

# Idaho's First Territorial Judges

by Bradley B. Williams

*President Abraham Lincoln* appointed Idaho's first three judges at the time the territory was established in 1863, a scant three years after gold discoveries in the Clearwater region set off an eastward rush from the Pacific coast. The influx of miners to the Idaho mines quickly forced its separation from Washington Territory and created the need for its own government and courts.

*Like appointments* to courts of other territories in the West, those to the Idaho territorial Supreme Court were made on the basis of political credentials. Each of Lincoln's appointees was a Republican and had close ties to the president. Loyalty seems to have been more important than legal expertise.



**Sidney Edgerton**  
(Idaho State  
Historical Society)

*Aleck Smith*, one of the first three judges, was a lucky man. Born in Jacksonville, Illinois about 1838, he went west in the 1850s to Washington Territory where he served a short time as a prosecuting attorney. His good fortune came through marriage. Mrs. Smith was the daughter of the surveyor-general of Washington Territory, Anson Henry, one of Lincoln's close friends. Henry was instrumental in the creation of Idaho Territory and in getting his son-in-law appointed to the bench. Just twenty-five at the time of his appointment, Smith's inexperience and reputation for hard-drinking raised the ire of many in the territory, so much so that he was removed from office in 1866.

At least Smith's tenure was longer than that of the first chief justice, *Sidney Edgerton*. A lame-duck Republican congressman from Ohio at the time of his appointment, Edgerton set out for his new position only to be turned back by the snow in the Bitterroot Mountains. Stuck in what was to become Montana, Edgerton began working for the creation of that territory out of Idaho. Edgerton resigned before he heard a single case on the Idaho bench in order to accept his next appointment in 1864, governor of Montana Territory.

*Samuel Parks* had practiced law in the same Illinois courts as Lincoln and the two became personal friends. A Republican at the birth of the party in 1856, Parks was an early supporter of Lincoln. His educational and legal credentials were stronger than those of his colleagues. Armed with a bachelor's degree from Indiana University, he read law between 1838 and 1839, and received a master's degree in 1842 from Illinois College. He administered the oath of office to the first Idaho Territorial Legislature in 1863 and convened the territory's first trial court in January of 1864. In the fall of 1864, he returned to Illinois when one of his children died and there resigned his appointment the following year.



**Aleck C. Smith**  
(Idaho State  
Historical Society)



**Samuel C. Parks**  
(Idaho State  
Historical Society)

*These presidential appointments* to Idaho's territorial courts were not an auspicious beginning, but they were typical of other appointments in other western territories in the nineteenth century.

*Bradley B. Williams is Executive Director of the Ninth Judicial Circuit Historical Society*

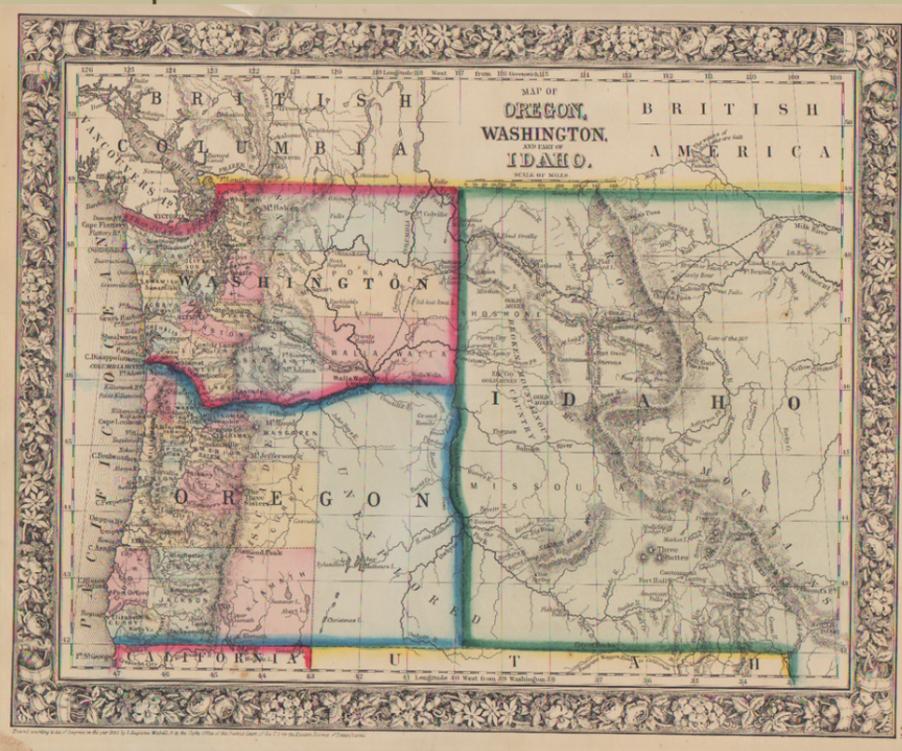
## Links:

Ninth Judicial Circuit Historical Society: <http://www.njchs.org/>

Idaho State Historical Society Reference Series:  
<http://history.idaho.gov/sites/default/files/uploads/reference-series/0370.pdf>

<http://history.idaho.gov/sites/default/files/uploads/reference-series/0371.pdf>

The Law Practice of Abraham Lincoln:  
<http://www.lawpracticeofabrahamlincoln.org/>



**Idaho Territory, 1863**