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BOISE CITY CHARTER

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By act approved December 12, 1864, the Idaho Territorial Legislature incorporated Boise City on the condition that its voters approve the charter in a city election held March 25, 1865, to choose an entire set of officials. In that election, the charter failed by 24 votes to secure approval. The Idaho Tri-Weekly Statesman explained March 28 that the vote was light, and that opposition to organizing a city government--particularly among those who lived outside the city limits--was sufficient to defeat the charter. [Why non-residents were voting at all in the city election was not explained: the charter provided that voters had to live inside the city.] In any case, the legislature tried again. By act of January 11, 1866, Boise received a new charter which did not make the mistake of providing that citizens could vote on the issue of its adoption. More than that the legislature intended that, "In order that the inhabitants of said [Boise] city may enjoy the immediate benefit of this Act [the charter statute]," a temporary mayor and council be named in the text of the charter. The omission of actual names from the text of the statute, though, nullified that plan to insure that the city organize immediately. [This charter, not the rejected 1864 charter, was the one which remained in effect, except for the years that Boise had a commission form of government, until 1961.]

Resistance to organization of city government for Boise did not disappear simply because the voters no longer were given a direct opportunity to express their views on the matter directly. In the municipal election May 7, 1866, to choose another mayor and council under the 1866 charter, an anti-charter party triumphed, and the mayor and council kept their campaign pledges by refusing to organize the city government. But in its fourth session, the legislature--not to be thwarted by two setbacks-- gave the voters of Boise a third opportunity to provide a government for Idaho's capital city. Under an act of January 11, 1867, another election for a mayor and council was called for January 21, 1867. Two tickets of candidates for city office were presented to the voters, and this time both slates favored the charter and city government. But on January

19 an anti-charter party suddenly organized, and it swept the election 277 to 133. As a consequence of this resistance, the city council again declined to organize, and the mayor refused to take office.

The beginning of surveys of public lands in 1867 was responsible for the success of the fourth try, November 18, 1867, to get city administration into operation: the need for the landowners in the community to obtain titles to city lots forced Boise to accept an otherwise unwanted city charter government under the 1866 statute. Since the mayor and one of the four councilmen still refused to participate in this violation of their campaign pledge, substitutes had to be procured. H. E. Prickett, later a justice of the territorial supreme court, agreed to act as mayor. When the time came to choose city officials in a regular election January 6, 1868 [all the earlier attempts had been in special elections], the Statesman reported that ". . . little interest was taken in the election, except by the gamblers and confederates who rolled out to a man and worked from morning to night. . . ."; and for a number of years, strenuous efforts on the part of many of the most prominent citizens of Boise were made to abolish the charter and city government as a needless waste of funds. But the legislature declined to repeal the charter until 1961.

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