IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

THE SLOCUM CASE

Idaho territorial administrative problems in 1865 were complicated by the refusal of Democratic Boise County Treasurer Alfred Slocum to turn over some $12,000 to $30,000 in accumulated tax receipts to the territorial treasury, which was at that time in Republican hands. Slocum insisted that since there were two claimants to office of territorial treasurer, the courts would have to decide who was the lawful custodian of territorial funds. He also claimed that the territory owed the county thousands of dollars for the care of prisoners housed--at various times since 1863--in the county jail. Until the territory paid the bill, argued Slocum, he would keep the tax receipts.

The source of the office-holding dispute went back to the 1864 election, when both political parties put up candidates for territorial auditor and treasurer, despite Section 7 of the Organic Act which gave the governor, with the Council's approval, power to appoint all territorial officers to posts created by the legislature. Democrats carried both offices at the polls, but Governor Caleb Lyon refused to confirm the election results. Instead, when the second session convened he backed his claim to Organic Act power by appointing the same two Democrats elected earlier to the vacant offices. The Council, still in Republican hands, refused to confirm them, as Lyon anticipated. Now he had an excuse to appoint two new men. The new appointees were Republicans and naturally received quick confirmation in the Council. Nevertheless, the Democrats refused to accept the governor's appointees and continued to back the elected men. Part of the Democratic arguments came from Association Supreme Court Justice Alex Smith's earlier decision that the second session had been an illegal body--thus the Council had illegally

confirmed the Lyon appointees. Although the latter argument failed when the Supreme Court threw out the capital case in 1866, the conflict was still going strong when Slocum announced that he would withhold Boise County monies until the Governor's "pretenders" were chased out of office.

The third Idaho legislative session tried to resolve both the office-holding and the county debt issues. First they introduced bills to abolish the offices in conflict and to create new offices to which new men could be appointed. With the Governor's cooperation, the Democratic majority in both Houses abolished the auditor's office and created the office of territorial controller. Before the treasurer could be replaced with a receiver, however, the incumbent treasurer resigned. Governor Lyon then appointed a new controller and also filled the vacancy in the treasurer's office. The conflict in the administrative offices was thus resolved without difficulty.

To end the Boise County debt issue, the Democratic legislature tried to appropriate $8,943.30 of the territorial tax receipts presumably in Slocum's hands to pay the prison debt which the territory owed the county. Boise County Sheriff J. I. Crutcher, who had run up a personal $11,000 bill for feeding territorial prisoners, was compensated by assigning him a portion of the same funds held by Slocum. These programs, however, were frustrated by news which came to light in January, 1865. Slocum, as the Republican press gleefully reported, had not been able to resist speculating in the mines. His withholding policy presumably had been only a device to cover his fraudulent use of public funds. The default was offset somewhat by hopeful Democratic suggestions that Slocum's 410 shares in the Elkhorn mine were enough to cover the loss, but there was nevertheless a long and an embarrassing delay while the affairs of Boise County were put into order. To cap the episode, Solcum escaped from jail during the Fourth of July celebration, leaving Republican opponents to speculate that the Democrats had conspired all along to keep their friend out of trouble.