Reports Volume 20*; *Boise State University: Searching for Excellence 1932-1984*, G. Barrett, 1984; *The Idaho Statesman*, February 1960.

*Ernest A. Hoidal, a Boise attorney, is researching Oscar W. Worthwine's contributions to the State and would appreciate any information regarding Worthwine. Hoidal recognizes Hal Tabb Walker and William Worthwine, grandsons of Worthwine, for their past and continuing invaluable assistance in research. An archive has been established in honor of Worthwine at the Boise State University Library's Special Collections.*

## Worthwine & Boise Junior College Football

*continued from page 1*

After the 1947 football season, Boise Junior College Coach Lyle Smith received a congratulatory letter from Worthwine commending him on his undefeated season. He advised Coach Smith that he did not appreciate uptown coaches giving him advice when he coached at Boise High. Nevertheless, his letter continued for 15 more pages on how the Broncos could do better the next season. In an additional memo to Smith, Worthwine suggested preparing to defend against the use of the "Statue of Liberty" play (2007 Fiesta Bowl, Glendale, Arizona, Boise State University 43—University of Oklahoma 42).

Upon Worthwine's passing in 1960, many prominent Idahoans expressed their praise for an outstanding civic leader. Oscar Worthwine had practiced law for nearly 50 years in Idaho and considered himself "a full Idahoan."

The Idaho Supreme Court formally adopted a resolution of condolence to send to the family:

*The passing of Oscar Worthwine is a great loss to the bench and bar and to the people of Idaho," said Chief Justice Clarence J. Taylor. "We hold much to his long and tireless devotion to the improvement of the administration of justice in the courts of our state.*

*Women's clubs* were centers of civic and political activism for educated Idaho women, including female lawyers and the wives of lawyers and judges, in the late 19<sup>th</sup> and early 20<sup>th</sup> century. Often these women were club leaders who had gained civic experience working in the woman's suffrage movement of the 1890s. Their views undoubtedly influenced Idaho's legislative process during the early years of statehood.

The first Idaho Suffrage Convention was held in 1895 at the home of federal judge James H. Beatty. The meeting was called to order by his wife, Mary C. Beatty, who chaired the Boise Equal Suffrage Club. By the 1910s, nearly 100 women's clubs had

clubs, and served on the Idaho Free Library Commission. She and Gertrude Hays organized the Idaho Congress of Mothers. Dockery's husband was a land and irrigation attorney who worked for the Idaho Board of Lands.

Mrs. Kirtland I. (Ella H.) Perky served on the Board of Trustees of the Idaho State Sanitarium at Nampa in addition to her extensive club activities. Her husband was a mining attorney, district judge, and Idaho senator. Mrs. Drew W. (Emma E.) Standrod was active in

## IDAHO WOMEN'S CLUBS FOSTERED CIVIC & POLITICAL ACTIVISM

formed in Idaho. They were organized into three regional federations of clubs, the first at Mountain Home in 1901, and later at Moscow and Blackfoot. All three groups came together at Boise in 1903 to form the Idaho Federation of Women's Clubs, representing 21 women's civic and social clubs, not including secret or political societies.

Mrs. Samuel H. (Gertrude L.) Hays served as secretary of the University of Idaho Board of Regents, served on the Idaho Free Library Commission, and was one of the founders of Idaho Chautauqua movement in 1893—all positions relating to her club activities. Her husband was an Idaho attorney general and mayor of Boise.

Mrs. Edward J. (Eva H.) Dockery, a writer who chaired the Idaho Federation of Women's Clubs, served as vice president of the National Federation of Business and Professional Women's



*Idaho civic activists and clubwomen Bertha S. Green (above) and Emma E. Standrod (at right).*



championing a national wildlife protection fund, and organized the Bannock County Red Cross and the Wyeth Chapter of the Daughters of the American Revolution (DAR). Her husband was an attorney and district judge in Bannock County.

Mrs. Leslie B. (Bertha S.) Green of Mountain Home, Idaho's second female lawyer, practiced law with her husband. She served as president of the Idaho Federation of Women's Clubs at a time when it had a membership of 5,000 women. Green worked extensively on legislation affecting women and children in Idaho. In 1909, she published a booklet entitled "Laws of Idaho Concerning Women and Children," which she distributed to women's clubs throughout Idaho.

Green chaired the Federation's legislative committee for 15 years, leading the women's lobby in the state legislature for a range of causes including libraries; child labor and juvenile court law; community property rights; establishment of a state industrial school and a home for the learning disabled; compulsory education; anti-gambling issues, pure food and sanitation laws; establishment of a state historical society, humane society, and board of health; and the founding of the Children's Home Society.



*Women of Boise's Columbian Club in the Idaho Building at the Chicago World's Fair in 1893.*

*Sources: History of Idaho Vol. I, H.T. French, 1914; Register of Women's Clubs, undated early 20<sup>th</sup> century; The Federation Bulletin Vols. I-II, 1903; Statement of the Permanent Wild Life Protection Fund, Vol. 2, W.T. Hornaday, 1917.*

*A good solid desk, a wall of law books, and an ornate carpet* characterized the early 20<sup>th</sup> century law office in Idaho. In town, law offices usually had electricity but an old pull-down kerosene lamp still hung in the center of the room for those frequent times when the electricity went out. Spittoons could be found under every desk. Up-to-date technology included telephones, typewriters, and comptometers (calculating machines).

A 1910 law office in mining towns like Silver City may have been a one-man shop, but it also had all the latest technology like telephones and typewriters. As a young lawyer in Owyhee County, William Healy, later a federal judge and president of the Idaho State Bar, made use of both of these technologies in his practice. However, he still had to send to Boise City for law books and legal information.



*W. H. Holden*  
*E. M. Holden*  
**'HOLDEN, HOLDEN, HOLDEN, & HOLDEN  
LAWYERS 1906**  
*A. W. Holden*  
*J. W. Holden*

*The firm that became Holden, Kidwell, Hahn & Crapo of Idaho Falls was established in 1896 by Harry Holden, who was joined in 1902 by three brothers: Arthur W. Holden, Edwin M. Holden, and J. Wesley Holden (www.holdenlegal.com).*

## Idaho Law Office Technology ca. 1900



*Unidentified Boise law office (Idaho State Historical Society).*



*Richard Z. Johnson law office, Boise, c. 1890s (Lewis Publishing 1899).*

## Memorial Contributions

**Beverly Bistline**

by Dean Donald L. Burnett

**Carl Burke**

by Ernest A. Hoidal

**Chase A. Clark,  
Federal Judge**

by Michael C. Moore

**Allyn Dingel**

by Debora Kristensen

**Bert and Mary Ellen Hoidal**

by Ernest A. Hoidal

**Edith Miller Klein**

by University of Idaho

**Abraham Lincoln, Lawyer**

by David H. Leroy

**Robert Emmet May**

by Brad Goodsell

**Don J. McClenahan**

by Ernest A. Hoidal

**Thomas G. Nelson,  
Ninth Circuit Judge**

by Judge N. Randy Smith &  
LaDean E. Smith

**Edward W. "Ted" Pike**

by Judge Ronald E. Bush  
by Dean Donald L. Burnett

**Governor Frank  
Steunenberg**

by John T. Richards

**Elaine Wagahoff**

by Judge Candy Dale & Jim Dale

**Oscar W. Worthwine**

by Ernest A. Hoidal

