

WHILE IDAHO WAS A PART OF WASHINGTON

Mr. James E. Babb, attorney at law, Lewiston, Idaho, has obtained access to a number of old official records having to do with public business in Idaho while it was still a part of Washington Territory. He is deeply interested in historical matters and has an added reason for delving into such archives since Mrs. Babb is State Historian of the Daughters of the American Revolution. When Washington Territory was organized by the act of Congress dated March 2, 1853, the southern boundary extended along the Columbia River to the forty-sixth parallel of north latitude and thence along said parallel to the Rocky Mountains. When Oregon was admitted as a State, February 14, 1859, its eastern boundary was placed along the Snake River to the mouth of the Owyhee River and thence southward on a straight line to the forty-second parallel of north latitude. The land thus cut off was thrown into Washington Territory. From that year of 1859 until Idaho Territory was organized by the act of Congress, March 3, 1863, Washington Territory contained all of its present area and also all of Idaho and the western portions of Montana and Wyoming. Over that vast and thinly populated area the Territorial government emanating from Olympia was undoubtedly feeble. There was some local, or county government, the records of which are sure to attract the attention of historians as they become better known. Mr. Babb's extracts and comments follow.—Editor.

In the Recorder's office, Shoshone County, Idaho, is a leather book entitled "A", "Records", "Com. Records."

Page 1 shows a meeting of the Board of Commissioners of Shoshone County. "First regular term commencing Monday—September—A. D., 1861. * * * Present William L. Cardwell, James Griffin and John Tudor, County Commissioners. E. L. Bradley, clerk, and R. L. Gillespie, sheriff. * * * Adjourned sine die, October 28, 1861." Page 13.

The son of R. L. Gillespie became a noted doctor in Portland, Oregon, and had a sanitarium on the east side where Judge George H. Stewart, late of the Idaho Supreme Court, was treated.

A special meeting was held on January 3, 1862, "pursuant to

notice." Thomas Stringham had succeeded James Griffin as one of the Commissioners. Adjournment is recorded on page 17.

On page 18 there begins the record of a regular meeting at Pierce City, on April 21, 1862, J. P. Butler, clerk.

Record of a regular session on May 26, 1862, begins on page 21 and on page 22 authority was given for drafting plans for a jail and court house.

On June 7, 1862, notice was given to call for bids for building the jail and court house.

On page 28 the record shows that the bid by Reed and Keef for building the jail and court house was accepted.

An election was about to be held and George B. Walker and D. M. Fraser were appointed judges of the election and A. B. Anderson, inspector. Polls were to open at the National Saloon, Pierce City, and officers were chosen and polls designated to be opened at Bostwick and Pucket's Saloon in Oro Fino City.

Hubert Howe Bancroft, *Works*, Volume XXXI., pages 218, 400, 404, records the election for Delegate to Congress in 1861, saying that W. H. Wallace, Republican, defeated Selucius Garfiede, Democrat, by 300 and Edward Lander, Independent, by 1000. During the canvass the three delegates met at Oro Fino and there agreed that whoever was successful should urge a division of the Territory. George B. Walker, a Justice of the Peace, suggested the name of Idaho for the proposed new Territory to result from such division.

The old county record for August 5, 1862, shows that warrants were ordered drawn for Reed and Keef for the erection of the jail and court house.

Mr. George H. Himes, of Portland, Oregon, furnishes this item: "Judge Oliphant left Walla Walla August 18, 1862, for Pierce City, to hold the session of the District Court for Shoshone County, to convene September 1st."

Judge Ethelbert Patterson Oliphant held the first term of court at Pierce on September 1, 1862, Gilmore Hays, Deputy Clerk, and at Florence, in Idaho County, September 22, J. W. Brown, Clerk.

The record for September 27, page 44, says the bill of H. Martin for \$250 as Prosecuting Attorney, "at the last Term of Court" was allowed.

Martin had studied law with the famous jurist and author, Isaac F. Redfield, of Vermont. He later formed the partnership

of Martin & Johnson. The partner, Richard Z. Johnson, was one of Idaho's very ablest and best equipped lawyers of the early days. He said Martin was a very good Common Law lawyer. Martin was physically small, very lame and always rode a donkey. In his last years he lived in Weiser, Idaho. He was drowned in Reynolds Creek, Owyhee County.

The record for September 27, 1862, page 45, shows the bill of Edward Landers, as Assistant Prosecuting Attorney, was cut from \$250 to \$200.

That was doubtless Edward Lander, who had been Chief Justice of Washington Territory and a member of the Code Commission during the first Territorial Legislature. He was a graduate of Harvard and of Harvard Law School.

On October 25, 1862, page 50, the assessment roll was accepted by D. M. Fraser and Ed. Harris, County Commissioners, and T. S. Black, Clerk.

On November 17, 1862, page 53, J. H. Parker signed as Clerk.

In the Register and Fee Book, beginning on page 2 "September Term, 1864, Pierce City" is found the record that Alexander C. Smith was Judge; Levi Ankeny, Clerk; A. K. Davidson, Sheriff; Thomas M. Reed, Prosecuting Attorney. The Grand Jury qualified. Seven cases, Territory of Washington, were *nolle pros'd*.

The Journal of County Treasurers begins on July 18, 1862, and shows collections, taxes, etc., for 1862 and 1863. The Assessor in 1862 was Capps; in 1863, McCullough. Levi Ankeny took charge as Treasurer on May 1, 1864, first making a certificate of "Financial Conditions" when he took charge.

In a record of deeds Book A., page 23, is a conveyance from Edwin Meany to J. L. Martin, for the consideration of \$500. The deed was dated, acknowledged and filed on October 31, 1861. The acknowledgment was taken by E. L. Bradley, Deputy Clerk, and witnessed by E. L. Bradley and Alexander Cameron. The description is: "Deed to the new building erected by Edwin Meany in Pierce City, Shoshone County, Washington Territory, an known as the 'Miner's Home,' together with the ground on which the same is situate."

Shoshone County was created by an act of the Washington Territorial Legislature on January 29, 1858, the county seat being located on the land claim of Angus McDonald, later on the

ranch of J. R. Bates and, some time in 1861, moved to Pierce City. Nez Perce and Idaho Counties were created by the Washington Territorial Legislature, 1861-1862.

Where are the records between January, 1858, and September, 1861?

The County Auditor at Colville, Stevens County, Washington, says the County Commissioners' Journal there begins with the organization of Spokane County on May 7, 1860. Book A. of Land Claims shows the first instrument recorded at Colville to be dated November 27, 1862.

F. Elliott Smith has a record kept by a Justice of the Peace at Pierce City, beginning about August or September, 1861. The book is a duplicate in size and make of the book entitled: "Book A., Liens, Mortgages, Contracts, etc., and Licenses."

These official records in private hands are such as were not taken North when the county seat was taken north about 1886 and now apparently belong by law to the respective county officers at Oro Fino, County Seat of Clearwater County. There is now adequate vault equipment there for preservation of the old records.

A number of such books received for examination from Mr. T. B. Reed, of Pierce City, will now, his consent having been given, be delivered to the Recorder of Clearwater County. Mr. Reed is the Mining Recorder at Pierce City and as such is the legal custodian of the early mining records there. They are doubtless of much value and interest.

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