

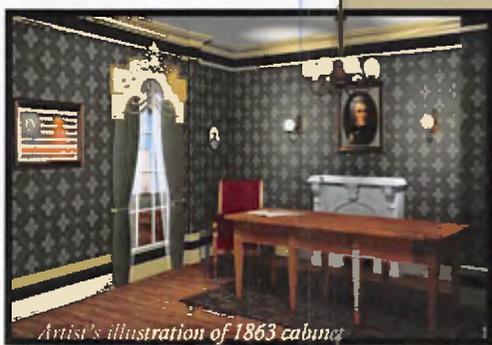


IDAHO
LEGAL
HISTORY
SOCIETY

EST. 2005

CALENDAR

**ILHS Gala Benefit
Lincoln Legacy Exhibition**
February 12, 2014
5:30-8:30 pm
Idaho History Center
2205 Old Penitentiary Road
Boise, Idaho
Tickets \$75—details, page 2.
Proceeds benefit the
Idaho Legal History Society.



Artist's illustration of 1863 cabinet room, Lincoln Legacy Exhibition, Idaho History Center.

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**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 had come to Idaho from Oregon in 1861 to mine at Orofino. He and two partners also ran a store, Smith & Company, at the mining town of Florence. Poe's partners were among the original group of miners to discover gold on Warren Creek, where they quickly established claims and Poe. In 1862, Poe was Recorder at Richmond, the settlement of "Secessionist Democrat" miners. He received \$1.50 for each mining claim he recorded:

"I hurriedly dressed and hastened to the place indicated. I found it crowded with men, eagerly discussing the question of hanging my client."

Sometimes I recorded as many as one hundred [claims] a day. When the law reduced this fee to one dollar, I resigned, not caring to bother with such work, and believing that I could make more in the mines.

Poe read law at the firm of Williams & Gibbs. His mentors in the firm went on to serve as a U.S. attorney general and as a governor of Oregon.



Nez Perce County gold mining trails 1860-1867. Idaho State Historical Society.



"Judge" James W. Poe

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.

In the mining case he considered most serious, Poe averted vigilante action by defending a client against theft charges in a local saloon. Mike Reynolds was a miner who had \$400 to \$500 in gold dust stolen from his cabin while he was away working his claim. Poe was appointed to defend one of the two suspects in the case, while Charles McKay defended the other. A mining court trial was set for the day after their arrest. That evening, local miners met at Smith's Saloon and the talk turned to vengeance, including hanging one of the suspects. Alarmed, Poe's partner, Three-Fingered Smith, went to Poe's residence, woke him and brought him back to the saloon to defend his client.

I hurriedly dressed and hastened to the place indicated. I found it crowded with men, eagerly discussing the question of hanging my client. Strangely enough, McKay was one of the ardent supporters of this extreme measure. His client was not present, nor was there any talk of punishing him, but when I arrived, preparations had already begun for the summary execution of my man.

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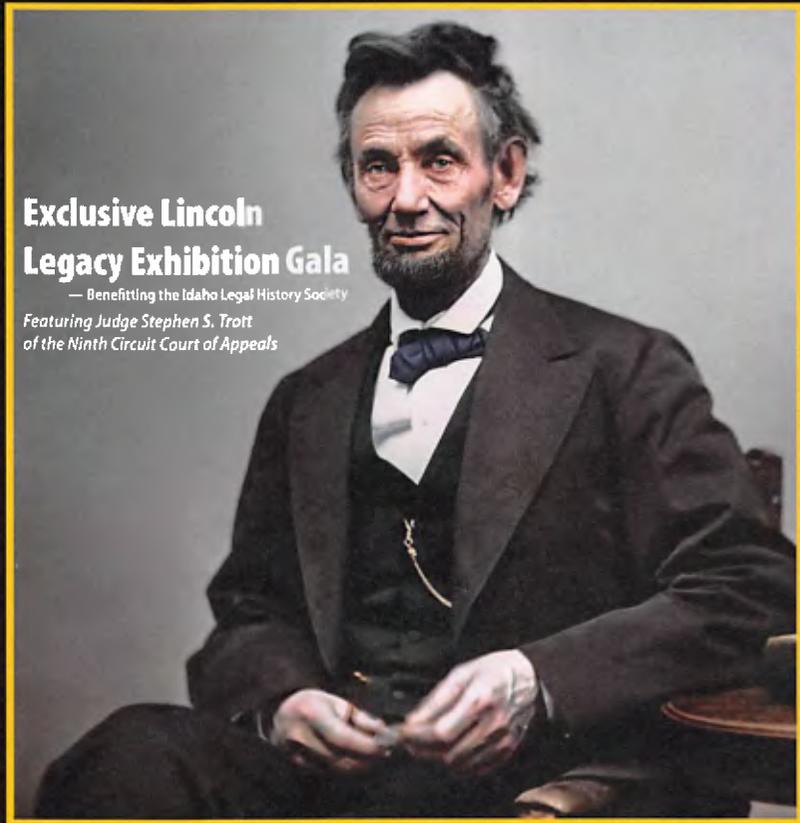
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550 West Fort Street
Boise, Idaho 83724

A. Lincoln
HIS LEGACY IN IDAHO



Exclusive Lincoln Legacy Exhibition Gala

— Benefitting the Idaho Legal History Society
Featuring Judge Stephen S. Trott of the Ninth Circuit Court of Appeals

On Abraham Lincoln's birthday, February 12, 2014, the Idaho Legal History Society will host a gala event featuring the Honorable Stephen Trott, Senior Circuit Judge for the United States Court of Appeals for the Ninth Circuit. Gala attendees will have exclusive, after-hours access to the brand new Lincoln Legacy Exhibition, the most significant grouping of contemporary artifacts ever assembled relating to the relationship of Abraham Lincoln and the Rocky Mountain West.

The event will be held from 5:30 p.m. to 8:30 p.m. on Wednesday evening, February 12, 2014, at the Idaho State Archives, home of the Lincoln Legacy Exhibition, located at 2205 Old Penitentiary Road in Boise. Tickets are \$75 per person, with all proceeds benefitting the Idaho Legal History Society and its mission to preserve and promote public knowledge of Idaho's legal history.

Reserve your ticket today online at <http://goo.gl/eS2018> or by sending payment to the Idaho Legal History Society c/o Walt Sinclair, Holland and Hart, LLP, 101 S. Capitol Boulevard, Suite 1400, Boise, Idaho 83702. Make checks payable to "Idaho Legal History Society."

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.

“JUDGE” POE SPEAKS FOR SUFFRAGE

continued from page 1

Poe climbed atop a counter in the saloon and addressed the group, convincing the miners to set aside the idea of hanging the man. His client was taken to Florence where he was tried, convicted of theft, and sentenced to a short term in the penitentiary according to Poe.

“Judge” Poe remained active in mining in the Warren area for more than a decade. In the late 1860s, he reportedly discovered a quartz outcrop on Thunder Mountain that sent him looking for placer ground there, as well.

He continued to practice law at Warren and Mount Idaho until 1876 when 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.

Poe was elected as a Democrat to the territorial legislature from 1879 to 1880. He participated in framing the Idaho constitution as a delegate to the state constitutional convention in 1899. At the convention, Poe was with the majority in speaking stridently against what was perceived at the time as the threat of Mormonism. On the other hand, he was also an outspoken supporter of Indian suffrage, addressing a proposed education requirement for voting:

But I believe it to be an absolute wrong for us at this time to deny any American citizen the right of suffrage on account of his ignorance. Every man in this country is presumed to be equal in law; there is no distinction, and no man who is an American citizen should be deprived of that right unless he is convicted of some crime or associated with some organization that is inimical to our institutions.

In addition to his mining and law interests, Poe served on the Board of Trustees of the Lewiston State Normal School



Lewiston Normal School postcard image.

founded in 1896. He also promoted the northern Idaho fruit industry and owned a large fruit orchard at Lewiston. He was an active Mason and was one of the founders of the Historical Society of Idaho Pioneers (later the Idaho State Historical Society) in 1881. Additionally, Poe was recognized for his knowledge of northern Idaho history as one of the reviewers of Western Publishing Company's 1903 history of northern Idaho.

Poe died at Lewiston in 1915.

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

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 was one of five regional winners honored in December 2013. The NFF affects more than 500,000 student-athletes nationally at 4,800 high schools each year through coaching clinics, leadership conferences, college nights, media days, local awards, and scholarships. Hoidal has chaired the NFF Southern Idaho Chapter since 1997.

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. Hoidal noted that:

Playing football instilled perseverance, the necessity of dedication and the understanding of the ultimate teamwork sport, which assisted me in pursuing my legal career. I can honestly say my coaches were role models of the highest character and held us all, as members of a team, to a standard of excellence on and off the field.

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. The chapter also works closely with the Famous Idaho Potato Bowl game and executive director Kevin McDonald, who now helps run the chapter.

Source: National Football Foundation

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

Wisconsin schoolteacher Charles F. Koelsch was born in 1872 and studied law at Valparaiso University in Indiana. He moved to Boise, Idaho, in 1895, teaching school and reading law in the office of William E. Borah. Justice Isaac N. Sullivan admitted Koelsch to the Idaho Bar in 1897. The following year, Koelsch was elected Probate Judge in Ada County, serving for four years before returning to private practice. He was elected Ada County Prosecutor in 1904, serving during the Haywood trial and later writing a book about it.

Koelsch was elected and to the Idaho Legislature in 1912 and was active in the Idaho State Bar, serving as treasurer from 1911-1913. In 1929, he was appointed Judge in the Third Judicial District where he served for more than 20 years. Koelsch retired from the Bench in 1951.

In addition to his law career, Charles Koelsch was active in animal issues as an early volunteer for Idaho's first Humane Society, founded in the 1890s. He also helped write a voter initiative creating the Idaho Fish & Game Commission. Koelsch was known for his extensive law library as well as his private collection of thousands of books. In 1957, a Boise elementary school was named for him. He died in 1965 at Boise.

Montgomery Oliver Koelsch was born in Boise in 1912, the son of Charles and Katherine Koelsch. He graduated from the University of Washington in 1932 and earned his law degree there in 1935. After college, M. Oliver Koelsch returned to Boise where he entered the private practice of law in 1936. He served as Assistant Ada County Prosecutor (1939-1945) and as Third Judicial District Judge (1951-1959) 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. Koelsch died in 1992 in Seattle.

Sources: *History of Idaho Volume II*, H.T. French, Lewis Publishing Company, 1914;

Charles F Koelsch Papers, Idaho State Historical Society,

Federal Judicial Center, "Biographical Directory of Federal Judges, Koelsch, Montgomery Oliver," 2010., www.fjc.gov



Charles F. Koelsch
(*French's History of Idaho*)

MEMORIAL CONTRIBUTIONS

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Beverly Bistline
by Dean Donald L. Burnett

Carl Burke
by Ernest A. Hoidal

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by Michael C. Moore

Samuel H. Crossland
By Julia A. Crossland

Allyn Dingel
by Debora Kristensen
by Ron Kerl

Harry C. Hazel
by Joel Hazel

Bert and Mary Ellen Hoidal
by Ernest A. Hoidal

Justice Byron J. Johnson
by Ernest A. Hoidal
by Paul & Susie Headlee
by Byron Johnson Memorial

Jettrey A. Jones
by Debra A. Heise

Edith Miller Klein
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by David H. Leroy

Robert Emmet May
by Brad Goodsell

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by Judge N. Randy Smith &
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by Judge Ronald E. Bush
by President Donald L. Burnett

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by Marcus & Eva Nye

Governor Frank Steunenberg
by John T. Richards

Fritz & Elaine Wagahoff
by Judge Candy Dale & Jim Dale

Oscar W. Worthwine
by Ernest A. Hoidal



Drawing by Myrtle Bailey of the first courthouse in Lewiston based on the recollection of local settlers (Idaho State Historical Society).



The Luna House, shown around 1870, was built as a hotel. From 1882-1889, the building served as the county courthouse. It was razed in 1890 (Nez Perce County Historical Society).



Nez Perce County Courthouse, Lewiston, in 1897. This grand edifice, designed by architect W.B. Cooper, was constructed during what was arguably Idaho's golden era of courthouse construction in the 1880s (Nez Perce County Historical Society).

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. These four courthouses represent the loci of local court cases from the earliest days of settlement through the 20th century. Not shown here is the historic Idaho State Supreme Court building at Lewiston.



The Nez Perce County Courthouse was enlarged and re-designed in 1928 by architect Curtis Richardson (Nez Perce County Historical Society).

