

Idaho Territorial Administration, 1869-1876

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Shortly after General U. S. Grant became president of the United States in 1869, a flood of carpetbaggers set out to take over high political office in all the western states. Mostly Radical Republicans sponsored by Senate Radicals who had voted to impeach Andrew Johnson as president, they proved unpopular in strongly Confederate Democratic territories such as Idaho and Montana. (Territorial administrative appointments came from the national capital, where the president who sent them out often lacked any kind of political standing in the territories afflicted by this "quadrennial shower of Egyptian frogs," as one territorial observer described them.) An unfortunate aspect of territorial government in the United States, this system plagued Idaho throughout almost the entire territorial period.

Some of Idaho's new Grant appointees managed to gain acceptance into the Oregon ring of Boise Radicals who had run the territory from 1866 to 1869. (Governor D. W. Ballard and some of his associates, including retired Oregon congressman and Idaho Chief Justice John R. McBride, came from Willamette Valley and owed their supremacy to Oregon's United States senators.) But three of the new carpetbaggers got into trouble. Neither the Idaho Radicals nor their Democratic opponents would accept them. A vicious factional war split the Idaho Radicals in 1869, with a few of the Democrats upholding the newcomers. Most of the old Confederates joined their old Idaho Radical adversaries during the resulting Noggle, Stout, and Moulton war which started over a Chinese tax case, but soon turned into a contest in which H. W. Moulton sought to become governor. Moulton came to Idaho as United States marshal, but hoped for higher office. Before he tried to oust Governor Ballard, though, Idaho's new chief justice, D. L. Noggle, managed to upset both factions.

A clash over Idaho's Chinese miners' tax brought some of the old Oregon ring--especially former Chief Justice John R. McBride and his law associate, H. E. Prickett--into cooperation with United States Attorney Joseph W. Huston, Chief Justice Noggle, and Marshal Moulton. As supporters of the Fourteenth Amendment, these Radical leaders objected to such an obvious case of racial discrimination. Idaho's Chinese miners' tax--only a pale reflection of California's much higher 1850 rate--applied to the majority of Idaho miners. But only about a tenth of the tax actually was being collected. (A discriminatory Chinese prostitutes tax--theoretically applicable to practically all of Idaho's Chinese women, as they automatically were regarded as prostitutes--had

a rate ten times as high as the miners' tax, but this combination of racial and sexual discrimination passed largely unnoticed in the factional war.) Huston, McBride, and Prickett set up a test case before Chief Justice Noggle, who regarded the Idaho mine tax as an illegal violation of Chinese treaties. Moulton went up to Idaho City to serve summons in the case. There he addressed an Idaho City Chinese mass meeting, explaining that President Grant had sent him out to relieve them from oppression. He managed to collect \$1,600 (a sum almost half of the annual mine tax that actually was collected) for the legal fight, but retained most of it for his own expenses. Then, while the matter was heard in the courts, Moulton went east to try to become governor. Chief Justice Noggle alienated both sides when he ruled on the Chinese mine tax. He did not discard the tax as illegal, although he endorsed that view. Yet he threw out the case on some technical rulings that the procedure had followed an incorrect form. Most of the Democrats, already badly divided in a factional war that had led to assassination of a former Idaho congressional delegate, denounced Noggle's view of the tax as a "mess of baseless, utterly absurd, almost senile, and wretchedly ridiculous slop." Yet the Huston-McBride forces were left out in the cold and the Chinese fared no better than they were accustomed to.

When Moulton returned to Idaho, he met a hostile reception. His mission to reform the territory into a respectable New England commonwealth provoked derision. His Chinese dealings repelled both sides, and Governor Ballard (who already had turned back four determined removal efforts) gained widespread support from his old Democratic opponents. James W. Stout (a land office appointee) and Moulton stirred up a great tumult in their factional war against Ballard and the old Oregon ring. But E. J. Curtis gained reappointment as territorial secretary, and after Ballard's term expired, Moulton had no chance at the office. Ballard wound up with the distinction of serving a longer term than any other Idaho territorial governor. And Grant had to try four different appointments before he could get anyone to take and keep the job when Ballard was through.

Republican prospects in Idaho declined to such a low depth in 1870 that the Republican candidate for Congress did not bother to finish his campaign. (Before election, he went off to Elko to start a newspaper in that promising new Nevada railroad town.) In 1872, J. W. Huston undertook the race. In that campaign, an important new element entered the Idaho political scene. Early in 1872, most Idaho Mormons still were voting in Utah: they ratified a new Utah constitution, March 6, with the same unanimity that characterized their Utah brethren. Because the Saints worked cooperatively and voted together, they had more than ordinary political impact. Even though Republican prospects without them were hopeless, the Mormons had enough votes in Idaho in the fall of 1872 (after a Utah boundary survey had cleared up their residence) to have

turned the Democratic tide and elect Huston. But 1872 proved a poor year for Huston's campaign in the Mormon communities. Nationally, the Republicans rejected a Utah Mormon delegation to their Philadelphia convention. When the Saints found the Democrats more receptive nationally, they delivered a united vote for Idaho's Democratic slate as long as they were allowed to vote at all.

After the election of 1872, Idaho's Republicans concluded that they would make out better as anti-Mormons. They had nothing to lose. And for a decade in territorial politics, they had nothing to gain either. But in Oneida County (which took in all the Mormon communities of southeastern Idaho), a local anti-Mormon combine emerged with a victory in 1874. Originally including some liberal Mormons along with everybody else, this bloc maintained the power of B. F. White's old Malad ring that had governed the county when few of the Mormons recognized that they were in Idaho. Now White's organization developed into the Independent Anti-Mormon party of Oneida County. Independent candidates also had considerable strength in the territory as a whole. With rapid growth of the national Granger movement, and with widespread disenchantment in the activities of the established national parties, the Independents had extra appeal in 1874. Democratic embarrassment with the exposure of the Tweed ring, and Republican embarrassment with the beginnings of the Grant scandals, coupled with economic unrest during the Panic of 1873, magnified Independent strength. Governor T. W. Bennett, an Indiana carpetbagger who had gained a good reception in Idaho, decided to enter the congressional contest as an Independent with Republican support. He had the southeastern Independent Anti-Mormon vote, but had less hope in North Idaho. His Democratic opponent came from the North, where a strong independent effort was underway to return North Idaho to Washington territory. Bennett had attracted a lot of support, though, through his preference for letting territories choose their own governors and vote in presidential elections.

Bennett's proposals for reform in territorial government made a lot of sense to the Idaho electorate. He made a strong enough showing in the 1874 campaign that when the results were canvassed, he could declare himself elected. (As governor, Bennett served as chairman of the territorial board of canvassers.) To do so, he managed to throw out a substantial share of his opponent's vote because they were reported on the wrong sheets of paper, or in a manner that did not conform strictly to law. (Many returns canvassed in the past had been counted in spite of such technical irregularities: Bennett quite properly could not have demanded correct submissions, but the correct solution to this kind of canvassing problem hardly was to declare the wrong candidate elected.) S. S. Fenn, one of Idaho's old time Confederate Democrats who actually had won the election by a margin narrower than customary in Idaho, naturally contested the result.

But Bennett served most of Fenn's first term in Congress before Fenn could get the matter straightened out. Fenn won reelection in 1876 and Bennett was denied reappointment as governor after his 1874 indiscretion. (Bennett's successor, D. P. Thompson of Portland, resigned after a brief career as governor because of a conflict of interest problem concerning Idaho surveying contracts.) Eventually Mason Brayman, a Civil War general who couldn't afford to retire when he should have, became the last of Grant's appointees as governor of Idaho. Fenn managed to convince Brayman, as a result of the bad deal he had received from Bennett, that Idaho (like too many other places just then) suffered under the control of a corrupt bi-partisan political ring. Ordinarily Fenn would have had little use for northern Civil War generals. But under the circumstances, he managed very well. Brayman came to Idaho prepared for a showdown with the evil Boise ring. But before he got his war against the Boise ring underway, he had to preside over the beginning of a series of Indian wars. Before he was through, some of the citizens of Idaho began to wonder if Brayman was more effective fighting the Boise ring or the Indians.

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