



Copper kings, populists and log-rollers : the third session of the Montana State Legislature, 1893
by Jean Marie Schmidt

A thesis submitted in partial fulfillment of the requirements for the degree of MASTER OF ARTS in
History

Montana State University

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Abstract:

The 1893 session of the Montana legislature deserves close study because of its long-term effects upon the state. All of the issues that made Montana politics especially- turbulent in the years immediately following statehood were present in this session: the rivalry between mining kings William A. Clark and Marcus Daly, the contest over the permanent location of the state capital, Clark's campaign to be elected to the United States Senate, labor's demands for protective legislation, the rise of Populism, and the national debate over the free coinage of silver. In spite of these distractions, the legislature had a great deal of work to do. The unproductive first and second sessions had passed on a number of unfinished tasks-, some as simple as designing an official seal for the new state, others as complex as creating its higher education system. The Populists held the balance of power in the House of Representatives and helped pass some laws favorable to labor, but were blamed afterwards for not accomplishing more. The joint assembly was deadlocked throughout the session and failed to elect a United States Senator, leaving one of Montana's Senate positions vacant for two years while the repeal of the Sherman Silver Purchase Act was debated in Congress. The action of this legislature that had the most lasting consequences for the state was the distribution of the state's educational and custodial institutions in separate towns.

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COPPER KINGS, POPULISTS AND LOG-ROLLERS:

THE THIRD SESSION OF THE MONTANA

STATE LEGISLATURE, 1893

by

JEAN MARIE SCHMIDT

A thesis submitted in partial fulfillment
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of

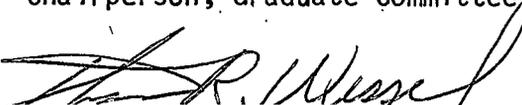
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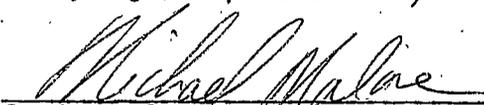
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ABSTRACT

The 1893 session of the Montana legislature deserves close study because of its long-term effects upon the state. All of the issues that made Montana politics especially turbulent in the years immediately following statehood were present in this session: the rivalry between mining kings William A. Clark and Marcus Daly, the contest over the permanent location of the state capital, Clark's campaign to be elected to the United States Senate, labor's demands for protective legislation, the rise of Populism, and the national debate over the free coinage of silver. In spite of these distractions, the legislature had a great deal of work to do. The unproductive first and second sessions had passed on a number of unfinished tasks, some as simple as designing an official seal for the new state, others as complex as creating its higher education system. The Populists held the balance of power in the House of Representatives and helped pass some laws favorable to labor, but were blamed afterwards for not accomplishing more. The joint assembly was deadlocked throughout the session and failed to elect a United States Senator, leaving one of Montana's Senate positions vacant for two years while the repeal of the Sherman Silver Purchase Act was debated in Congress. The action of this legislature that had the most lasting consequences for the state was the distribution of the state's educational and custodial institutions in separate towns.

Chapter 1

THE POLITICAL BACKGROUND, 1888-1892

The 1893 session of the Montana state legislature had many far-reaching effects on the state, yet it has usually been overlooked by historians. The 1889-90 session, deadlocked over party rivalries and a fraudulent election, accomplished nothing besides sending four men to Washington to occupy two Senate seats. The second legislature, meeting in 1891, wasted nearly half its allotted time over the same issues before reaching a compromise. The 1893 legislature was the first to meet for a full session. Later sessions receive more attention for William A. Clark's attempts to bribe his way into the U.S. Senate, but that tactic was introduced in 1893. The Populists elected their first representatives to the legislature in 1893, and it can be argued that the party never had more influence in Montana than it had when its three members held the balance of power in the House. The action of this legislature that had the most lasting consequences was the distribution of the state's educational and custodial institutions to separate towns throughout the state.

Previous Legislative Sessions

The 1893 legislative session was the third since Montana was granted statehood, but the first to meet for a full session. The first legislature, which met for ninety days between November 23, 1889,

and February 20, 1890, had accomplished nothing. The Senate had been evenly divided between Democrats and Republicans, each holding eight seats. Lieutenant Governor John E. Rickards, a Republican, held the tie-breaking vote as President of the Senate. Rather than allow the Republicans to control the Senate, the Democrats refused to take their seats. When Rickards threatened to have them subpoenaed, they agreed to attend but refused to vote on organization. Rickards ruled that a quorum was present even if the Democrats did not vote, and let the Republicans proceed with the organizing. The Democrats then walked out, and fled the state to avoid arrest. Although the Republicans had managed to organize the Senate in the meantime, they were unable to transact any business afterwards for lack of quorum.¹

The situation in the House had been even more ludicrous. There, the two parties each held twenty-five seats. The remaining five seats, from Silver Bow County, were disputed because of some blatant voting fraud. Precinct 34 had been created on the continental divide near Butte where crews of the Northern Pacific railroad were working on the Homestake tunnel. Almost no one who was not employed by the railroad voted in this isolated precinct, making it an ideal place to control the election. The votes were recorded as if they had been cast in alphabetical order, and they were counted in secret. The Democrats received 171 votes to the Republicans' three, although seven men swore they had voted for the Republicans. The Republicans also charged that

the workmen were told to vote the Democratic ticket or lose their jobs. The election in the rest of the state was so close that the returns from Precinct 34 meant the difference for five House seats. The Republican-dominated County Canvassing Board refused to count the votes from Precinct 34, but the Clerk of Court, a Democrat, issued certificates of election to the Democratic candidates anyhow.²

The Enabling Act and the state constitution were disastrously vague on how election disputes were to be settled. In the end, each house was the final arbiter of the qualifications of its members, so the House was supposed to decide the matter. However, this could not be done until the House was organized and had adopted rules of procedure, which could not be done as long as both parties had equal strength. Not only the five seats from Silver Bow were at stake, but also control of the House and control of the joint assembly, which was to elect two U.S. Senators. It seemed to be too important an issue to allow compromise. When the legislature convened, Democratic Governor Joseph K. Toole refused to allow the five Republican claimants to enter the building where the House was to meet. The Republican representatives responded by adjourning to another building where they met with their cohorts, while the Democrats remained in possession of the House chamber. The two Houses met separately for the entire session. Since each part seated its own candidates for the five disputed seats, each House could muster a quorum. Both passed bills and sent them to

the Senate, which was unable to act because it lacked a quorum. Because both the House and the Senate disintegrated over party politics, no laws were passed that session. The only action taken was the election of four U.S. Senators. After they organized the Senate, the Republicans in the Senate met with the Republican House and elected Wilbur F. Sanders and T. C. Power. The Democrats, before they left town, met separately with the Democratic House, and chose William A. Clark and Martin Maginnis. All four men went to Washington, where the Republican-controlled Senate accepted Sanders and Power and sent Clark and Maginnis home.³

The second legislature almost suffered the same fate in 1891. The problem in the Senate was resolved this time. Half the terms expired in 1890, so that the four-year terms would be staggered, and the Democrats won a clear majority. They were able to elect a president pro tempore and appoint committees. However, the Constitution provided that the members of the House would all hold their seats until the election of 1892. They also continued to hold their same differences of opinion over the five seats from Silver Bow and resumed meeting separately. Finally, on the twenty-fifth day, almost halfway through the session, a compromise was reached. Perhaps the fact that no Senate seat was at stake made the agreement possible. The Democrats were given two of the contested House seats and the Republicans three, and the Democrats were allowed to name the presiding officers. The

legislature managed to pass some legislation during the remainder of the session; mostly revenue and appropriations bills so the government could function. Nearly everything else had to be postponed until the next session, which would convene in 1893.⁴

Neither party could claim victory. The Democrats had succeeded in preventing the Republicans from controlling the Senate during the first session, and from their gains in the 1890 election they concluded that the voters approved of their actions. The Republicans, however, captured the two U.S. Senate seats, and were given a one-vote majority in the House in the second session. The real losers, of course, were the people of Montana. The dispute prevented the legislature from doing its work, and delayed key decisions for more than three years. The third legislature would have to work especially hard to finish its work and to dispel the unflattering attention that had been focused on the new state.

Political Parties

Because Montana Territory was established during the Civil War, party politics were acrimonious from the beginning. Most of the early citizens were Democrats and many were Confederate sympathizers from the border states. They were usually at odds with the federally-appointed Republicans sent out by Washington to govern them. In its first six years, Montana Territory went through three governors and

two acting governors, with occasional periods when no one was in apparent charge. The most successful governor of the territorial period was Benjamin F. Potts. Although a Republican and a brigadier general who had served with Grant at Vicksburg and marched through Georgia with Sherman, Potts was a moderate and found it easier to work with the Democratic majority than had his radical predecessors. His long term, 1870-1883, brought stability to the territorial government.⁵

The dominant figure in the Republican party during the territorial period was Wilbur Fisk Sanders. He had come to Montana in 1863 with his uncle Sidney Edgerton, the first governor. During the early territorial period he helped organize the vigilantes in Virginia City, and led the Radical Republicans. He was one of Montana's first U.S. Senators, drawing the short term that expired in 1893. Other Republican leaders included T. C. Power, the other Senator, and Thomas Carter, who was the national chairman of the Republican party during the 1892 election campaign. Lee Mantle helped the Republican party get established in Butte at the end of the territorial period, and served as state chairman in 1892.⁶

During the 1880's the Democratic party was dominated by the Big Four: William Clark and Marcus Daly, who controlled the copper industry, and Samuel Hauser and Charles A. Broadwater, Helena capitalists. The Democratic nomination for an office was usually tantamount to election as long as these four worked together. The

growth of the silver and copper mining industries during the 1870's and 1880's had brought in thousands of miners who usually voted Democratic. The transcontinental railroads built in the 1880's and early 1890's connected Montana directly to the states of the Upper Midwest, however, and brought in more immigrants, most of whom voted Republican. By 1889, the Republicans had gained enough support to be able to challenge the Democrats' control. Democratic candidate Joseph K. Toole won the first state governorship over Republican T. C. Power by less than 600 votes that year, and the Republicans captured the rest of the state offices and half the legislature. In 1892, the introduction of a third political party was enough to tip the balance toward the Republicans.⁷

The 1892 election was the first for the People's, or Populist, Party. In the south and midwest, where it had its greatest strength, the newly-formed party drew most of its support from small farmers. However, in Montana as in most of the mountain states, the party was dominated by mining labor. There were few farmers in Montana at the time. Some of the reform-minded had organized local Farmers' Alliances around Bozeman, Miles City and Missoula, but there was no strong statewide farmers' organization to serve as the basis for a new party. In contrast, there was a large labor force in the mining areas of the western part of the state, and it was discontented with its lack of influence in the major parties. The 1889 Constitutional Convention

had been dominated by mine owners. They had written into the state constitution a provision making only the net proceeds of mines taxable, but had failed to do anything for labor. The second legislature had failed to pass a bill on the eight-hour day, so labor decided to look toward a new party to further its interests.⁸

The People's Party was attractive to miners and mine owners alike because it was unequivocally committed to the free coinage of silver. Besides increasing the money supply to the advantage of farmers, this would insure employment and prosperity in mining regions. In addition to its famous calls for an income tax, direct democracy and other radical reforms, the party also advocated the eight-hour day, the abolition of child labor and the exclusion of Chinese workers, all of which appealed to labor.

The Montana Populist party was born in Anaconda in January 1892. Labor representatives dominated the meeting, but Farmers' Alliances and reform groups like the Single Tax Association were also represented. The statement of principles adopted by the party included labor objectives like the eight-hour day, abolition of child labor, Chinese exclusion, legislation against Pinkerton agents and abolition of the company store. For the farmers it advocated federal irrigation projects. Above all, it called for the free coinage of silver and for the forfeiture of the Northern Pacific Railroad's land grant, two issues that were immensely popular in Montana.⁹

The party then held its first nominating convention in June. The slate was nicely balanced among the various interests it represented. Will Kennedy, a Single Tax advocate and publisher of the Boulder Age, received the nomination for governor. Caldwell Edwards of the Gallatin Valley Farmers' Alliance was nominated for Congressman and Ella Knowles for Attorney General. Samuel Mulville of the Butte Blacksmith's Union was the party's candidate for the U.S. Senate position to be filled by the next legislature. Kennedy and Knowles were the most effective campaigners for the party. Knowles especially was an excellent speaker and drew large, appreciative crowds wherever she campaigned.¹⁰

The Clark-Daly Feud

It would be impossible to discuss Montana politics during the late nineteenth century without mentioning the activities of William A. Clark and Marcus Daly. These two men controlled the copper mining industry and the Democratic party, and tried to use their power to destroy each other's political plans.

William A. Clark had come to Montana in 1863, with the first rush of gold prospectors. Instead of trying for a quick fortune in mining, he went into merchandising, where the profits were more certain. He hauled produce from Utah, got a contract to haul mail from Walla Walla, and later went into banking in Deer Lodge. By 1872, he began buying mining property in Butte, where silver was displacing

gold. To learn better how to handle his new investments he took an intensive course in mining and mineralogy at Columbia University. Clark built a smelter to process his ore in Butte and was already a major figure in the Butte mining industry when Daly first appeared.¹¹

Marcus Daly was a genial Irish immigrant who worked his way up through the mines, learning his business in the great Comstock Lode. He first came to Butte in 1876, as a mining engineer to investigate a silver mine for the Walker Brothers of Utah. At that time Clark already owned several silver mines but was not yet interested in copper. It was Daly who first developed Butte copper on a large scale. In partnership with George Hearst, James Ben Ali Haggin and Lloyd Tevis of California, he bought the Anaconda silver mine. When its ore proved much richer in copper than silver, he developed it for copper instead. The other three investors owned mining property throughout the United States, but Daly directed operations in Montana. He bought up other mines and built the smelter at Anaconda to process the copper ore.¹²

Clark soon recognized the value of Butte's copper ore, too, and built his own copper empire. Given the size of their fortunes and their ambitions, it was inevitable that Clark and Daly should clash. Politically both were Democrats and controlled large blocs of votes in Silver Bow County and throughout the western part of the state. For a while it suited them to cooperate, as in the 1889 Constitutional

Convention which wrote into the state constitution a clause making only the net proceeds of mines taxable. However, this did not last long.¹³

Their alliance broke down in the 1888 election, the last before statehood. Clark was the Democratic candidate for territorial delegate. He hoped it would be a stepping stone to the United States Senate, where his real ambition lay. Later he claimed he had not sought the nomination, but had been persuaded to run by party leaders, and had accepted only after Daly had promised not to oppose his election. Clark expected to win easily, and he was shocked when he lost to Republican Thomas Carter by 5000 votes. He lost Silver Bow, Deer Lodge and Missoula Counties, which had always voted Democratic, but where Daly controlled large blocs of votes.¹⁴

Daly did not throw his support to Carter only to humiliate Clark. He was part owner of the Montana Improvement Company, which had an exclusive contract to log timber on the Northern Pacific's land between Miles City and Walla Walla. Besides supplying the railroad with lumber, the company also supplied Daly's mines and smelter. Unfortunately, the company was being sued by the Interior Department for cutting timber on federal land and was in danger of being put out of business. Daly needed a friend in Washington with good connections to save his lumber supply. Clark, besides being a business rival, would be a Democrat dealing with a Republican administration. Even if

he had been willing, he might not have been able to help. So Daly agreed with his lumber partners to support Carter, who promised to work to have the indictments withdrawn.¹⁵

Clark of course recognized Daly's role in his defeat. The counties where he lost most heavily were those where Anaconda and the Montana Improvement Company had large numbers of employees. Before the secret ballot, it was easy for shift bosses to check their men's ballots as they entered the polling places. Other party leaders, meanwhile, chose to ignore Daly's breach of party loyalty because they could not afford to offend someone who controlled so many votes. Clark used his newspaper, the Butte Miner, to attack Daly viciously. Daly responded by founding his own paper, the Anaconda Standard. He intended it to be the best newspaper in the state, regardless of cost, and hired a reputable eastern newsman, John Durston, to edit it.¹⁶

In 1890, as noted earlier, the Democrats in the legislature elected Clark as one of their two U.S. Senators. However, the Republicans, who were meeting separately, also sent two Senators to Washington. Faced with a surfeit of Senators from Montana, the Republican-dominated Senate chose to seat the two Republicans, and sent the Democrats home. Clark's ambition to become a Senator was increased by this second setback, and he prepared to try again in 1893.¹⁷

Daly, meanwhile, had his own ambitions. He did not seek high political offices, like Clark, but he was tremendously proud of his Anaconda Mining Company, and of the town of Anaconda which he built at the location of his smelter. To avoid controversy that might defeat the constitution and wreck the chance for statehood, the 1889 Constitutional Convention had left the location of the permanent capital to be decided by popular election in 1892. Daly wanted that honor for his company town, Anaconda. Helena, the territorial capital since 1875, was the most likely choice, but half a dozen other towns had filed petitions to be on the ballot. Daly hoped that the presence of so many choices on the ballot would keep Helena from receiving a majority in the 1892 election, forcing a runoff election in 1894. By then Daly hoped to stir up enough anti-Helena feeling for Anaconda to win.¹⁸

The Capital Election of 1892

The capital question aroused the most interest of any issue in the 1892 election. Seven towns were on the ballot: Helena, Anaconda, Butte, Bozeman, Great Falls, Deer Lodge and Boulder. Helena was the obvious leader. It had been the territorial capital since 1875, and had the facilities to house the various offices of the state government. It was near the center of population at that time. It had the best rail connections to the rest of the state, being on the lines of

two transcontinental railroads, the Northern Pacific and the Great Northern. It was also the major commercial center of the state. Helena had the support of the Northern Pacific railroad, which donated money to the campaign. For a while, issues of the Anaconda Standard shipped by the railroad arrived stamped, "Helena for Capital."¹⁹

Backers of other towns looked on the capital race as a way to boost their towns and attract more business and settlers, even if they did not expect to win the capital. Boulder was on the ballot but did not campaign seriously, and Deer Lodge, too, was never really in contention. Bozeman hoped to get the support of the settlers along the Yellowstone River, who would have had less distance to travel than to any of the other towns. Since it was located in an agricultural district, its economy would be relatively unaffected by the low prices of silver or copper, compared to Butte or Anaconda. To improve Bozeman's chances in the election, the Bozeman Capital Committee found the most original campaign device. They distributed tokens from the Bozeman Land and Loan Company to influential men in other towns that would allow them to purchase town lots for fifty dollars if Bozeman won the election. Obviously the lots would be worth a great deal more than that if Bozeman became the state capital, and its backers hoped the prospect of a large profit would encourage the recipients of the tokens to campaign for Bozeman. Its opponents called the campaign an illegal lottery and demanded that it be

stopped.²⁰

Great Falls had stronger grounds for its bid for the capital, but because the town had only been founded a few years earlier, it was forced to campaign mostly on its potential. It had the advantage of being well laid out, in contrast to Helena which had sprung up around a placer mining district. The natural resources around Great Falls included water power and coal beds for energy, and building stone, lime and fire clay for building fine government buildings. The town's economy was supported by agriculture to the east, mining in the Little Belts, and wheat, wool and iron mills powered by the Falls. Wages were high, unions were strong and the Chinese had been expelled, so Great Falls hoped to get labor support. It also hoped to be endorsed by James J. Hill of the Great Northern Railroad, who had large investments in the town. His railroad was nearing completion and Hill was very popular in Montana for having built his railroad without a federal land grant, in contrast to the Northern Pacific. Hill, however, refused to be drawn into what he considered was a local issue. He kept his railroad out of the capital contest in 1892, although he did get involved in the 1894 election.²¹

Fast-rising Butte was the second largest city in the state, behind Helena. Almost one-fourth of the state's voters were registered there. Butte had to contend against its reputation as a tough town. The constant pall of smelter smoke that hung over the city made it

even less attractive to others. In its campaign, Butte argued that it had excellent facilities for state government, was easily assessable from all parts of the state and deserved to be the capital. Its mineral wealth was responsible for attracting the transcontinental railroads, and it was the market for much of the agricultural production of the farming areas. The smoke problem was being eliminated, and no one else could grow grass and roses in January, which was when the Legislature met, for that matter. Butte expected little support from other areas of the state in spite of such arguments, but solid support from its own voters could win it a place in the runoff election without outside support.²²

Helena's most serious rival for the capital was Anaconda. Its boosters, financed by Marcus Daly, were active throughout the state. Their basic strategy was to pit the east side against the west side. The other east side towns, Great Falls and Bozeman, were encouraged to stay in the race to divide the east side vote, while the west side was urged to unite behind Anaconda. This was done in several ways. Deer Lodge, only twenty-five miles from Anaconda, might have drawn off too many local votes. Anaconda threatened to take away the county seat unless Deer Lodge withdrew from the capital race. Butte was different. Anaconda needed to carry Silver Bow County in order to place in the runoff election. Butte, however, was too big to be bullied, so subtler means were used. An Anaconda for Capital Committee

was organized in Butte in early October, soon after the main office was opened in Anaconda. The Anaconda Standard, which had its greatest circulation in Butte, constantly reiterated that although Butte was the undisputed industrial center of the state it was not meant the political capital. The Standard urged Butte voters to unite behind their closest friend, Anaconda. In response, the Butte Miner, William A. Clark's paper and no supporter of Daly's town, acknowledged that Butte had much closer ties to Anaconda than to Helena. The editor commented dryly that on that basis, he believed Anaconda would support Butte when the time came.²³

Anaconda also needed to carry Missoula county, which covered the northwestern part of the state. The city of Missoula was not a candidate for the capital. Its citizens wanted to get the university when the state institutions were distributed, and they were willing to support whichever town promised the best support in achieving it. Anaconda's backers were the first. They ran a full-page advertisement on the last page of the Missoulian for a month before the election. The paper endorsed Anaconda for the capital because it had agreed to help Missoula get the university. A Missoula-Anaconda Capital Club was organized on October 19, with a \$2500 contribution from Marcus Daly. He gave more money to similar clubs throughout the county. Helena's supporters countered by promising also to support locating the university in Missoula. They took out a similar advertisement on

an inside page soon after Anaconda's appeared in the Missoulian.²⁴

Helena had an obvious advantage over Anaconda when rail connections were compared. The Butte, Anaconda and Pacific, which shuttled ore from Daly's copper mines to the smelter, was the only railroad to serve Anaconda. Its tonnage was much greater than the tonnage into Helena, but it was almost entirely copper ore. In the months before the election, crews began preliminary work to extend its track through the Bitter Root valley, Missoula and the Flathead region to the coal fields near the British Columbia border, because Daly claimed his smelter needed a reliable source of coal. The Anaconda capital committee cited the railroad as a link tying the west side together, one more reason why the west side towns should support Anaconda for the capital. Helena charged Daly was building the railroad at that time chiefly to bring in thousands of construction workers to vote for Anaconda in the coming election.²⁵

Helena's rail connections were far superior to Anaconda's. Advertisements for Helena featured a map of the western part of Montana with Helena at the center and railroads radiating out from it to each of the other contestants. Anaconda, on a branch line that went nowhere, looked particularly isolated. To counteract the favorable impression of Anaconda generated by the publicity given the Butte, Anaconda and Pacific, Helena backers also revised a plan to build a branch of the Union Pacific from Dillon to Helena via the Jefferson

valley.²⁶

In the beginning, Helena's campaign leaders had hoped to settle the capital question on the first ballot. The scope of Daly's campaign surprised and worried them. As Daly poured more and more money into the campaign for Anaconda, the likelihood increased that he would force a runoff. Helena men feared they would not have the resources to stand up to Daly's almost limitless wealth and determination in the runoff. In desperation, they began urging voters from other towns not to waste their votes in this election by casting a complimentary vote for their local favorite that had no chance of winning. Instead of waiting for the runoff to vote for Helena, the voters were urged to vote for their serious favorite immediately. Helena backers also warned that the state institutions could not be located until the capital issue was settled. They hoped the towns that wanted institutions would support Helena in order to locate the capital in the first election, rather than delay the institutions two more years.²⁷

Daly's strategy succeeded. Helena received 11,000 votes, more than any other town but less than the majority needed to settle the election on the first ballot. Anaconda was second with 9,700 votes. Thus, a runoff election between the two was scheduled for 1894.²⁸

Contests for Offices

The election of 1892 was disastrous for the Democrats. Popular Governor Joseph K. Toole declined to run for reelection, so the party nominated Great Falls real estate developer Timothy E. Collins instead. The Populists, with their free silver issue and reform platform, drew off much of the labor vote from the Democrats, resulting in a Republican sweep of all but one of the state offices. Former Lieutenant Governor John E. Rickards was elected governor by a small margin. Had Populist Will Kennedy not carried Silver Bow County, normally a Democratic stronghold, Collins would have won. Alexander Botkin was elected lieutenant governor and would preside over the State Senate. Charles S. Hartman, a Bozeman lawyer, was elected to Congress, defeating the incumbent W. W. Dixon, Daly's lawyer. The only non-Republican elected to state office was William Y. Pemberton, the Chief Justice of the Supreme Court, who had been nominated by both the Populists and the Democrats.²⁹

In the legislature, the Democrats continued to hold a nine-to-seven edge over the Republicans in the Senate. No Populist won election to the Senate. The voters expressed their disgust with the deadlocked first and second legislature by returning only one man to the third House. The Democrats claimed twenty-seven seats, but lost one when the election was challenged. The Republicans held twenty-five

seats, not including the disputed one, possession of which had not been settled by the time the legislature was to meet. The Populist elected three members to the House, Absalom F. Bray and Thomas Matthews from Silver Bow County, and D. W. Beecher from Cascade. The caucus leader was Bray, a liberal Butte wholesale merchant who had come from Cornwall to see the Centennial Exhibition and never returned home. He had some previous experience in the legislature, having been one of the five Silver Bow Republicans who met with the Republican House in the first legislature. He was not seated, though, in the compromise that got the second session organized. Matthews, a miner who was also from Cornwall, tended to follow Bray's lead. Beecher, identified during the campaign as "a representative working man," was a Populist who had also been endorsed by the Cascade Democrats after their own candidate withdrew two weeks before the election. He felt he owed his election as much to the Democrats as to the Populists. His allegiance was divided, but in the beginning at least he worked with the Populists.³⁰

Thus a number of factors combined to make the 1893 legislative session especially crucial. The example of the first two sessions was nothing to emulate, and the third session was expected to make up for the lost time. The members of the House were largely inexperienced. The Democrats and Republicans were nearly evenly matched, and the Populists were a small but significant unknown quantity in the

political equation. Marcus Daly, in his attempt to secure the state capital for Anaconda had contracted numerous political debts which would have to be settled. William A. Clark was expected to make some deals of his own to win the U.S. Senate seat that was to be awarded by this legislature. Interest was high as the legislators gathered in Helena at the new year.

Chapter 2

THE 1893 SESSION - BEGINNING PHASE

The 1893 legislature had a great deal of work to do in sixty days. Of paramount importance was the election of a Senator to succeed W. F. Sanders, who had drawn the short term in 1890. After that was settled, there were the institutions to be located, and the basic issue of whether to create one or several universities to be decided. A number of county division proposals could be expected. And because the first two sessions were so unproductive, some questions that were part of the transition to statehood needed to be settled. It promised to be a hectic session with little time to deliberate.

Major Issues

The first order of business was the election of a Senator. Before the sixteenth amendment was ratified in 1913, state legislators considered this their most important task, as well as their greatest opportunity for trading political favors. In this particular instance it was especially important for Montana to choose a Senator quickly, because the Sherman Silver Purchase Act was under attack. This 1890 law required the Treasury to buy an amount of silver roughly equivalent to the entire United States production, and to issue notes for it redeemable in silver or gold. The act insured the economic prosperity

of the western mining states, including Montana, but undermined the federal gold reserve. President-elect Grover Cleveland had promised during the campaign to work for its repeal. Thus it was most important for Montana to have its new Senator in Washington as soon as possible to fight against repeal. Regardless of party, all of the likely candidates for Senator were pro-silver.¹

It was generally assumed that whatever deal the three Populists made with either major party for control of the House would include an agreement on a Senator, so that the election would be decided quickly. Some optimists thought it could be settled in less than a week. Lobbyists interested in other issues were willing to wait until the legislators were not longer preoccupied with the Senate election before they started pressing their cases.

Second to the Senate race, locating the state institutions was the most crucial issue. As a state, Montana was entitled to federal land grants to support several institutions which it had not had as a territory. They included a school of mines, a normal school, an agricultural college, a deaf and dumb asylum and a reform school. In addition, Montana had already received a land grant for a university in 1881. The state Board of Land Commissioners was selecting the lands.²

During the capital election, Helena interests had argued that the institutions could not be located until the capital issue was settled.

They argued that the loser in the runoff election would end up with nothing. However, shortly after that inconclusive election, others began arguing that the institutions had waited too long already, and the state was losing money from the delay. They accused Helena of planning to grab all the institutions if it lost the capital. Missoula wanted the university and had stayed out of the capital contest in order to work for it. During the campaign, both Anaconda and Helena had promised to help Missoula to get it. Shortly after the election, the Butte Intermountain, Republican potentate Lee Mantle's paper, had proposed locating the university at Missoula, the agricultural college at Bozeman, the normal school at Dillon and the school of mines at Butte. This proposal was eagerly supported in those four towns. Other towns were also interested in receiving parts of the educational system. Miles City wanted the agricultural college, arguing that the Yellowstone Valley had a much greater potential for agricultural development than the Gallatin did. Twin Bridges had established a teachers' college in 1887, and wanted the state to take it over as the state normal school. Livingston was also interested in the normal school. Walkerville citizens hoped to convince the legislature that all the smelter smoke in Butte made it an unhealthy place for the school of mines, and it should be put in their town instead.³

When it became apparent that the educational institutions would be located by the 1893 legislature, Helena leaders changed their

tactics. Joining with Great Falls spokesmen, they began presenting the case for a consolidated university. They argued prophetically that, separated, the institutions would never be more than a scattering of little colleges competing with each other for inadequate state funds. Consolidated, however, they could become the Harvard or Yale of the West in a few short years. They cited the examples of Minnesota and Wisconsin, where consolidated universities prospered, and solicited statements from university presidents in other states favoring the idea. State leaders like A. J. Craven, a member of the Helena school board, Cornelius Hedges, the first superintendent of public instruction, and long-time Territorial Delegate Martin Maginnis spoke in favor of consolidation. The state teachers' association, gathering in Missoula just before the legislature met, passed a resolution endorsing consolidation.⁴

The leader of the movement for consolidation was Paris Gibson, the founder of Great Falls, close associate of James J. Hill, and Cascade County's representative in the State Senate. Gibson had been born in Maine and was educated at Bowdoin College. He spent a good part of his life in Minneapolis, developing flour and woolen mills at the falls of St. Anthony, before he came to Montana. While in Minnesota he served on the Board of Regents of the University of Minnesota and was well acquainted with the advantages of a single consolidated university. Both Helena and Great Falls were mentioned

as possible locations for the university, but they did not press for it. They also proposed laying out a new town as Thomas Jefferson had done in Virginia, if local rivalries proved too great.⁵

By the time the legislature met, whether or not to locate the institutions that year was no longer the issue. The question had become whether to spread them around the state or to group them in one place. All sides were well prepared for the debate.

Plans for creating new counties also generated intense interest, at least in the areas involved. A county courthouse was as good as a small institution for stimulating local commerce; the county payroll could provide a number of jobs for local politicians. In addition to these considerations, many people found their county seats too far away. This was particularly true in the wide open eastern part of the state. For every county proposed, there was a local group which opposed the idea. Either there weren't enough people in the proposed county to support the government, or the tax base was too small, or the old county would be left with an unmanageable debt. In most cases, both supporters and opponents sent representatives to Helena to lobby for them.

The first and second legislatures had not been able to consider new counties for lack of time. Meanwhile the state population was increasing. The third legislature expected more than the usual number of proposals. These bills would create even more opportunities

for trading votes and logrolling.

The second legislature had established a commission to write a new code of laws for the state. It was necessary to clear up contradictions between the old territorial laws, the state constitution, and the laws that had been passed since statehood. The commission had been working between sessions and had four codes ready for consideration. Certain of the recommendations now caused objections when they were published. Governor Rickards recommended passing the codes as they were proposed to maintain their harmony. They could be amended as necessary afterwards. Yet it seemed certain that the legislators would want to make some changes before acting on them. The legislature could also expect to consider some bills to protect labor in this session. All three parties had endorsed the idea of a law restricting the use of Pinkerton agents. In addition, the Populists wanted some legislation on the eight hour day.⁶

Organization

The legislature convened on January 2, 1893, and began the business of organization. In the Senate this was a simple matter. The Democrats held nine seats and the Republicans seven. The presence of Lieutenant Governor Alexander Botkin, a Republican, as presiding officer had no real effect. The Democrats quickly elected E. D. Matts

of Missoula, a Daly man, President pro tempore, chose the other officers, and sent the customary committee to inform the governor they were ready for business.⁷

The situation in the House was much more complex. The Republicans held twenty-five seats and the Democrats twenty-six. However, A. J. Davidson of Helena was bedridden with rheumatism and unable to attend; so the Democrats could only command twenty-five votes. There were three Populists in the House, two from Butte and one from Great Falls; and furthermore, one seat from Chouteau County was contested. For a short time there was speculation that each party would recognize this own candidate and, as in 1889, would meet separately and send two Senators to Washington. However, that one seat was not enough to give either party a majority in the fifty-five member House, so they concentrated on securing the cooperation of the three Populists instead.⁸

Certainly, the Populists were in an excellent position. Their three votes represented not only control of the House but control of the joint assembly as well which would be able to choose the U.S. Senator. Provided that the Republican candidate won the Chouteau county election, which seemed likely, or that the contest remained unsettled and Davidson could not attend, the Populists could combine with either major party to organize the House and to elect a Senator. Since the Senate election was so important, this gave them enormous power, which they fully appreciated.

The three Populist representatives met with party leaders in Helena on December 31 to discuss strategy. They had received a telegram from national party leaders, ordering them to make any combination necessary to elect a Populist Senator. This would give the party six U.S. Senators and the balance of power in the Senate when repeal of the Sherman Silver Purchase Act was debated. Thus the national importance of these Montana events was large. In contrast, Will Kennedy, state party chairman and candidate for governor in 1892, told them to combine with the Republicans, who needed them more and might offer greater concessions. D. W. Beecher, the Great Falls representative, objected to that. He told Kennedy he had been elected by 1000 Democrats and 300 Populists, and he thought he owed something to the Democrats as a result. At their caucus, the Populists decided they could ask for the Speakership of the House as part of their settlement, but adjourned without deciding with which party they would cooperate.⁹

The single election not yet decided when the legislature convened was for a representative from Chouteau County. The County Canvassing Board threw out the returns from Box Elder precinct near the Blackfeet Reservation after some half-breeds testified they had been paid to vote Republican. This gave the victory to A. B. Hamilton, a Democrat, and the board gave him his certificate of election along with the other winners. His Republican opponent, E. E. Leech, appealed to the

state Supreme Court. After a special hearing, the Court ordered the board to review the election returns, this time including the Box Elder ballots, and to issue new certificates. The results were close, and the inclusion of the Box Elder votes would give the election to Leech. However, two members of the Chouteau county canvassing board were out of the state when the Court issued its ruling, and they did not return until December 30. They did not have time to complete the recount and issue Leech his certificate soon enough for him to get to Helena for the beginning of the session. Hamilton, on the other hand, was present with his original certificate, and demanded to be sworn in with the others on the first day.¹⁰

Confusion reigned, as the ugly partisanship which had festered since 1889 again rose to the surface. According to the state constitution, on the first day of the session the auditor was supposed to call the list of elected members of the House of Representatives and have them sworn in. Auditor A. B. Cook, a Republican, refused to call Hamilton's name or to let him take the oath of office. T. C. Bach, the Democratic leader, argued that if Hamilton's certificate was invalid, then so was Republican T. C. Burns, the other Chouteau County representative, since it was issued at the same time. The Republicans ignored the argument, and tried to move on to the election of officers. Bach charged that there was a conspiracy underway, organized by Colonel Sanders, the Mephistopheles of Montana

politics, to seat Leech and organize the House under Republican control before Davidson could recover and take his oath of office. He led the Democrats out of the House, and Beecher, the Cascade Populist-Democrat, went with them. The Republicans and the two remaining Populists, constituting a bare quorum of the fifty-three men who had just been sworn in, proceeded to organize the House without them. After electing Populist Matthews temporary Speaker and Republican D. J. Tallant of Cascade temporary secretary, the Republican-Populist majority prudently adjourned for the day.¹¹

The first day seemed to have resulted in a complete victory for the Republicans. They had prevented Hamilton from being seated, and Leech was expected to arrive in a day or two with credentials at least as good as the Democrat's. Furthermore, two of the Populists seemed willing to follow their state party leaders' instructions and work with the Republicans in the House. If those two could persuade Beecher to get in line, they could control the joint assembly as well. The election of Matthews as temporary Speaker was an indication that the Republicans were willing to give the Populists what they demanded, in return for their cooperation in controlling the House.

However, appearances were deceiving. Once Beecher walked out with the Democrats, a Populist-Republican agreement seemed less attractive to both sides. Without his vote they could not control the joint assembly, and he categorically refused to support a

Republican for Senator. Furthermore, if Hamilton were seated and Davidson recovered, the Republican-Populist coalition could not even keep control of the House. Fusion with the Democrats now began to look more attractive to the Populists. The chances of electing a Populist Senator were slim at best, whatever their instructions from their national leaders. More important in Montana was passing labor-oriented legislation. If the Populists with Republican help passed a bill in the House, it would probably be defeated in the Senate, where the Republicans were in the minority and the Populists had no vote. The Populists, in other words, needed Democratic cooperation on labor issues dear to their constituents.¹²

Public reaction to the Democratic walkout was swift and hostile. Newspapers speculated on the fearsome possibility of having two Houses of Representatives again. Fortunately, that extremity was avoided. Overnight, the Populists and the Democrats worked out a compromise that allowed the House to get on with its business. The next day, Populist Matthews was elected permanent Speaker with the combined support of the Populists and the Democrats. Populist A. F. Bray was elected Speaker pro tempore and chairman of the important committee on state institutions. To avoid further antagonizing the Republicans, the compromise included no agreement on the Chouteau county contest. Beecher was named the chairman on the committee on elections. The other members were two Democrats and two Republicans.¹³

The compromise put Populists Bray and Matthews in powerful positions, but they had reason to feel insecure. From the beginning their partisan colleague Beecher showed an alarming tendency to work with the Democrats in any event. Davidson's health, meanwhile, was improving. On January 9, he was carried into the House on a stretcher to take his oath of office. He still was not well enough to attend regularly, but he was available on an hour's notice for an important vote. Already the Democrats, with Beecher's and Davidson's votes, had a majority in the joint assembly and could elect a U.S. Senator as soon as they decided on a candidate. More threatening to the two Silver Bow Populists' power and their hope of passing labor legislation was the likelihood that Beecher and the Democrats on the Committee on Elections would soon decide to seat Hamilton. His vote would give the Democrats a majority in the House without the Silver Bow Populists' support, and they could reorganize the House to exclude Bray and Matthews from power. The Democratic-Populist alliance was extremely shaky.¹⁴

The Committee on Elections, two Democrats, two Republicans and Populist Beecher, was proceeding slowly to examine the Chouteau County election contest. The Committee met with the two claimants, Democrat A. B. Hamilton and Republican E. E. Leech, and their attorneys on January 6, but was unable to decide on a course of action. On the ninth, the Committee requested the power to send for documents and

witnesses, but the request was laid over until the following day. The ninth was also the day that Davidson was sworn in as a member of the House, raising the specter of a Democratic majority. The next day, before the Committee on Elections' request for subpoena powers could be taken up in the House, Populist stalwarts Bray and Matthews temporarily switched sides and joined with the Republicans to seat Leech. The Democratic-Populist Beecher voted against this motion along with the Democrats, but Davidson was absent and the motion carried by a single vote. The House then voted overwhelmingly to grant the Committee the authority it had requested. Hamilton filed a formal motion of contest three days later, but by then it was a dead issue.¹⁵

Seating Leech gave the Republicans twenty-six votes in the House and held the Democrats to twenty-seven including Davidson and Beecher. The Democrats still needed the Populists to make up a majority. Bray later claimed that he and Matthews had voted to seat Leech on procedural grounds, because no contest could be filed until one or the other contestant was seated. Actually, the Populists had helped seat the Republican Leech in preference to the Democrat Hamilton to protect their own positions as Speaker and Speaker pro tem.¹⁶

Senate Election - First Phase

As soon as the organization of the House was finally settled, the contest for Senator began in earnest. The Populists were committed to vote for Samuel Mulville of the Butte Blacksmiths' Union. He had, after all, been chosen at the party convention the previous June. In spite of the instructions of their national leaders, the Populists had not included an agreement on the Senate election when they joined the Democrats to organize the House.

The contest for the Republican nomination was orderly, too. Wilbur F. Sanders, a leader of the Republican party for thirty years, had drawn the short term in 1890. Now he wanted to be reelected by a legitimately organized legislature to clear his name of any taint associated with the irregularities of that first legislature. Also interested in the nomination was Lee Mantle, a pro-Marcus Daly Butte businessman, publisher of the Intermountain, and recently elected mayor of Butte. Mantle was popular among the voters, and he thought he might be able to get the support of the Populists and be elected. Bray and Matthews were from Butte, and were rumored to support him. Sanders was too conservative to be acceptable to any of the Populists although he had voted for free coinage as a Senator. When the Republican party caucused on January 9, the group gave the nomination to Sanders by a narrow one vote. From then on, as long as

he was their nominee, the Republicans voted for him unanimously.¹⁷

In contrast to the discipline of the Republicans, personal rivalry split the Democrats several ways. William A. Clark was making another determined effort to be elected Senator. After having been humiliated by Daly's treachery in the 1888 election and by the Senate's refusal to seat him in 1890, he was truly determined to win this time. As soon as the results of the November 1892 election indicated a Democratic majority in the Legislature, he had begun soliciting support for the party's nomination. Since he realized Daly would probably try to stop him, he apparently offered money as well as the traditional inducements, like support on certain legislative issues, to garner support. A. B. Hammond, leader of the Republican party in Missoula County, wrote Samuel T. Hauser on November 30, informing him that Butte men were already visiting legislators-elect to buy their support for Clark. "Kenyon has a 'sack'," he reported, "and as some of the members who have been elected are poor men that kind of talk will probably convince them."¹⁸ At this point Clark assumed that, for a modest investment, he could get the support of a majority of the Democrats. This would give him the caucus nomination, and party discipline would force the other Democratic legislators to vote for him.

Hammond's report alarmed Hauser, a tough Helena banker and one-time Territorial Governor, for he also wanted the nomination but

did not have the financial resources to compete with Clark directly. However, he realized Daly would try to stop Clark, and tried to work out a deal for his support. Hauser asked T. F. Oakes, president of the Northern Pacific railroad, to contact Daly's partner J. B. Haggin in New York. Oakes first suggested they all support a third candidate like outgoing Governor J. K. Toole, but got no response. Hauser wanted desperately to run, but Daly preferred to back W. W. Dixon, the Anaconda company attorney who had just been defeated for reelection to Congress. Daly, through Haggin, refused to commit himself to a deal beyond promising to support Hauser if Dixon faltered. This was unacceptable to Hauser, who would only support Dixon if his own candidacy failed. Oakes finally told Hauser he ought to deal with Daly directly.¹⁹

Other men were mentioned as possible compromise candidates, including former territorial delegate Martin Maginnis, T. E. Collins, Helena attorney Roberts Burns Smith and Great Falls founder Paris Gibson. However, the Democrats seemed to have a majority of votes in the joint assembly, so none of the front-runners was willing to give up his chance for the nomination. The party caucused on January 9, but did not vote. Each candidate was too afraid the nomination would go to someone else.²⁰

To further complicate the election, the legislators were uncertain as to when they were supposed to begin balloting. According

to federal law they were to begin on the second Tuesday after organization, and vote every day until a Senator was chosen. Because the House met on Tuesday, January 3, but was not organized until Wednesday, this apparently meant they could not begin until January 17. However, no one wanted to lose a week that way. Finally, they agreed to start balloting on the tenth. If someone was elected during the first week, one more ballot would be taken on the seventeenth to ratify the election. They thought this plan covered every contingency.²¹

The joint assembly did not meet on January 10, but the two Houses took separate ballots in their own chambers to test the candidates' strength. The Republicans all voted for Sanders, and the three Populists for Mulville as expected. Among the Democrats, Clark led with sixteen votes, Dixon received eight, Hauser six, Maginnis two and R. B. Smith one. The joint assembly met for the first time at noon on the eleventh. Hauser received eleven votes, the most he would ever get. Beecher, the maverick Populist, voted for Hauser, and he drew supporters from Clark, Smith and Maginnis.²²

By the third ballot, January 12, Hauser's control over his forces began to fade. Lockhart, who had supported Clark on the first ballot, returned to him, and Beecher returned to the Populist fold. Davidson supported Hauser but was too ill to attend. Accepting the inevitable, Hauser agreed to a caucus the night of the twelfth. Twenty-five Democrats attended, representing the Clark and Hauser factions.

Davison sent a proxy, and Gibson agreed to abide by the outcome although he was not there. Hauser formally withdrew his candidacy, and endorsed Clark. In return, Clark promised to support Helena in the capital elections in 1894. Clark also promised that his men would vote for Hauser if at some later time he himself withdrew. These promises allowed Hauser to save face, while costing Clark nothing. He certainly would not be expected to support Anaconda for the capital after Daly had worked so hard to keep him out of the Senate. Nor did he intend to withdraw from the race in favor of Hauser or anyone else as long as his party had the votes to elect the next Senator.²³

On the other hand, Hauser's support did not gain as much for Clark as he had expected. The eight Daly-Dixon men did not attend the meeting, and they afterwards refused to be bound by its decision. They continued to vote for their candidate as if there had been no caucus. Furthermore, they argued that the Democratic nominee would need at least one vote from a Populist to be elected, and none of them would ever vote for Clark. Beecher had voted for Hauser once, but when he dropped Mulville for good on the fourteenth, he went to T. E. Collins. Paris Gibson also voted for Collins instead of supporting the caucus nominee, another blow for Clark.²⁴

After Beecher left Mulville for Collins, the other Populists announced that they had done their best but could not get a

Populist elected. They then switched to Dixon. On the same day E. C. Smalley, a representative from Stevensville who had originally supported Hauser, switched from Clark to Dixon. It looked as though the Daly men were effectively lining up votes to block Clark. This was the last voting change for two weeks. The joint assembly met for ten minutes every noon and took one ballot before adjourning. Sanders polled all the Republican votes, Clark received twenty-three at most, Dixon received eleven constantly, and Collins received the votes of the two Great Falls Democrats.²⁵

At first the Republicans hoped some of the Democrats, perhaps those offended by the quarreling within their own party, would miss a joint session without arranging a pair first. If enough Democrats did so on the same day, the Republicans might be able to elect their candidate. However, with all three Populists voting for Democratic candidates, it was unlikely that enough Democratic votes could be lost this way.²⁶

As the balloting continued and the Democratic positions hardened, both sides began to speculate about whether or not the governor had the power to appoint a Senator if the legislature adjourned without electing one. Most Democrats concluded that he did, and repeatedly warned the other faction to give in lest a Republican ultimately be appointed by the Republican governor. The Dixon group repeatedly offered to compromise on a third candidate, but the Clark men swore

it would be Clark or a Republican. The Republicans, too, agreed that the governor did have the power to appoint, if the vacancy occurred when the legislature was not in session. Since the legislature would adjourn on March 2, and Sanders' term would expire on March 4, when the new Congress was to be sworn in, this would be the case. If, on the other hand, the governor did not have the power to appoint, the prospect was no more appealing. A deadlocked legislature would mean Montana would lose its rightful representation in Congress at a crucial time.²⁷

A new Republican strategy evolved as time passed. The members were given strict orders never to pair with a Dixon man, for that would have the effect of removing two anti-Clark votes. They also agreed to adjourn the joint assembly each day after one ballot, so that those who considered Clark their second choice would not have the opportunity to switch.²⁸

At one point, someone in Clark's group evidently thought divine intervention might help where all else had failed. On January 28, when the vote had not changed in almost two weeks, Reverend S. E. Snyder, the chaplain of the House, prayed for Clark's election.

We have a common interest in the welfare of this nation and its institutions and in this state that towers above sectional or political interest. Oh, Lord, we have been earnestly requested to pray that the minority of this house may see the error of their ways and fall into line with the majority. O, God, Thou knowest we would not approach Thee with any selfish or partisan prayers.

But we stand before Thee as intelligent citizens endowed with conscience and will power and responsible to Thee for our acts. Help us, O, God, to honor Thee with those God-given powers, and Thine shall be the praise, world without end. Amen.²⁹

In all probability this prayer was offered in Clark's interest. Clark always insisted that he was the choice of a majority of the Democratic party, and his campaigners continuously berated Dixon and his supporters as a minority faction acting on the whim of the obstructionist Daly. However, if Reverend Synder expected to sway any votes in the Senate contest, he was unsuccessful. The vote totals were lower that day because it was Saturday. but the relative strengths of the candidates did not change.

The impasse between the two groups of Democrats hung over the entire legislature. The men considered the election of a U.S. Senator to be the most important task before them, but there could be no election unless Daly and Clark reached a compromise, and that was impossible as long as Daly refused to support Clark and Clark refused to withdraw. The Republicans were united behind Sanders, but they did not control enough votes to elect him. They could only keep their distance and hope that the acrimony among the Democrats would not engulf them. For the moment party discipline was holding the Republicans together, but a number of the other possible candidates were waiting with growing impatience for Sanders to falter. The three Populists had already been drawn into the opposing Democratic

camps, destroying the unity of their caucus, distracting them from their legislative goals, and tarnishing the party's reputation for integrity. Meanwhile the legislators of all parties had little time to spare for legislative matters, and the session was nearly half over.

