



The Montana system, an experiment in integrated education
by Lincoln J Aikins

A THESIS Presented to the Division of Education and the Graduate Division in partial fulfillment of the requirements for the degree of Doctor of Education
Montana State University
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Abstract:

The University of Montana was established in 1913 as an administrative integration of the four existent state supported institutions of higher education: Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, and Western Montana College of Education at Dillon. Eastern Montana College of Education at Billings was added to the system in 1927, and Northern Montana College at Havre in 1929.

At the time of its inception, the University of Montana was a unique institution of higher education. This uniqueness was due to the retention by the units of the University of fully autonomous freedom of operation on the local level within a framework of integrated administrative control under a Chancellor, the executive officer of the State Board of Education. In 1916 the Executive Council, composed of the presidents of the units, was organized as a policy-recommending body for the Chancellor.

Four Chancellors have served the University: Dr. Edward C. Elliott from 1916 to 1922; Dr. Melvin A. Brannon from 1922 to 1933; Dr. Ernest O. Melby from 1943 to 1944; and Dr. George A. Selke from 1946 to 1950.

From 1933 to 1943 the University of Montana was administered in a "care-taker status" by the Executive Secretary of the University, assisted in policy recommendations by the Executive Council, with all final details handled directly by the State Board of Education. In 1951 the Legislature abolished the Chancellorship position. At the same time it created a new office, "Executive Head" of the University of Montana, but failed to appropriate funds for salary. In 1953, the Legislature made the Executive Secretary of the University an officer directly responsible to the State Board of Education. Since that time routine administrative functions of the University have been the responsibility of the Executive Secretary, with policy recommendations made directly by the Executive Council to the State Board of Education.

The original plan for a University system of integrated administrative control built around a dynamic, powerful Chancellor broke down under the exigencies of practical politics. A revised plan operating without a Chancellor and with fairly direct control by the State Board of Education through the Executive Secretary is now being tested in the crucible of fate.

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AN ABSTRACT OF A THESIS

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**Bozeman, Montana
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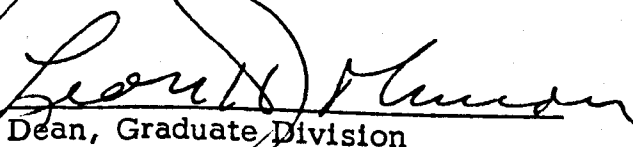
at

Montana State College

Approved:


Head, Major Department


Chairman, Examining Committee


Dean, Graduate Division

Bozeman, Montana
June, 1958

CURRICULUM VITAE

Lincoln J. Aikins

PERSONAL

Date and Place of Birth: December 7, 1898; Windham, Maine.
Marital Status: Married. Two daughters, over 21.

EDUCATION

1919 A.B. degree from Bates College, Lewiston, Maine.
1927-28 Attended Hartford Theological Seminary.
1935 A.M. degree from Bates College. Several summer sessions previously.
1949 Attended University of Colorado during spring and summer quarters, College of Education.
1955-date Enrolled summers and some other quarters at Montana State College, Division of Education.

EXPERIENCE

1919-1920 Instructor in English and French, Berea College, Kentucky.
1920-1927 Principal of High Schools in Maine: Stonington, Limington, Kezar Falls.
1928-1940 Teacher at Billings Polytechnic Institute, Billings, Montana. Originally in English, later History. Became Registrar and Dean of Junior College and full professor in rank.
1940-1942 Dean of Dawson County Junior College, Glendive, Montana. Organized the junior college.
1942-1945 Superintendent of Schools, Glendive, Montana. Included Junior College, High School, and Grade Schools.
1945-date Dean of Basic Curricula Division, Eastern Montana College of Education. Also, Professor of Social Sciences. Registrar from 1945-1955. Vice President, 1957-date.

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CHRONOLOGY -- THE UNIVERSITY OF MONTANA

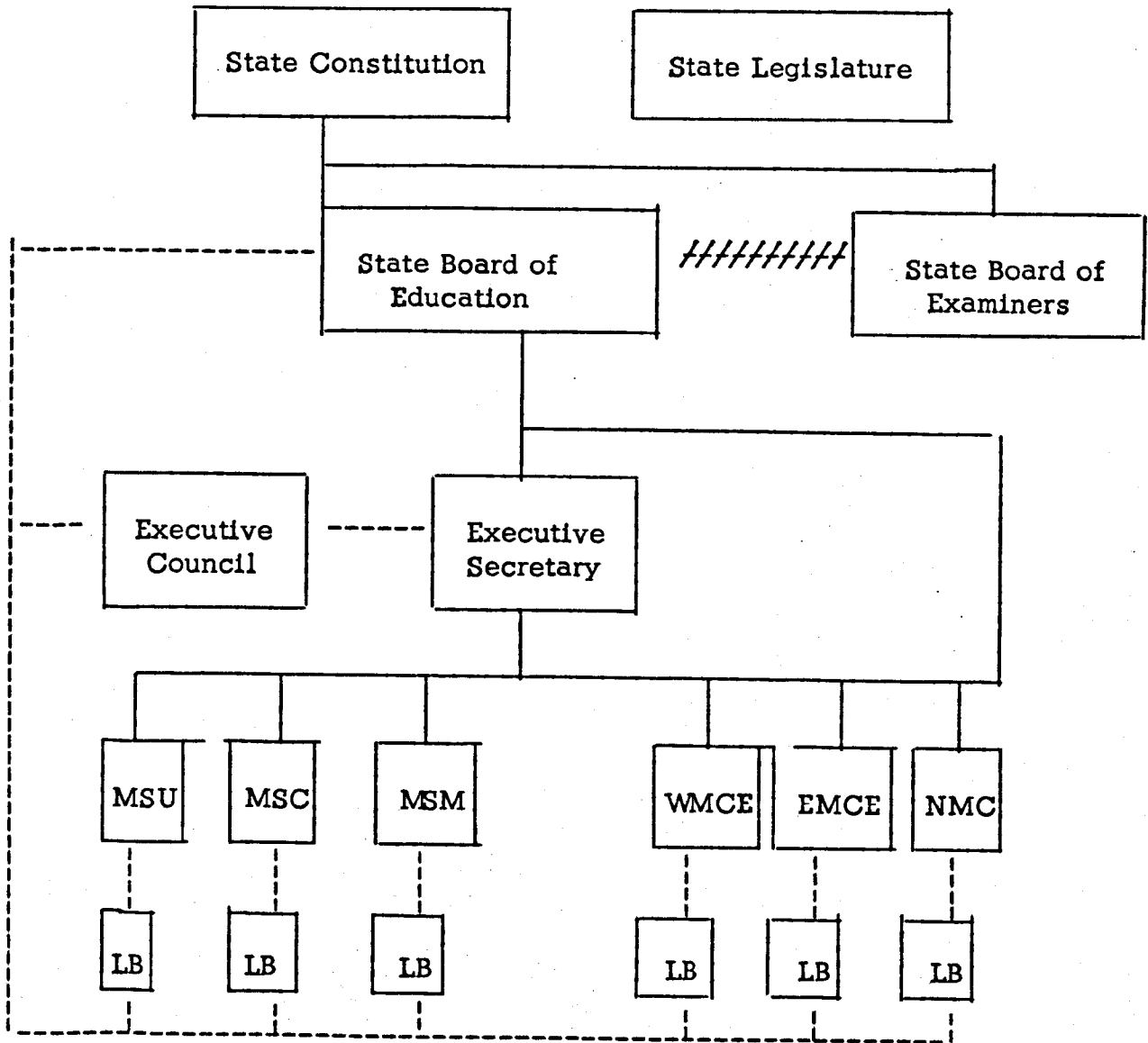
- 1893 Legal establishment of the four original state-supported institutions of higher education: the agricultural college at Bozeman (Montana State College), the university of Montana at Missoula (Montana State University), the school of mines at Butte (Montana School of Mines), the state normal school at Dillon (Western Montana College of Education).
- 1893 Opening of the Agricultural College at Bozeman on April 17.
- 1895 Opening of the University of Montana at Missoula on September 11.
- 1897 Opening of the State Normal School at Dillon on September 7.
- 1900 Opening of the School of Mines at Butte on September 11.
- 1909 Reorganization of local executive boards by Legislature. Local boards made definitely subordinate to State Board of Education.
- 1913 Establishment of the University of Montana -- composed of Montana State University, Montana State College, Montana School of Mines, and State Normal College (Western Montana College of Education).
- 1913 Establishment of Northern Montana Agricultural and Manual Training School and agricultural sub-station at Fort Assinniboine. In 1929 this school opened as the Northern Montana College at Havre.
- 1915 Bill abolishing the University of Montana, as established in 1913, vetoed by Governor Stewart.
- 1916 University of Montana begins to function on February 1 under its first Chancellor, Dr. Edward C. Elliott.
- 1916 Organization of the Executive Council (presidents of the various units) as an advisory board for the Chancellor.
- 1917 Dr. Henry H. Swain appointed Executive Secretary of the University of Montana.

- 1919 Reorganization report to Legislature by "Efficiency Commission."
- 1920 Adoption by State of mill-levy plan for the financing of the University of Montana.
- 1922 Dr. Melvin A. Brannon succeeds Dr. Elliott as Chancellor of the University of Montana.
- 1925 Establishment of Eastern Montana State Normal School, the exact location of which was to be determined under provisions of the "Montana Plan."
- 1927 Opening of Eastern Montana State Normal School (Eastern Montana College of Education) in Billings as the fifth unit of the University of Montana.
- 1929 Opening of Northern Montana College in Havre as the sixth unit of the University of Montana.
- 1933 Resignation of Dr. Brannon as Chancellor of the University of Montana.
- 1933 Bill abolishing the chancellorship vetoed by Governor Erickson.
- 1933-
1943 "Care-taker status" of the University of Montana under the Executive Secretary. (Under Dr. Swain until his death in 1941, and then under Miss Dorothy Green until 1943.)
- 1942 Reorganization report to the Governor of the Governor's Committee on Reorganization and Efficiency.
- 1943 Dr. Ernest O. Melby, president of Montana State University, elected Chancellor of the University of Montana. (Resigned July 1, 1944 to return to his position as president of Montana State University.)
- 1944-
1946 "Care-taker status" resumed under Miss Dorothy Green, Executive Secretary of the University of Montana.
- 1945 Reorganization reports to the Legislature: (1) Montana Commission on Higher Education (Leiper Commission), (2) "Melby Plan" by State Board of Education as "Board Policy."
- 1946 Dr. George A. Selke elected Chancellor of the University of Montana.

- 1950 Resignation on November 1 of Dr. George A. Selke, Chancellor of the University of Montana.
- 1951 Full responsibility for controlling expenditures of units of the University of Montana granted by Legislature to State Board of Education and "audit" power only to State Board of Examiners.
- 1951 Position of Chancellor abolished by Legislature. Legal provision for an "Executive Head," but no appropriation for salary.
- 1953 Reorganization report to the Legislature of the Commission on Reorganization of State Government.
- 1953 By law, Executive Secretary of the University of Montana made directly responsible to the State Board of Education.
- 1953 "Budget Committee Plan" of the State Board of Education incorporated into law by the Legislature.

THE UNIVERSITY OF MONTANA

PRESENT PHASE



- Direct Relationship
- - - - - Advisory
- //////// Audit of Claims
- LB Local Executive Board

INTRODUCTION AND FOREWORD

The Montana System of higher education was hailed at the time of its inception in 1915 as an unique development. Its novel feature was the retention of separated units of local operation within a framework of an integrated administration. This singular organization, though widely discussed, has been the subject of no systematic research. In fact, no basic study of any one of the units has been completed, though partial studies are available in some.

The main purpose of this thesis is to present a systematic research of the University of Montana; its roots in the territorial period; its establishment as four separated institutions and the problems that arose soon after which led to agitation for reform; its inception as an integrated system in 1915 after a two-year delay following the legislative act of 1913 establishing the system, and its subsequent history as the experiment developed in practice. This study is not in any sense definitive of the University of Montana, or of any of its component units. Rather it is an attempt to sketch in broad outlines an overview of the University system, to present its major characteristics, and to consider the problems which have plagued it throughout the years. While treatment of human personalities has been kept to a minimum, treatment has been interpolated whenever it seemed an aid in clarifying an event or a problem.

The primary source material for this study has been the official minutes of the State Board of Education and those of the Executive Council of the University of Montana. Fragmented reports and statements on file in the office of the Executive Secretary of the University of Montana were also used extensively as were similar papers loaned to the writer, as well as special documents on file in the State Historical Library. Newspapers of the period have been used freely, as have the House and Senate Journals of the Legislature, Sessions Laws, and the like. Also included in the study were the annual catalogs of the various institutions and presidents' reports where available, which are on file in the office of the Executive Secretary of the University.

No attempt has been made to change the names of the various institutions for legal name changes as authorized from time to time by the Legislature. Rather the plan has been to refer before 1915 to the four original institutions as the agricultural college at Bozeman, the university of Montana at Missoula, the normal college at Dillon, and the school of mines at Butte. Historically, the original names were in some cases more involved. After 1915 the names of the four institutions have been used as they were established in 1913 by the Act creating the University of Montana -- Montana State College,¹ Montana State University,

1. The official name of Montana State College of Agricultural and Mechanic Arts was shortened in practice to Montana State College.

Montana State Normal College,¹ and Montana School of Mines.² The fifth and sixth institutions to be established have been referred to under the original names at first -- Eastern Montana State Normal School and Northern Montana Agricultural and Manual Training School, respectively. Later the former school was changed to Eastern Montana College of Education, and the latter to Northern Montana College.

Special acknowledgments are made to those without whose steadfast aid and encouragement this study would never have been completed. Particular recognition is given to Dorothy Green, Executive Secretary of the University of Montana, who not only freely placed the entire resources of her office at the disposal of the writer, but who also gave personal information of inestimable value in the interpretation of the inner working of the system. Recognition is also given to State Superintendents Mary Condon and Harriet Miller, for permission to use without restriction the original minutes of the State Board of Education, State Superintendent report, and other documents on file in the office of the State Superintendent; to Virginia Walton, Librarian of the State Historical Library, for her invaluable assistance in locating historical materials and for her suggestions as to source materials; to Dr. Merrill

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1. Usually referred to as State Normal College. This name was changed in 1951 to Western Montana College of Education.
 2. The official name was Montana State School of Mines.

Burlingame, who gave far more than would normally have been expected of a thesis adviser, and who also loaned many unpublished manuscripts written by early Montana State College faculty members; and most of all to my wife, Marion Cousins Atkins, without whose constant support this study would neither have been undertaken nor carried to a successful conclusion.

CHAPTER I

MONTANA BACKGROUND FOR HIGHER EDUCATION

I. TERRITORIAL ORIGINS

Pioneers in a new region consistently bring with them the institutions with which they were familiar in their former home. So it was with the early settlers of Montana, who, from the first, developed a pattern of education similar to that common in their day in the "states." As early as 1878 the Deer Lodge community had organized the Montana Collegiate Institute as an institution of higher education, emphasizing a preparatory type of curriculum parallel to that found in eastern academies. This school opened with twenty-four students and started its classes in a hired building, while awaiting the completion of a substantial brick building erected at a probable cost of \$15,000, and capable of accommodating one hundred and seventy-five students. The Institute was furnished with the most modern appliances, over \$1,000 having been invested in physical apparatus.¹

Evidently pressure soon developed for more advanced educational training in the territory -- the pattern afforded by the church-related college

1. C. Wright, Territorial Superintendent of Public Instruction. BIENNIAL REPORT FOR 1877-78. p. 4.

familiar to most Montana pioneers. Spurred on by this pressure, the Presbytery of Montana, at its meeting in Helena on August 19, 1882, adopted a resolution to purchase the Montana Collegiate Institute.¹ This school was then converted into The College of Montana -- the first institution of college grade in Montana. After seventeen years of difficult operation, this college was forced by the lack of endowment funds as well as by the competition of the state-supported colleges to close its doors on June 8, 1900. In 1906, under the dynamic leadership of Lewis T. Eaton as president, and his brother Ernest T. Eaton,² an attempt was made to re-establish the college. However, no real success followed this attempt, and in 1923 the college was merged with the Montana Wesleyan College at Helena to form Intermountain Union College in that city.³ At its peak The College of Montana had fifteen faculty members and one hundred and sixty pupils. Its second president, Dr. James Reid, later became president of Montana State College. Special support for The College of Montana came from men like William A. Clark, pioneer mining

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1. CONTRIBUTIONS TO THE HISTORICAL SOCIETY OF MONTANA, Vol. VI. (Montana State Historical Library), pp. 384-388.
 2. In 1908 these educators moved to Billings, Montana, to found the Billings Polytechnic Institute, an institute of higher education with a distinctly vocational training motive. It operated on a self-help principle, with students "working most of their way."
 3. M. G. Burlingame and K. Ross Toole, A HISTORY OF MONTANA, Vol. II. (New York: Lewis Historical Publishing Co., Inc.), p. 384.

magnate, who contributed to the departments of chemistry, geology, and mineralogy in the belief that Montana trained graduates in those areas would be willing to remain in Montana as executives at a reasonable salary for his rapidly developing mining interests. It was chiefly through his efforts that Augustus Meader Ryon, the first Montana teacher of engineering, and later the first president of Montana State College, came to The College of Montana in 1888. Several others of the early teachers of Montana State College also came from The College of Montana.

In 1888, the Methodists, reacting to similar pressure from their own people and fearful that competitive religious groups such as the Presbyterians would "steal the show" in higher education in Montana, founded the Montana Wesleyan University, which first opened its doors in September, 1890, in a five-story brick building some five miles north of Helena.¹ From the very first this institution suffered from a lack of financial support. However, it consistently had an excellent reputation as a training school, being always careful to secure well-trained and efficient instructors. In 1899, the College was moved to Helena, where it was considerably enlarged. Many years later it merged with The College of Montana to form Intermountain Union College at Helena. In 1934, after its buildings had been weakened by the great earthquake that shook Helena

1. M. G. Burlingame, MONTANA FRONTIER. (Helena: State Publishing Company), p. 318.

that year, it seemed inadvisable to try to continue the college at Helena. It was therefore moved to Great Falls, where for the balance of the year it operated in facilities graciously loaned by the Deaconess Hospital and by the Methodist and other churches. Failing in an attempt to secure sufficient financial backing in Great Falls to warrant a permanent location in that city, the officials of the College accepted the offer of President Ernest T. Eaton of the Billings Polytechnic Institute in Billings to move to the campus of that college. In 1946 these two institutions were merged to become Rocky Mountain College in Billings.

Meanwhile educational authorities in the territory were confronted with the problem of obtaining adequately trained teachers for the rapidly growing common schools of the area. Cornelius Hedges, who in 1872 became the territorial superintendent of public instruction, sought with great diligence to find trained teachers for the new schools. However, although he followed up every possible clue as he rode constantly throughout the territory, he never was able to provide adequately trained teachers for all of the schools. The pioneer high schools in the territory tried to meet this demand by enlarging their curricula to provide for teacher education in the manner developed at Helena, where in 1880 the Course of Study included a section "embracing the Theory and Practice of Teaching."¹ Apparently

1. J. F. Sasek, THE DEVELOPMENT OF PUBLIC SECONDARY EDUCATION IN MONTANA PRIOR TO 1920. (M. A. Thesis, Montana State University, 1938), p. 201.

other high schools were also providing teachers -- some without any special training -- for "high school graduates frequently went from their high schools and taught in the various rural schools, regardless of normal training courses."¹ As a partial answer to this problem of the inadequately trained teacher, the Twin Bridges Normal School was organized in 1887. By 1889 this school had built a nine-room brick building at a cost of nearly \$10,000, and had a three-story brick hotel for use as a dormitory. In 1893 -- the year in which the first four units of the present University of Montana system were established -- sixty students were enrolled in the Twin Bridges school.²

The need for colleges was felt, during the early years of the Montana territory, by other than church-related groups. Publicly supported higher education apparently became the goal of some of the pioneers rather early, for in 1868 the territorial superintendent of public instruction, T. F. Campbell, advocated creation of a permanent school fund for the support of a college or university.³ Likewise, Acting Governor James Tufts, in his message to the Legislature on December 7, 1868, recommended that

1. Sasek, op. cit., p. 201.

2. HELENA WEEKLY HERALD, Jan. 19, 1893. (Report of statement by committee of citizens from Twin Bridges made to Legislature in support of locating state normal school at Twin Bridges), p. 4.

3. ANNUAL REPORT OF THE TERRITORIAL SUPERINTENDENT OF PUBLIC INSTRUCTION, year ending Nov. 30, 1868, p. 19.

a University of Montana be created.¹ This pressure for a tax-supported university received a set-back from Cornelius Hedges, territorial superintendent of public instruction from 1872 to 1876, who in 1872 felt it important to counteract public pressure to the extent of commenting in his annual report that "what we need first and most is not a university; it is a system of public free schools."² Further on in this report, commenting on the need for good teachers and the common practice in most states of insuring such a supply by establishing normal schools for this training, he states that "at present, it would be folly to ask or expect such a thing in Montana."³ By 1880, however, this pressure for a tax-supported university had developed sufficiently so that among the recommendations of an educational convention in Helena on January 4, 1881, was the following:

That of the territorial taxes and licenses, one mill of the three mills now levied, and one-fourth of all licenses collected, be set apart for five years for the purpose of creating and establishing a permanent university fund.⁴

In 1881 and 1882 the new territorial superintendent of public instruction, R. H. Howey, continued the exertion of pressure, calling in

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1. MONTANA GOVERNOR'S MESSAGES, 1864-1891. (Message of Dec. 7, 1868), p. 6.
 2. Cornelius Hedges, BIENNIAL REPORT, 1872-73, p. 11.
 3. *Ibid.*, p. 17.
 4. W. Egbert Smith, BIENNIAL REPORT SUPERINTENDENT PUBLIC INSTRUCTION, 1880. (This convention, called by Superintendent Smith, was composed of forty teachers and superintendents and "other friends"), p. 10.

his reports for some action toward the creation of a tax-supported university.¹ He also referred to the Act of Congress, approved February 18, 1881, by which 72 sections of the unappropriated lands of Montana were granted to the territory for university purposes. This Act gave further support to the "growth of an idea -- an idea centered in the democratization of higher learning."² This idea, usually referred to as the land-grant college movement, had led in 1862 to the passage by Congress of the Morrill Act, providing for the establishment and maintenance of agricultural and mechanical arts colleges and universities. The 1881 Act, in continuation of such federal support, provided that the land should be sold at public auction for not less than \$2.50 an acre nor for less than the appraised value. It was further provided that no part of the proceeds, principal, or interest should be used until a fund of \$50,000 had accumulated, and then only the interest, until the fund should reach \$100,000. After 1889, according to the Act, the entire proceeds from the sale of university lands were to be kept intact.³ Certainly the existence of this

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1. R. H. Howey, ANNUAL REPORT for year 1881, p. 21. (In 1882 report he develops at length -- pp. 20-24 -- reasons for adoption of university system.)
 2. SURVEY OF LAND GRANT COLLEGES AND UNIVERSITIES, U. S. Department of Interior, Office of Education, Bulletin No. 9. (Washington: U. S. Govt. Printing Office, 1930), p. 1.
 3. M. Orfield, FEDERAL LAND GRANTS TO THE STATES, (Minneapolis: University of Minnesota, 1915), pp. 62-63.

land-grant fund was well known to the leaders of the territory, and doubtless to some degree served to promote interest in public higher education. Later the minimum price was raised to \$10.00 an acre,¹ a most fortunate development for the state's educational institutions. Much of the land finally granted to these institutions was exceedingly rich in lumber and mineral resources. Accordingly, since these land grants, when sold, usually received a price somewhat near that of the minimum, this raise in the minimum price from \$2.50 to \$10.00 per acre netted many thousands of dollars to the Interest and Income Fund of the various institutions.

It is true that in 1889 Montana was predominantly a mining country, with agricultural interests so insignificant that no mention is made of agriculture either in the Constitution of the new State or in its early laws.² Yet the influence of the land-grant movement is found in the Enabling Act as approved by Congress on February 22, 1889. Herein is a specific provision for lands "to be used exclusively for university purposes."³ Also in the Enabling Act provision was made for land grants for the "establishment and maintenance" of specific schools, as follows: school of mines, 100,000 acres; state normal schools, 100,000 acres;

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1. BIENNIAL REPORT OF THE DEPARTMENT OF PUBLIC INSTRUCTION, 1950-1952, p. 46.
 2. H. F. Sanders, A HISTORY OF MONTANA, Vol. I. (New York: Lewis Publishing Company), p. 354.
 3. MONTANA CODES, ANNOTATED, 1895 ed., p. lxxiii.

agricultural college, 50,000 acres "in addition to the grant hereinbefore made for that purpose."¹ Certainly these provisions were not included in this important Act without the knowledge of those who had been working for the establishment of the new State. In addition to these grants in the State Enabling Act, there was also available from the Morrill Act of 1862 a land grant of 90,000 acres for agricultural and mechanic arts purposes.² In addition, the Hatch Act of 1887 granted \$15,000 per year for current use by an agricultural experiment station.³

Further support to this Montana movement for a tax-supported university was given by Governor Preston H. Leslie in his message to the Territorial Legislature on January 14, 1889. Calling attention to this country's traditional interest in higher education, he stated that

It is a source of regret that no steps have been taken by the Territory to provide a college or university for that purpose. Considering the size and extent of this country, it is manifestly certain that we need two such institutions in the Territory, and it will not, in my opinion, be inadvisable to at once enact such legislation as will lead to the establishment of an agricultural and mechanical college at some suitable place in the Territory.⁴

Later in the year, after acceptance of Montana as a State, the first head of the new State, Governor Joseph K. Toole, in his message on December 17,

1. MONTANA CODES, ANNOTATED, 1895 ed., p. lxxiii.

2. SURVEY OF LAND GRANTS, *op. cit.*, pp. 8-9.

3. *Ibid.*, pp. 24-25.

4. MONTANA GOVERNOR'S MESSAGES, 1864-1891. (Message of Jan. 14, 1889), p. 8.

1889, to the First Legislative Assembly, called attention to the constitutional provisions for the establishment of educational institutions. While he felt that the time was not ripe for legislative action for such because of expenses "consequent upon a change from territorial to state government" he did state that

It might not be unwise...if the location of these institutions should be the subject of early consideration and settlement. The longer that is delayed, the greater will be the struggle between aspiring sections of the state for recognition in that behalf, and pending such contention, the interests of good legislation may be subordinated, if not wholly ignored.¹

Because the first legislative assembly failed to act on this recommendation, Governor Toole repeated it in substance in his message of January 5, 1891, to the Second Legislative Assembly.²

With its background of available resources and in response to interest revealed, Montana might well have been expected, by 1889, to have established a university system as had all of the other western territories -- Utah, New Mexico, Washington, Dakota, Arizona, and Idaho. However, progress toward that end was diverted by the peculiar political situation in Montana. From its earliest territorial days, Montana politics had been plagued by an irreconcilable and bitter struggle between two groups inherited from the War Between the States. Early settlement

1. MONTANA GOVERNOR'S MESSAGES, 1864-1891. (Message of Dec. 17, 1889), p. 3.

2. Ibid. (Message of Jan. 5, 1891), p. 9.

of the territory was by groups fleeing from that contest or by individuals somewhat sympathetic to the Southern cause.¹ Especially in western Montana were Southern sympathies evident. On the other hand, many of the influential leaders in control in central and eastern Montana were friendly to the Northern point of view. This led to conflict over almost any issue. In fact, one writer lays the failure of Lee Mantle, one of the strong personalities in the territory, to secure appointment as Territorial Governor to the "sectional feeling...between the eastern and western parts of the territory."² As a result of this sectional feeling, Montana politics from the beginning was not only rough and ready, but also colored by the bitterness of this struggle. The scars of these early territorial battles were very much in evidence in 1889.

II. STRUGGLE FOR ESTABLISHMENT

To complicate the situation, neither political party won a decisive victory in 1889. In fact, the decision as to which party would control the

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1. While little research has been done of the ethnic background of the early settlers of Montana, many indications of this southern point of view are available. Among these, one of the most striking is the insertion in the territorial school laws for "the education of children of African descent...in separate schools." (Sec. 33.) In his report for 1872-73, Cornelius Hedges, Territorial Superintendent of Public Instruction, refers to this prejudice (p. 20).
 2. PROGRESSIVE MEN OF MONTANA. (Chicago: A. W. Bowen and Co.), p. 209.

Legislature rested on the results of the balloting in Butte Precinct 34, where fraud was claimed by the Republicans. The case was carried to the State Supreme Court, which ruled that fraud was present, and threw out the votes in the Precinct, thus giving the Republicans victory in Butte. In theory this decision permitted the Republicans to organize the Legislature. The Democrats, however, refused to accept the decision, claiming that the Supreme Court, a majority of whose members were Republicans, made their decision on party grounds.¹ Since "the important issue, overshadowing all political considerations, was the selection of Montana's first representative in the United States Senate"² both parties fought to the bitter end, seeking by various means to organize the Legislature. Out of this conflict a political deadlock developed to such an extent that not only was the Legislature unable to elect United States senators, but it also failed to pass the necessary appropriations for the operation of the state government. Of course no action whatever was even proposed for the establishment of a system of higher education in Montana. After considerable political maneuvering the Legislature adjourned on February 20, 1890, having "accomplished nothing in the way of legislation."³

The Second Montana Legislative Assembly opened on January 5,

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1. No evidence has ever been uncovered to justify this accusation.
 2. Sanders, op. cit., p. 403.
 3. Ibid., p. 409.

1891, with the deadlock still in force. On the face of the original returns the Republicans had lost the election, but on recourse again to the courts, they gained approval of sufficient changes to obtain control of the House. The Senate, however, was definitely in control of the Democrats. The Governor, Joseph K. Toole, was a Democrat. He recognized the original returns, as did the Senate, and the Democrats tried to organize the Legislature. More political maneuvering followed, the Republicans refusing to meet with the other party, and the Democrats thus being unable to maintain a legal quorum with which to transact business. Soon it became apparent that "no laws passed could hope to survive the judicial scrutiny of the highest court of the State, as this tribunal would of necessity hold that any legislation effected would be the act of an illegal body."¹

Further to complicate the situation, this second legislative assembly became engaged in a bitter political fight over the land grants which had been made to the Northern Pacific Railroad Company. As part of an inducement to promote the railroad, Congress had granted to the company every alternate section of land in a strip eighty miles wide -- forty miles on each side of the right of way. When it was impossible to take possession of such grants because of prior ownership, the railroad company was given permission to choose "lieu lands" in their stead. The

1. Ibid., p. 410.

right of way traversed approximately eight hundred miles in Montana and included approximately 28,000 square miles in the land grant. Although mineral land was expressly excluded in these land grants, the railroad company, since much of its land was in the potentially richest mineral land area of the State, soon became engaged in controversy as to whether or not their lands were "mineral." As early as 1889 a convention was held in Helena, with Lee Mantle as the presiding officer, to seek some device to aid those who were in litigation with the Northern Pacific Railroad over this question. With the controversy still unsettled in 1891, the Second Montana Legislative Assembly sought a solution for it. Opinions cut sharply across party lines, as was later to be the pattern in many similar situations in the history of Montana, while much of the mineral and other wealth of the State was exploited by greedy outside corporations. However, the anti-railroad group gained control in this Legislature and pushed through legislation as a solution for the issue. The office of mineral land commissioner was created, with the special duty to "prepare and publish a statement of facts in respect to the danger of millions of acres of the mineral lands of Montana becoming the property of the Northern Pacific Railroad."¹ The Legislature then passed a resolution requesting the governors and legislatures of Idaho, Nevada, Washington, California, Colorado, Wyoming, Utah, Oregon, Arizona, and New Mexico "to join with Montana

1. Ibid., p. 358.

in memorializing Congress to preserve the mines and mineral lands to the people and prevent their falling into the hands of railroads receiving land grants from the government."¹ This Legislature also passed a "memorial to Congress wherein it was recited that the Northern Pacific Railroad Company claimed ownership to over eight million acres of mineral lands in the state, that it already had been permitted to select about two million acres thereof; that, if patents should be issued therefor, these lands would be wrested from their rightful owners forever, and the resolution prayed that Congress take necessary action to save to the people of the state, not only discovered, but all undiscovered mines of gold, silver, and all other valuable minerals."² Unquestionably the atmosphere created by this very bitter political fight over the railroad land grants provided an unfavorable background for a sound and logical consideration of the establishment of a system of higher education in Montana.

In a similar manner the fight over the location of the State Capital developed much heat and many political repercussions. In territorial days the capital had first been at Bannack and then at Virginia City. In

1. Ibid., pp. 358-9.

2. Ibid., p. 359. (Hon. Martin Maginnis was appointed land commissioner. After many years he secured federal legislation that apparently satisfied the demands of the miners and the prospectors. However, in practice the task of classification was too difficult, and many lands classed as non-mineral were later found to be mineral. Also "lieu lands" chosen were often from among the best agricultural and timber lands of the state.)

1872, following a special election, and after a contest ending in a favorable Supreme Court decision, the capital was moved to Helena. Unfortunately opponents of the Helena location did not give up the fight, so controversy was still rampant in 1889. Unable to reach a satisfactory decision as to permanent location, the members of the Constitutional Convention provided for an election by the people in 1892 to settle the issue. It was further provided that if no city won a majority in this election, the question of final choice should be made at the next general election, with that choice to be from the two cities receiving the highest vote in 1892. Seven cities entered the fight for this location -- Helena, Anaconda, Butte, Bozeman, Great Falls, Deer Lodge, and Boulder. The partisans for each city were very active during the meeting of the 1891 legislative assembly, making deals or bringing pressure in other ways on almost every issue before the assembly. Thus a political situation, already very confused, was further complicated.

With tempers flaring and politics fuming from the capital-location fight and the Northern Pacific Railroad controversy, as well as from the political deadlock of the contested election, it was hardly to be expected that this second legislative assembly would pay any attention to the needs of higher education. However, pressure was present from another source for some action by the Legislature. Congress in 1890 had passed the Second Morrill Act, making available an annual grant for current expenses

of \$15,000 to each State College of Agriculture, with an additional grant of \$1,000 each year until the grant reached the sum of \$25,000 a year. Since \$15,000 per year was also available for an Agricultural Experiment Station, it was apparent to leaders of both political parties that Montana was losing \$30,000 per year by failure to provide at least for an agricultural college and an experiment station. Governor Toole, who had stressed the importance of reaching a decision on location in his message to the First Legislative Assembly, repeated his admonition in his opening message to the Second Legislative Assembly, pointing out this time that in addition the State was losing the available federal funds, made possible by the 1890 Congressional Act.¹ Notwithstanding this recommendation and the pressure exerted by the possibility of securing federal funds with which to provide for the current expense, the political deadlock described above prevented any action leading to the location of any institution of higher education. This Legislature did, however, set aside land for the eventual establishment of a school of mines, for state normal schools, and for agricultural colleges,² as provided in the State Enabling Act. Of far more importance, the Legislature also passed an act providing for the selection, location, appraisal, sale, and leasing of lands available

1. SENATE JOURNAL, 1891, pp. 28-29.

2. Sanders, op. cit., p. 358.

under the federal land grants. J. M. Page, a pioneer, was appointed the first state land agent.¹ This Legislature also set up the State Board of Land Commissioners² "to direct, control, lease, or sell the school lands and the lands granted or thereafter to be granted for the various state educational institutions under the rules and regulations prescribed by this law."³

There was little improvement in the political situation when the Third Legislative Assembly convened in January, 1893. Overshadowing every action of this assembly was the contest over the election of a successor to Wilbur F. Sanders as United States Senator. The Democrats controlled the State Senate by two votes, nine to seven. John E. Rickards, Republican, had been elected Governor. Twenty-six Democrats and twenty-five Republicans had definitely been elected to the State House of Representatives, with one seat in doubt -- the result of a contested election in Choteau County. Three Populists, elected to the House, held

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1. Hamilton, NOTES. (Unpublished manuscript, History Department, Montana State College), pp. 175-177. ("Page was a man of the highest integrity, a tireless worker, and a most careful investigator. Day after day he rode on horseback over the prairies and through the forests in search of lands to fill the various grants. The value of these grants was largely due to his faithful services. Much of the land selected on the west side of the main range was timber land and the law wisely directed that the timber should be sold separately from the land and the proceeds placed in the respective permanent funds.")
 2. Governor, State Superintendent of Public Instruction, Secretary of State, Attorney-General.
 3. Sanders, op. cit., p. 358.

a strategic position, being able by their votes to determine the results wherever party lines held between Democrats and Republicans. Immediately, even before organization, a struggle developed in the House over the contested election results from Choteau County. Originally the canvassers had thrown out the votes of the Box Elder precinct, thus giving the election to a Democrat, Mr. A. B. Hamilton of Choteau County. He had received an official certification of election and was present at the opening roll-call of the Assembly. The Supreme Court, to which the case had been appealed, ordered, however, that the votes of the Box Elder precinct be counted. The defeated candidate could file a contest later, if he so desired. This decision gave the election to Mr. E. E. Leach, a Republican. Unfortunately the decision of the Supreme Court came so late that Mr. Leach did not receive his certification in time to present himself for the opening roll-call of the Assembly. Accordingly, the House of Representatives had to decide whether to recognize Mr. Hamilton's certificate and swear him in, since he was there for the opening roll-call. If the certificate were thus recognized, the Democrats would organize and since that would make thirty-six votes on joint ballot, if all the Democrats held together, then a Democrat would be elected to the United States Senate. On the other hand, if the decision were to refuse to recognize the certificate of Mr. Hamilton so that Mr. Leach, the Republican, could have time to appear with his more recent certificate, and if the

Populists voted with the Republicans, their combined votes on joint ballot would be sufficient to prevent the election of a Democrat to the United States Senate, even though they might not be able to elect one of their own choice. Meanwhile, before any final decision had been made, the Populists had received instructions from their national headquarters not to vote for a Democrat for United States Senator.¹ Two of them chose to follow these instructions. On organization of the House, therefore, the battle was over the results of the contested election. A special committee of the House was appointed to check on this contest, but the State Auditor, a Republican, whose duty it was to preside at the opening organizational meeting, chose to proceed immediately without awaiting a report from the committee. He ruled against the Democrat, thus preventing him from being seated, but permitting a later seating of the Republican. On the basis of this decision, the Democrats claimed "bad faith,"² Further complicating the situation was the serious illness of one of the Democratic members, Hon. A. J. Davidson. Because every vote was needed on important issues, it was important for him to be sworn in, so as to be

1. THE NEW NORTHWEST, Jan. 14, 1893.

2. GREAT FALLS WEEKLY TRIBUNE, Jan. 20, 1893. ("But bad faith as this practice was, it was good politics on the part of the populists.... With Hamilton seated the democrats would have elected their man without the aid of even one populist. But with Leach seated, neither party could get along without some aid from the populists. It is this that the populists considered when two of them united with the republicans in the Leach matter...It cannot be called bad politics, even by those who might suffer from it.")

available as needed. In dramatic fashion, therefore, he appeared in "an invalid chair" at the first meeting of the House, attended by his wife and physician.¹ The Democratic leadership sought to arrange for a "pair" for him with the Republicans, but to no avail. The maneuver of the Republicans in the contested election and their refusal to arrange for a "pair" for Mr. Davidson added to the bitterness of the political struggle and contributed to the in-fighting that later developed over the location of the educational institutions.

The fight over the location of the State Capital had narrowed to a contest between Helena and Anaconda, since the other five communities had been eliminated in the 1892 election. Such elimination, however, made the defeated areas all the more determined to secure one of the many

1. HELENA WEEKLY INDEPENDENT, Jan. 12, 1893, p. 2. ("Hon. A. J. Davidson was carried into the hall of the House Monday on a reclining chair. Mrs. Davidson and Dr. J. B. Atchison accompanied him. His attendants carried him to the space where his desk was, on the right of the speaker's platform. By special request beforehand there was no applause. Then Judge Bach made an appeal to the Republican members in the interest of a pair for Mr. Davidson. 'An appeal to the manliness of this assembly,' said Judge Bach, 'will without doubt be promptly met. Mr. Davidson is here ready to take the oath of office, and is ready to come here at any time that he may be needed. Sickness may come to any of us, who may need the same courtesy. Under the circumstances, to refuse to pair with a sick man who, despite his condition, is ready to come here at any time to vote on a political question, will be setting a precedent without parallel in the history of legislation.' In spite of this appeal, no one on the republican side offered to pair with Mr. Davidson, who was swon in by the speaker as he lay on his couch. The sick man was then excused, without any objection from the republican side, and was carried out of the hall.")

state institutions to be established, and caused their representatives in the Legislature to be rather indifferent to logical discussion of the pros and cons over separation versus consolidation of the educational institutions. Rather were the representatives increasingly willing to dicker for votes over various issues -- especially the senatorial contest -- in return for support of their bid for a state institution. Moreover, the partisans of Helena and Anaconda were very much in evidence, constantly maneuvering back-stage during the contest over the election of a United States Senator.

As has already been indicated, the most important issue before this Third Legislative Assembly was the election of a United States Senator. The leading Democratic candidate, W. A. Clark, had, in his own party, formidable opposition in Marcus Daly, his business as well as political enemy. Both men were mining magnates in Butte and both were nominally democratic in politics. However, they had little use for each other, and in the senatorial contest Daly was determined to defeat Clark at all costs.¹ Although he was not a candidate himself and not even a

1. GREAT FALLS WEEKLY TRIBUNE, Editorial, Jan. 20, 1893. ("The public is fully cognizant of the causes which seem to render Mr. Clark's election wholly impossible... It is a fight in which the public has no particular interest, but which frequently crops out in public matters. It is, however, vendetta, and each party knows that the knife of the other is always ready.")

member of the Legislature, Daly had a group of supporters who throughout the contest refused to be diverted from their opposition to Clark, even though extending even to the national democratic party officials, tremendous pressure was exerted on them. On the other hand, there was a powerful group within the party in Montana who were determined to break the political power of Marcus Daly.¹ Throughout the entire session of the Legislature this underlying contest for control between the Daly forces and the Clark followers was a determining factor in the decisions made in other issues.² Eventually the strong party lines were broken, with several Republicans, apparently influenced by anti-Daly motives, swinging to Clark in an attempt to break the deadlock. However, the Clark forces

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1. THE NEW NORTHWEST, Editorial, Feb. 11, 1893. ("There is a growing, healthy sentiment in the ranks of all political parties that points to but one finale -- the political overthrow of Marcus Daly.")
 2. THE NEW NORTHWEST, Editorial, March 4, 1893. ("Marcus Daly has undertaken to dictate the politics of this state. . . . He directly owns or controls some 3,000 votes. Heretofore he has put his retainers and tools in office whenever and wherever his personal interests have prompted him to do so. These retainers have been selected indiscriminately from the ranks of both political parties, Daly's only purpose being to put men in power who could and would do his bidding, the complexion of their politics being a matter of absolute indifference to him. . . . Out of this untoward condition of affairs there has come one man who is unalterably and diametrically opposed to Daly and his assumption of unwarranted authority, and against whom all the hatred and venom of the man and his following have been particularly directed, notwithstanding the two are nominally of the same political faith. His success in any political undertaking means the death-blow to Dalyism. . . . That man is W. A. Clark.")

were never able to muster the necessary thirty-six votes for victory, and the Assembly adjourned without election of any United States Senator.¹ Nevertheless, the bitterness of the struggle, the lining-up of votes, and the intricate maneuvering for position undoubtedly had their effect on the decisions that were made in regard to the location of the state educational institutions. Interesting, at least, is the fact that one of the major leaders for separation in the Montana Senate was a strong Daly man, Senator Elmer D. Matts of Missoula.²

Impetus for consideration of the establishment of the institutions of higher education was given by Governor Rickards in his opening message to the Third Legislative Assembly on January 5, 1893. In this message he emphasized the importance of settlement of the location problem:

One of the most important duties will be that of locating state and educational institutions. Shall the latter be grouped or located separately, is a question now agitating our people... It is my judgment that all interests demand an early settlement of this matter. We are looking for and inviting outside capital to our State; the fact that none of our State Institutions have yet been located impresses capitalists unfavorably...

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1. Sanders, *op. cit.*, pp. 411-412. (Lee Mantle, Republican, was appointed by Governor Rickards to fill the vacancy, but the appointment was refused by the United States Senate.)
 2. H. Minar Shoebottom, *ANACONDA, Life of Marcus Daly, the Copper King*. (Harrisburg, Pa.: Stackpole Company) p. 130. ("As soon as the vote (for U. S. Senator) had been tabulated, Senator Matts, a spokesman for the Daly wing of the Democratic party, ... moved for adjournment sine die.")

An agricultural college must be established in accordance with an act of Congress approved July 2nd, 1863, in order to avail ourselves of the appropriation made in the Act of August 30th, 1890. Under the provision of this Act the sum of \$15,000 per annum, for ten years is appropriated to each State and Territory, and the sum of \$25,000 per annum is thereafter to be applied to instruction in agriculture, the various branches in mathematics, physics, natural and economic science, the English language and the mechanic arts. It requires no argument to show the losses which the State is sustaining through our neglect to locate this institution.¹

Apparently all factions in the Legislature agreed as to the need for settling the location question, but immediately a struggle developed between the forces for consolidation versus those for separation. Early in the session Senator Paris Gibson of Great Falls emerged as the leader of the consolidation forces, introducing what was popularly termed "the consolidation bill." Under provisions of this bill a "University of Montana" would have been created, including under one administrative set-up and locating in one place an agricultural college, a school of mines, and a state university of liberal arts. The permanent location for this institution would have been selected by a committee of three presidents, appointed by the Governor, chosen from the presidents of Stanford University, University of Michigan, University of Wisconsin, University of Minnesota, University of Nebraska, Cornell University, University of Virginia, Harvard College, and Yale College.² Meanwhile, in swift succession,

1. MONTANA GOVERNOR'S MESSAGES, 1891-1903. (Message of Jan. 5, 1893), p. 10.

2. HELENA WEEKLY INDEPENDENT, Jan. 19, 1893, p. 2.

the advocates of separation introduced individual bills calling for the location of each institution in some specific community. Advocates of consolidation had the support of the State Teachers' Association, which at its meeting in Missoula in late December, 1892, had by a heavy vote approved a report of its Council of State Education, recommending by a vote of ten to two consolidation of the state educational institutions into one unit. This report, in sixteen pages, not only summarized the advantages of consolidation, but also included statements from a number of the educational leaders of the country, chiefly presidents of large universities, favoring consolidation.¹ According to this Teachers' Association report, James M. Hamilton, later third president of Montana State College, but at this time the Missoula superintendent of public schools, was favorable to consolidation.² However, if so, he early changed his position -- maybe as a result of the meeting of the citizens in Missoula,

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1. HELENA WEEKLY HERALD, Jan. 5, 1893, p. 5, 7. (Also a list of Council members and fairly detailed report of meeting in HELENA WEEKLY INDEPENDENT, Jan. 5, 1893, pp. 5-6 and Jan. 19, 1893, p.1.)
 2. HELENA WEEKLY INDEPENDENT, Jan. 12, 1893, p. 9. (In a dispatch from Missoula in an account from the citizens' meeting there -- Hamilton attacks the Teachers' Association recommendations as "a Helena scheme...prepared in Helena and the INDEPENDENT had a copy of them before the Association met." He claimed that they were published before adoption by the Association. In rebuttal the INDEPENDENT states "Professor Hamilton is either misquoted in the above or he has a poor memory." It states that the meeting of the Council was on Thursday (publication was on Friday) "from 4-6 p.m., at which Professor Hamilton was present and acted as secretary." A representative of the INDEPENDENT was present.)

