

# IDAHO STATE HISTORICAL SOCIETY

## REFERENCE SERIES

### COUNTY GOVERNMENT IN IDAHO TERRITORY

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In common with other western territories, Idaho had a conventional system of local government administered by counties. Except for a small number of municipal governments that were incorporated, government administration was provided almost entirely by county officials. County sheriffs were responsible for law enforcement, and a system of county and district courts (with a number of counties combined into a district) attended to criminal and civil litigation. Territorial government administration was handled through county officials, and practically all government services were provided by counties. Counties did not have significant legislative functions, but provided government services under broad legislative mandate.

Boards of county commissioners, with three members including a chairman, had ten major powers, duties, and responsibilities when Idaho's system of government administration gained its definitive organization in 1864.

1. erect and repair jails
2. designate and establish public roads and highways
3. license and set toll rates for ferries
4. set tax rates to cover local governmental costs
5. allow payment of bills chargeable to county government and audit all county funds
6. manage county property and business so long as they refrained from transferring revenue between county funds
7. provide offices for county and district court officials
8. establish election precincts and appoint judges (they also canvassed elections)
9. collect taxes "to be appropriated to the care and maintenance of the indigent sick, and insane persons in such county"

10. county commissioners also were "vested with the entire superintendence of the poor of their respective counties"

Boards of county commissioners functioned under rather broad statutory guidance, with occasional specific limitations on their powers. Their actions, however, all were subject to judicial review upon appeal to district courts. Such appeals, while not taken too frequently, could restrain arbitrary actions in violation of civil rights. After 1864 they gained some additional duties, such as to franchise toll roads after 1867, but their major functions, defined in 1864, continued past 1890 when Idaho became a state. By that time, counties had several additional powers specified by statute. These included:

1. to sue and be sued
2. to purchase and hold lands within its limits
3. "to make such contracts and purchases and hold personal property as may be necessary to the exercise of its powers"
4. to dispose of property "as the interests of its inhabitants may require"

County commissioners also had expanded duties and responsibilities.

1. "Make and enforce such rules and regulations for the government of their body, the preservation of order and the transaction of business as may be necessary."
2. maintain a poor farm in conjunction with county hospitals
3. insure county buildings
4. set salaries of county officials not otherwise provided by statute
5. fill vacancies in county offices and grant leaves of absence to county officials
6. contract for county printing and publish "a fair statement of their proceedings" along with a semi-annual financial statement
7. adopt a county seal
8. offer coyote, rabbit, and other bounties

9. issue subpoenas for witnesses when necessary for transaction of county business
10. require that camp fires along public roads be extinguished
11. appoint (upon application) local fire guards to inspect chimneys, stove-pipes, and fire places
12. "do and perform all other acts and things required by law . . . or which may be necessary to the full discharge of the duties of the chief executive authority of the county government"

Two other major governmental responsibilities were assigned to Idaho county officials in 1864:

1. Idaho's entire revenue system was administered by county assessors, tax collectors, auditors, and treasurers. A board of equalization (actually, county commissioners, ex officio) reviewed property tax assessments, and territorial revenue was collected by counties for transmittal to Idaho's territorial treasurer.
2. Idaho's school system was established by county superintendents of common schools, who had power to establish districts and define boundaries (normally upon application of twelve or more local inhabitants) as well as encourage school development.

Counties were regarded as highly important units of government, and competition among rival communities that aspired to be county seat afflicted a number of Idaho (as well as other western) regions. Battles over realignment of county boundaries and creation of new counties produced similar (and often related) fights that distracted territorial lawmakers. Lewiston-Moscow and Blackfoot-Eagle Rock (later Idaho Falls) conflicts attracted attention, but Alturas County's troubles (focussed on a twelve-year battle between Hailey and Bellevue) far surpassed all others. By 1889, Hailey's campaign to defeat Alturas County division proposals dominated legislative attention so thoroughly that essential action to provide for Idaho's constitutional convention was forgotten--an omission that created serious problems when Idaho's constitution had to be drafted later that year. Although counties simply were creations of territorial and state legislatures, and could be abolished, divided, or given new boundaries, they discharged major governmental administrative functions that governors or other Idaho territorial officials lacked power to deal with.

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