

Date of the Creation of Idaho

Number 2

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Although the Idaho Organic Act often is referred to as an act of March 3, 1863, President Lincoln approved the Idaho measure on March 4, not on March 3 (the date given in the statutes). After the Idaho act passed the Senate as amended, and after the House concurred in the Senate amendments (of name and boundaries), and before the bill could be signed, an enrolled copy had to be prepared. Then the speaker of the House signed the enrolled bill a little after 3:10 a.m. on March 4, and the presiding officer of the Senate followed some time after 4:15 a.m. President Lincoln did not receive the measure until after the presiding officers of the House and Senate had signed it, so he could not have signed the act which made Idaho a territory until early in the morning of March 4. His message notifying Congress of his approval of the Idaho act did not reach the Senate until shortly before 11:30 a.m., March 4.

Legislative days upon which action is taken upon bills may vary substantially from calendar days: in the case of the Idaho Organic Act, the discrepancy amounted only to one day. In the case of acts approved during the final legislative day of a Congress—as was the case with Idaho—they customarily were dated on the last legislative day to avoid doubts as to their validity. Some presidents, at least, thought that they could not approve legislation after the last legislative day of an expiring Congress. So they dated their approval as of the day before to avoid controversy.

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