

# IDAHO STATE HISTORICAL SOCIETY

## REFERENCE SERIES

### IDAHO TERRITORIAL GOVERNMENT

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In Idaho and the West a century ago, pioneer settlers tolerated their territorial governments as a necessary evil. Following a tradition that went back to the British colonial system, Congress had established one new territory after another as farmers, miners, cattlemen, and railway builders had moved into new lands. Idaho was created in 1863 as one of the last of the western territories. With a governor, secretary, and supreme court sent out from Washington, D.C., and a territorial legislature elected by settlers who objected violently to the executive and judicial officials appointed to govern them, Idaho had more of a war than a government much of the time. And until 1866, the new territory sometimes lacked enough officials even to have a war.

Governor W. H. Wallace retired from office to serve as Idaho's delegate to Congress a few months after he organized the territory in Lewiston in the summer of 1863. By the end of 1864, Idaho had no territorial government at all. The legislature had adjourned after functioning with reasonable success for two sessions; the governor had fled ignominiously from the mandate of Lewiston's fearless probate judge; the secretary had returned to Washington, D.C., trying to figure out how to get to Idaho from the national capital after hostile plains Indians had turned him back on his first try; and the supreme court had failed to organize at all. After a bitter sectional battle, the legislature had decided to locate the territorial capital in Boise, but Idaho had no officials on hand to occupy the new seat of government. The governor's private secretary volunteered to take over during the emergency, but he preferred to stay in Lewiston.

After an arduous voyage to San Francisco by way of Panama, Idaho's territorial secretary--C. DeWitt Smith finally reached Lewiston the next spring. There he displeased almost everyone by taking the territorial seal and archives (about the only tangible evidence of Idaho's government) off to Walla Walla and Boise. But in less than six months after the new secretary took over, Idaho again had no government. On August 19, 1865, Smith died suddenly in Rocky Bar after playing too strenuous a chess game. At this point, H. C. Gilson took over. An enterprising bartender "of doubtful moral antecedents" whom Smith had met in San Francisco; he had accompanied the late secretary to Lewiston and

Boise. In the emergency, he obtained a commission as secretary, and for whatever it was worth, Idaho had a government again.

Governor Caleb Lyon finally decided to make another try at discharging the duties of his office and returned to Idaho that fall. He had great ambition, just when the original Idaho gold rushes had ended, to get Idaho admitted as a state so that he could go to the United States senate. He tried to make up for this setback by promoting a great Owyhee diamond rush at Ruby City. Unfortunately, he had no diamonds to go with his diamond excitement, and the project collapsed. In April 1866, after Gilson disappeared with the territorial treasury, Lyon was thrown out for having a decidedly unpopular Indian policy. He favored the Indians and got into a lot of trouble on that account. When Lyon quietly left Boise, Idaho again had no territorial government.

In the summer of 1866, after three years of repeated failure (except for the efforts of volunteer secretaries who presided in the absence of anyone else), Idaho finally got a permanent government. D. W. Ballard, the new governor, came to stay. The supreme court finally got organized and disposed of litigation over the legality of the legislature. Ballard and the appointees from the national capital still had strong southern sympathies. Practically during the entire territorial period, the governor and legislature fought over national issues. In the early years especially--particularly 1866 and 1867--their war bordered on violence. But as population grew and Idaho finally could anticipate admission as a state, both parties set their differences aside and worked to get rid of the awkward territorial system by assuming responsibility for state government. When Idaho entered the union, July 3, 1890, the troubles of trying to operate a territory finally came to an end.