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MARCUS DALY

A STUDY OF BUSINESS IN POLITICS

by

Kenneth Ross Toole
(B.A. Montana State University, 1947.)

Presented in Partial Fulfillment
of the Requirements for the
Degree of Master of Arts.

Montana State University

1948

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INTRODUCTION

In the following pages I have set down what I believe to be the fullest appraisal of Marcus Daly that circumstances will admit. Those circumstances involve, among other things, an original paucity of documents or records of any sort, the destruction of such records as once existed, and the covering up of that paucity with a wealth of semi-dramatic fiction. Much, I might say most, of what Marcus Daly was has been lost in the interval of forty-eight years since his death.

In 1901, the year following his death, a mass of material, the exact nature of which is obscure, was shipped to his Hamilton estate from Anaconda and burned. This was done at the specific request of Mrs. Daly and was accomplished for her by Mr. P. J. Shannon and Mr. John C. Lalore, two employees of the estate. The latter was for some years Mr. Daly's private secretary. The event is very clear in the memory of Mr. Robert O'Hara, still an attorney in Hamilton and Mrs. Daly's legal representative in Montana.

On September 27, 1927, eleven years after the death of John R. Toole, close friend of Marcus Daly and for some years his political cohort and employee, Mrs. Toole turned over a similar mass of material to her son-in-law, George F. Weisel, with the request that it be burned. According to Mr. Weisel many letters from, to and concerning Marcus Daly were destroyed. If any man knew Marcus Daly and more particularly, the ins and outs of his political interests, it was John R.

Toole.

Miss Florence Catlin of the Anaconda Public Library informed the author that her father's papers, many concerning Daly, met a similar fate. Her father was on the editorial staff of the Anaconda Standard, Marcus Daly's paper.

Mrs. James W. Gerard, one of the two living children of Marcus Daly, informed the author that several years before the death of her mother, the letters from her father to her mother were destroyed.

This state of affairs I have encountered with discouraging frequency. I believe that in each instance the destruction was the result of the natural reluctance of the family involved to let personal matters and letters go astray, but as a result valuable material which would doubtless have thrown much light on the life of Marcus Daly has been lost.

It must be kept in mind that from 1888 to 1900 the political history of Montana and the story of copper was largely woven around the passions, hatreds and ambitions of two men, Marcus Daly and William Andrews Clark. Their mutual hatred manifested itself most clearly in the political battles which for more than a decade kept the state in turmoil. But the ostensible in politics even today frequently buries real motives. Considering that the events in question took place more than fifty years ago, that there were violent partisans on each side, and that there are even yet those who cannot

discuss the subject without heat, it is not surprising that stories vary and that in many of them the truth has come to violence. J 2

There are people alive today who remember Marcus Daly. They are few and old. I believe there are very few of these people whom I have not interviewed. They have been very cooperative but in most instances have been unable to do more than recite the standard tales and anecdotes which have been written many times. The most significant exceptions have been Mr. William Scallon of Helena, once resident counsel in Montana for the Amalgamated Copper Company of which Marcus Daly was president, Mr. Robert O'Hara of Hamilton, still counsel for the family as far as their holdings in Montana are concerned, and Mrs. George Wellcome of Anaconda, long time resident and daughter of Morgan Evans, confidential agent for Marcus Daly on several occasions and close friend. The Evans family lived next to the Daly's in Anaconda and Mrs. Wellcome still resides in the old house. She remembers Marcus Daly well. All three of these people have acute memories and were in a position to observe some of the events with which this study concerns itself. dal/

I wish also to express my gratitude to Mr. Herbert Peet of Seattle, who has been a close student of Montana history and who has been of great help particularly in connection with the election of 1888. Mr. Peet has afforded documentation for much that would otherwise have remained speculative.

I am deeply indebted to Mrs. Anne McDonnell of the State Historical Library at Helena, to Miss Molly O'Mara of the Butte Public Library and to Miss Florence Catlin of the Anaconda Public Library, without whose help my task would have been far more difficult. To the many others who have contributed I give thanks collectively.

Marcus Daly was not a man to share confidences, not a man to talk about himself, not a man to leave the details of the history of his life behind him. Politically, he was enigmatic. His influence was tremendous but it was always behind the scene. He never sought office; he never made speeches. He hated to write and wrote only when it was demanded of him.¹ When he used his power he did so suddenly and sometimes unaccountably. The historical collections of the State of Montana are laden with the activities of William Andrews Clark. Marcus Daly's absence in those collections is conspicuous.

The reader is asked to bear in mind that the first three chapters of this study, in particular, were constructed from widely divergent and very scanty source materials. Admittedly, the author's endeavor to make a cohesive unit of these chapters has not resulted in a high degree of success. However, rather than cut these chapters down to the size and content of an introduction to the remainder of the work, they

¹William Scallon, personal interview.

have been left in their present form in the hope that subsequent research may one day fill the gaps.

CHAPTER I

THE PROCESS OF ARRIVING: 1841 to 1876

One summer day in 1856 there arrived in New York City an Irish boy of 15 years. Thousands and thousands of his countrymen had stood by a ship rail as he stood that day and looked out over the cluttered water of the harbor to the strange mass that was the city of New York. They had been motivated, perhaps, by individual purposes, but the generating force that had led them to emigrate was a common force. This was a new land and a vast land. They had heard of it in Ireland not as they had heard of other lands, through the vague medium of school books and retold tales, but through the letters of those of their race who were there. It was a personal thing. There was a tie. Emigrating to America was not quite like vanishing forever in the complete foreignness of anything that was not Ireland. The letters that came home may have been artless, but the feeling was clear in them. There was something fabulous in America. True, the earlier Irish who came were mostly put to spade work. To a considerable extent they dug the canals and laid down the railroads. Shoals of Irish women became household servants. But though these people were often low on the scale, they were no less affected by the optimism that was America than were their material betters. America had always been a hopeful country but, about 1850, a great wave of this optimism

began to sweep the land. No one was free from its infection and as the Irish, poor on first arrival, took to American life like ducks to water, they rose in the scale of living, becoming foremen, policemen, politicians; and in a few years many of each succeeding crop of immigrants climbed to a level of influence and economic standards undreamed of in the old country.

The infection was carried across the sea ever more potently. Tales of the new land stood in sharp contrast to the fact of conditions at home. Particularly were the young and restless impressed by the stories they heard. They looked around them, saw the used earth, the old walls, the farms which the centuries had left unchanged and the restlessness in them grew. That was the common denominator of emigration, restlessness abetted by the shining stories of America and by the poverty and famine at home.¹

So there was nothing unique about this young man viewing New York for the first time. He had left the village of Derrylea in County Cavan, Ireland for the same reason others had left. He was seven years old when the great famine of

¹Hugh Daly, Biography of Marcus Daly, printed by the Butte Independent, 1935 in pamphlet form, contains statements to the effect that the Daly's were comfortable farmers. According to Anne McDonnell, State Historical Librarian, Helena, this story was based on a few pictures which were circulated in Montana after Marcus Daly's death and which were presumably pictures of the Daly ancestral home. More than likely according to Mrs. McDonnell, the pictures were of the house of Honore Daly, Marcus' sister, which house was built with money sent her by Marcus after he came to Montana.

1848 struck Derrylea, as it struck all of Ireland. It is not likely that he had forgotten it. His father, Luke Daly, was a farmer and he had eleven children to support. Things had not been easy. There had been no education, except what little his mother, Mary Coyle Daly had been able to teach him. So Marcus Daly arrived in New York in 1856 with no initial advantages and he was swallowed up, as so many of his kind had been, by that vast city.²

Marcus Daly lived in New York City until he was twenty. Of the five years he spent there almost nothing is known. Accounts differ as to how he occupied himself. Apparently he worked for a time in a leather factory, for awhile he was a messenger boy. There is mention of his working as a long-shoreman. Probably he did all three and many things besides, because he was a restless man and a doer of things. One thing is certain. Wherever and however he lived, he saved his money and in 1861 at the age of twenty he set sail for California.

There is little record of his days in California.³

²Ibid., Luke Daly, according to Hugh Daly's pamphlet, was a member of the Young Ireland party, as were all of the Dalys. Honore Daly's house, according to the same report, was burnt in 1921 by the British who suspected her of harbouring rebels. Honore Daly died in 1926.

³Brief reference to his days in California may be found in various newspaper sketches of his life and in Daly's Bio-graphy. William Scallon of Helena remembers hearing him speak of "farming", but does not remember where or for how long Daly was in California prior to his trip to Calaveras County.

Shortly after his arrival in San Francisco he worked on farms and at truck gardens. This was not new work for Marcus Daly, but it was no more compatible than it had been in Ireland. When, therefore, he met a fellow countryman, Thomas Murray, who suggested that they go to Calaveras County and try their luck at mining, he dropped the hoe and together they set out for the mining district.⁴ Of this period, again, almost nothing is known. In Calaveras County he learned the rudiments of mining. Sometime in 1865 Daly and Murray left California and went to Virginia City, Nevada, which was at that time the greatest silver mining camp in the world. Of this period, in response to questions sent her by the author, Mrs. James W. Gerard, one of the two living daughters of Marcus Daly wrote:

I don't know the date of my father's arrival here. (New York) He worked in Brooklyn until he saved enough money to go to San Francisco. What he did there I don't know. He worked his way to Virginia City by doing all kinds of odd jobs. There he became a great friend of John MacKay and that friendship continued until my father's death.⁵

⁴According to Mr. Scallon this same Thomas Murray later became Yard Superintendent of the Anaconda Smelter which position he held until his death. This fact is also mentioned in Daly's Biography.

⁵Letter from Mrs. James W. Gerard to the author, March 29, 1948.

In Virginia City Marcus Daly went to work in the famous Comstock as a common laborer. He learned fast and became in every sense of the word a "hot water boy", an appellation which affixed itself to all who served their apprenticeship in the great Comstock. It was not long before Marcus Daly became a shift boss. He had an easy way with men and he was not averse to demonstrating his confidence in them.⁶

Daly remained in Nevada until 1870. In 1869 he left the Comstock and went to White Pine, Nevada. In 1870 he went to Salt Lake City, Utah where, through the good offices of one Thomas MacMaster whom he had met at the Comstock and who had done well in the Utah mines, he became foreman of the Emma mine at Alta, Utah. In 1871 he left Alta and went to Ophir, Utah, where again, through the influence of MacMaster and because he was fast building a reputation as a mining man of competence, he became the foreman of certain properties then being operated on Lion Hill by the Walker Brothers, miners and bankers in Salt Lake City. He shortly became foreman of the Ophir mine and served as a roving prospector for Walker Brothers in which capacity he traveled extensively in

⁶The Story of Butte, Standard Manufacturing and Printing Co., Butte, Montana, April 15, 1917. This publication contains a brief sketch of Marcus Daly, and refers to his becoming a shift boss at the Comstock. It further states: "Following up the stampede to Venezuela, he went there, remained a few months, and returned to Virginia City." This is the only reference to such a journey that I have unearthed and its authenticity is dubious. The publication appears to be an advertising pamphlet. The only copy I have seen is in the collection of Mr. C. Owen Smithers of Butte.

in Utah. In 1872 at Lake Flat, Utah, he met George Hearst.⁷

At that time Hearst was little more than a prospector himself. In 1867, however, he had made the acquaintance of James Ben Ali Haggin, a San Francisco lawyer, banker and investor. Haggin was interested in mining and in Hearst. The two men formed a loose working arrangement whereby Hearst would prospect and Haggin would finance. They had made a venture into mining in Kern County which had not been manifestly successful, but Haggin, who followed Hearst's activities closely, took note of his methods and did not dissolve the arrangement. Haggin, who "looked like a Sultan",⁸ had a sort of oriental intuition about people and he saw in Hearst the same indefinable quality he was later to see in Marcus Daly. Haggin kept his council and Hearst went on prospecting. When he met Daly, who was prospecting for Walker Brothers at Lake Flat, the two men naturally discussed the various properties they had examined and during the course of the conversation Marcus Daly told Hearst of a prospect he had just examined near what is now Park City, Utah. He told

⁷Mr. and Mrs. Fremont Older, The Life of George Hearst: California Pioneer, (privately printed for William Randolph Hearst by John Henry Nash, San Francisco,) 1932, copy No. 77, 127. "While in Utah he (George Hearst) met Marcus Daly at a place called Lake Flat. Marcus Daly was boss foreman for W. A. Clark, ever on the look out for new mines." This is an error. Marcus Daly was never a foreman for W. A. Clark.

⁸Ibid., 120.

Hearst that Walker Brothers did not like its looks and had turned it down but that, in his estimation, it would bear further examination. He suggested that Hearst look it over in spite of the fact that it was just a "little hole in the ground."⁹ George Hearst did indeed "look it over," and he, like Daly, saw more than a "little hole." Financed by Haggin he bought the property at an "ore in sight" price and named the mine the Ontario. The Ontario was the foundation of George Hearst's great fortune. At the close of 1883 the total output of the Ontario had been more than 17 million dollars.¹⁰

The Ontario was the first really great property purchased by Haggin and Hearst and in a sense they were in the debt of Marcus Daly. The next mine that Hearst bought in Utah he called the "Daly" and it was nearly as profitable as the Ontario. Marcus Daly went back to the Walker Brothers. George Hearst went on prospecting. The purchase of the Daly was followed by the Homestake in South Dakota, later to become one of the richest and most famous of western mines. Hearst was well on his way, and Haggin, already rich from investments in real estate and mines, was rapidly becoming the leading financial figure in San Francisco. These two

⁹ Ibid., 127.

¹⁰ Ibid., 129.

men were subsequently to mean much to Marcus Daly.

Slim as the details of Marcus Daly's days in California, Nevada and Utah maybe, it is clear that in these early days he learned the ins and outs of practical mining thoroughly. He developed a "nose for ore" and he developed an intuitive insight into men, which was later to be invaluable. He had risen from a pick and shovel man to a shift boss, and from shift boss to foreman, and he had risen because he knew his business. He had been schooled the hard way, in the heat of the sumps of the Comstock. While working for Walker Brothers he had prospected innumerable properties. He developed the good practical miners ability to judge the sub-surface structure by the lay of the outcroppings. Such knowledge was not easily or quickly acquired. He was not infallible, nor did Walker Brothers always accept his judgement. Witness the Ontario; Walker Brothers had not thought it good in spite of his recommendation.

One day in 1872, when Marcus Daly was inspecting a shallow placer operation at Ophir, a young woman whose curiosity got the better of her, lost her balance on an incline and tumbled precipitately into Daly's arms. There were apologies and explanations but the net result was that Marcus Daly married the young woman.¹¹ Her name was Margaret

¹¹Letter from Mrs. James W. Gerard to the author, *op.cit.* According to Mrs. T. J. Murray of Butte, close friend of the Dalys, the manner in which Marcus Daly met his wife was a standing joke at the Daly household. Margaret Evans was not, as most accounts indicate, a school teacher.

Evans and she was eighteen years of age. Marcus Daly was thirty. Her father, Zenith Evans, was a miner and lumberman who had come west from Ohio some years before. The courtship was a short one, as most were in those days, and they were married in the Walker house in Salt Lake City.¹²

The Dalys remained in Utah until the summer of 1876. In those four years, two children were born, Margaret and Mary. Marcus Daly continued to work for Walker Brothers. He managed the Ophir and made frequent trips to prospect properties in which the Walker Brothers were interested. It was in this capacity that he traveled to Butte in the summer of 1876. He traveled from Salt Lake to Franklin by railroad and, since that was as far as the railroad went, from Franklin to Butte by coach. He arrived in Butte early in August, 1876.¹³

The Butte of that year was hardly a city. It lay in a

¹²In her letter to the author, op.cit., Mrs. Gerard says: "I think George Hearst was at the wedding as I have some silver that Mr. Hearst gave them." Apparently at that time Hearst and Daly were more than mere acquaintances.

¹³Sources of information concerning Marcus Daly's days in California, Nevada and Utah, are, as has been indicated, very limited. The principal sources employed for the purpose of the foregoing sketch were: Mr. and Mrs. Fremont Older, op.cit.; Salt Lake Herald, May 8, 1889; Anaconda Standard, Nov. 18, 1900 (obituary); Hugh Daly's Biography: The Story of Butte, op.cit.; Letter from Mrs. James W. Gerard to the author, op.cit.; Sketch of Daly by Paul C. Phillips in the Dictionary of American Biography; Vol.V, Charles Scribner's Sons, New York, 1930, 45; personal interviews with Mr. William Scallon, Helena; Mr. Robert O'Hara, Hamilton; Mrs. George Wellcome, Anaconda. Only facts upon which there is substantial agreement have been employed.

cup of earth surrounded by treeless, spiney hills. The buildings which made up the camp were, for the most part, wooden structures, double fronted and unpainted. There was little of permanence about them. Clouds of dust arose from sun baked streets and trailed behind the laden ore wagons which plied between the various ore dumps and the mills. This was before the day of the tripod gallows, but everywhere rose the various and individual hoist structures and derricks.

Just under a decade prior to Marcus Daly's arrival, Butte had reached its climax as a placer camp. A dry season in 1869 and the failure of the usual water supply had drained the settlement of many of its optimists, and for the next four years Butte led a precarious existence. There was ample evidence of mineral wealth, and the existence of substantial copper deposits was no secret. Copper, however, did not cause the gold miner's heart to race, nor did the general knowledge of the presence of silver. Montana was gold territory and the men in Butte were gold miners. A copper smelter had been erected in Town Gulch, later to be known as Dublin Gulch, as early as 1868, but without adequate fluxes, its operators failed to reduce the ore. In 1873 and 1874 William Andrews Clark, who had already started on the road to riches, had shipped a substantial quantity of copper to Corrine, Utah and he had manifested an interest in copper deposits in his several claims. But it was an

experimental interest only. W. A. Clark was a cautious man when it came to investments and everyone knew it was necessary to have an immense amount of ore to make it pay. In addition, the only really adequate smelting facilities were in far off Wales at Swansea. The miners in Butte snorted at the idea of copper and as they scraped deeper in the earth for gold and encountered more of the despised black outcroppings of silver, their discouragement grew. Many of them deserted Butte and sought the yellow wealth elsewhere.

In the fall of 1874, however, W. L. Farlin returned to Butte after an absence of two years in the Idaho silver district. He was convinced that a wealth of silver lay beneath the earth of Butte. He located the Travona claim and began to seek silver in earnest. He did not seek long. He soon began to ship ore to Fort Benton in commercial quantities. It was re-shipped to the east for smelting. The cost of shipment proved prohibitive. Then he tried freighting it overland to Corrine, Utah for re-shipment and though it ran 400 dollars to the ton, again, the haul was too long to warrant mining. Nevertheless, Farlin's efforts had convinced the miners of Butte that there was wealth in silver. By 1875 Butte was known as a silver camp. Farlin had begun the construction of his own mill, the Dexter, a ten stamp roasting mill. There was a rush to stake out claims and bond property. One after another the LaPlata, Burlington, Lake, Acquisition, Great Republic and a host of other silver mines

came into existence. Among them was the Alice, a mine owned by Rolla Butcher. Butcher had purchased supplies from the Walker Brothers in Salt Lake and he had paid in silver bullion. It was the Alice which Marcus Daly came to investigate in August of 1876, and the camp he came to was breathing with new life. It had shaken off the discouragement of its placer days. It was a full fledged silver town.

CHAPTER II

THE ANACONDA 1876 to 1884

Marcus Daly looked the Alice over carefully. It did not have much surface structure, nor had a great deal of development work been done underground. But he ascertained that it produced a free ore easily milled and he took an option on it for the Walker Brothers. Some weeks later Walker Brothers purchased the Alice for 25,000 dollars. Daly retained a one-fifth interest for himself.

After securing the option from Rolla Butcher, he traveled by coach to Idaho to inspect silver properties there. On August 25, 1876 the Butte Semi-Weekly Miner took note of his departure with this comment:

Mr. Marcus Daly, a western miner of experience, and a gentleman of excellent sense, who has been looking around the quartz camp for some time, left by coach for Idaho yesterday and we trust will see it to his interest to come back some day and take a hand at mining in Montana.

On September 29, the same paper reported:

Messrs. Robert and Sharp Walker of Salt Lake City have been in Butte this past week and returned to Salt Lake City this morning. They will put a force to work on the lode Marcus Daly is desirous of developing. He is believed to be the best miner who has ever been in Montana and with abundant means will develop the property. It was a fortunate day for Montana when the first claims were sold to Walker Brothers.

Robert and Sharp Walker had come to Butte to satisfy themselves on Daly's report. They could have spared themselves the trip. The Alice was a safe bet for 25,000 dollars.

While Marcus Daly had been in Butte, he had not restricted himself to an inspection of the Alice. He "had been looking around the quartz camp for some time," and he liked what he saw. It has been maintained by many subsequent writers that he immediately recognized Butte as a potential copper camp.¹ As subsequent events will demonstrate, that is most doubtful. The Alice was purchased as a silver property and was operated as such. If copper was in the back of Marcus Daly's mind at this date, it was not apparent in connection with the Alice, and even when he later became interested in another claim, the Anaconda, it is doubtful that he purchased it as a copper property.

In any event, in September he returned to Butte and the Alice. He had prevailed on the Walker Brothers to let him manage the mine. The mine itself, far from a pretentious

¹Notably the Anaconda Standard, Nov. 3, 1895 which carried a story which has since been represented as "the only published reminiscence of Marcus Daly," and in which he allegedly said, "I can say that I was not favorably impressed with Butte as a silver camp, but I believed at the time that it was a most promising copper camp, and I based my conclusions on what I saw where Mr. Meader was operating and on the development at Green Mountain which was worked by a man named Posnanski."

institution, was located atop a barren hill several miles north of Butte. On the southern slope of the hill squatted the ten or twelve shacks which came in that year to be known as Walkerville. Daly moved into one of these forlorn structures back of the settlement's one store, and began developing the Alice.² He began the construction of a 20 stamp mill almost at once. By the Spring of 1877 he had driven the main shaft of the Alice to 125 feet. He was working an eight hour shift with three men in the shaft. There was considerable difficulty at first because hoisting facilities were poor and water poured in as rapidly as it could be bailed, but by the fall of 1877 new machinery, hoisting works and a new pump arrived. The shaft deepened at an average rate of $1\frac{1}{2}$ feet per day during the Summer. A second shaft had reached 75 feet by Fall. Altogether Daly employed thirty men in the mine and on the surface.³

These were exceedingly busy days for Marcus Daly. The Alice was the first mine he had invested in himself and he was driven by the desire to make it pay and pay quickly. But he was not too busy to get around and make himself known. The Butte papers followed the progress of the Alice with

²The Montana Standard, March 1, 1944 is the source of Daly's Walkerville address under a column entitled "Echoes".

³Butte Miner, May 1, 1877; ibid, Aug. 14, 1877 in a column entitled "Mining News."

interest and a good deal of respect. He gained Butte's initial respect by demonstrating that he knew his business. People liked his geniality and his quick wit. In the evenings he often visited the cabin of Ben Stack, who lived a few doors from him in Walkerville and who took the Irish World. Daly would prop his feet up on the stove and read the Irish World from cover to cover and then he and Stack would spend the evening in conversation.⁴

The super structure on the barren hill grew and Walkerville grew with it. The street on which Marcus Daly lived was given a name, North Main Street. Walkerville's most imposing structure was, as might be expected, a saloon, The Rainbow. By early winter, 1877, the Alice was producing ore sufficient to keep the mill working at full capacity. There was a lull, they were over the hump. Marcus Daly packed his bedroll and headed for Salt Lake City. In two weeks he was back with his wife and two daughters. They moved into the house on North Main Street, a street of gray shacks, baked earth and ore wagons. The Daly's were in Montana to stay.

Margaret Daly was not troubled by any necessity to adjust herself. She was a pioneer's daughter; she was used to traveling on the tossing, dusty coaches and she was used to

⁴See the story dictated to Anne McDonnell of the State Historical Library by E. B. Stack, File IDB 17. Reference to Stack and his story will be made later in connection with the Clark-Daly feud.

mining camps. As Mrs. Gerard put it, "she did not, of course, expect to find Walkerville or Butte centers of civilization--just mining camps."⁵ Nevertheless it must have been with some misgiving that she first ran a speculative eye over Butte and Walkerville. They were bleak, dusty, tough and rumbling. The gouged hills were ugly by day and dangerous by night. The Butte Miner carried a full load of murders and shootings with every issue.

In 1877, when Marcus Daly brought his family to Walkerville, he was thirty-six years old. Connolly describes him as follows:

Daly was a man of medium height and stocky figure. A splendid full-rounded head topped a well knit body. His eye was marvelously clear, and his voice, in conversation, was low and mellow. His feet were small, and his hands, despite the hardships of his early life, were delicate and shapely as a woman's.⁶

There was nothing aesthetic about Marcus Daly. He was uneducated, his grammar left much to be desired and he was most at ease in the company of his own shift bosses and foreman. Unlike W. A. Clark, Daly was of the men among whom he worked. The difference between Clark and the ordinary Butte miner was a difference of kind, with Daly it was a difference

⁵Letter from Mrs. James W. Gerard to the author, op.cit.

⁶Christopher P. Connolly, "The Story of Montana" in McClure's Magazine, vols. XXVII-XXVIII, 1906-1907, 453.

merely of degree. It has been said by the partisans of Daly and the enemies of Clark that whereas Clark was inordinately vain, Daly had no vanity in his makeup. While the statement is too categorical to be wholly accurate, there is a measure of truth in it. Daly lacked a sense of "posterity" which Clark seems to have possessed to an unusual degree. Daly had many friends; he made them rapidly and easily, but he had few close friends. John Lindsay, who was for some years his private secretary, said of him:

I do not know that any man ever fully comprehended him or was capable of fully understanding Mr. Daly, for one of his distinctive characteristics was trusting the very few.⁷

This quality of Daly's no doubt contributed substantially to the fact that during the events with which this study will primarily concern itself, though his name arose frequently and there was no doubt about his potent influence, the man himself always remained in the background. He signed his name to few proclamations, made no speeches, wrote no memoirs and wrote few letters.⁸ Yet, in his way, he was as ambitious politically as was Clark, and as determined to reach his goal.

In the pages to follow, when the period of Daly's politi-

⁷John Lindsay, The Amazing Experiences of a Judge, Dorrance and Company, Philadelphia, 1939, 75.

⁸William Scallon, personal interview. Mr. Scallon relates that the letters which business necessitated were ordinarily written by Daly's secretary and were signed by the secretary. See Chapter IV for a typical example.

cal activity is reached, the reader must bear in mind that the hard and fast facts were frequently obscured by this unwillingness to come forth into the glare of publicity. Daly's backwardness in this regard has made it necessary for those who have interested themselves in his activities, (if they were actually interested in the truth), to proceed from effect to cause. The effects of Daly's influence were plain to see. Sometimes they were startlingly evident; but the real reasons for his actions were not usually manifest.

In the numerous sketches and studies of W. A. Clark, the purposes of the man, and usually his methods, are clear. The facts are revealed by his speeches, his letters, the letters of his friends and of his enemies. The facts are revealed by the probings of the Senate Investigating Committee, the report of which will be considered in due course. But while that very investigation was instigated and paid for by Marcus Daly, it reveals very little about Marcus Daly.

The present writer has interviewed a substantial number of people who knew Marcus Daly. Of these, at least three knew him well.⁹ Concerning two characteristics, all of the individuals agree. Daly was a man who possessed a winning personality, a rough sort of charm and a sharp wit. And he was a man of unusual generosity. These characteristics have also been associated with Marcus Daly by subsequent popular

⁹Mrs. George Wellcome; Mr. Robert O'Hara and Mr. William Scallon.

writers with almost monotonous regularity. These anecdotes, tales and sketches while, no doubt, in many particulars inaccurate, and in some instances simply fiction, establish, nonetheless, by their very quantity the fact that at least one side of the man was witty, generous, winning, gregarious and congenial. But it would be a peculiar man indeed who was that and nothing else. Yet the reader will search in vain for other than a few reports of a derogatory nature. These reports will be treated as fully as evidence permits in a subsequent chapter. In addition, then, to the laudatory anecdotes and the very few uncomplimentary reports, the nature of the man can only be revealed by a study of his influence on events--by a study of the effects and results of that influence. Therefore, rather than present the fullest appraisal of the man possible at this juncture, let it be reserved until such time as it appears in the natural course of things.

The man who was Marcus Daly's life long adversary, whose enmity was as bitter on the day of Daly's death as it was at the moment of its inception in the fall of 1888, was a small, aloof man who had already, by the year 1877, wrested a neat fortune from the mines and from mercantile ventures elsewhere in the Territory. William Andrews Clark was slight of build, short and wiry. He had a thick shock of dark brown hair and he possessed peculiarly deep set and intense eyes. There was about him a white starched fastidiousness which, in spite of his surroundings, he never

lost. One account describes him as follows:

Clark was a man of unusual and contradictory characteristics. Refined and even fastidious in manner, he could nevertheless deal with all classes of people. Even though he was intellectual and an artistic dreamer, he was coldly practical in finance and politics. He was self reliant and always formed his policies and directed their execution with little regard for others.¹⁰

Even his enemies, and the partisans of his greatest enemy, Marcus Daly, had grudgingly to admit that W. A. Clark was a force to be reckoned with. One such writer says of him:

Clark lacked Daly's tremendous energy and personal magnetism. He also lacked his ready wit and the slashing force with which he accomplished big things on the stroke of the clock. But he was a man of quiet, earnest persistence and when forced to the wall, rarely gave up the struggle without showing fighting teeth and leaving a trail of havoc.¹¹

Clark was one of the vainest men who ever lived. He loved the adulation of the crowd. In later life, at the slightest provocation, he would on public occasions rise, and in a tight, thin voice sing the Star Spangled Banner. He was fond of art and became in due course a collector of good pictures. Nor was his interest in art an affectation. In later years when he built his palatial New York home, it

¹⁰Paul C. Phillips, sketch of Clark in Dictionary of American Biography, Vol. IV, 145.

¹¹Connolly, "The Story of Montana," 456.

housed one of the largest private art galleries in America.

Clark had come originally from Pennsylvania. He passed his boyhood on his father's farm and at the age of fourteen entered Laurel Hill Academy. He was a student for two years at Iowa Wesleyan University where he studied law. He taught school in Missouri in 1859-60 and then, after a brief interval, headed west. He drove a team of cattle across the plains to South Park, Colorado in 1862. There he received his first experience in quartz mining. The next year, 1863, he went to Bannock^a, Montana, by ox team, hard on the discovery of gold. He made a little money mining, went to Virginia City and opened a store. In 1867 he obtained a contract to transport mail from Missoula to Walla Walla, and in this venture, too, he made money. A dollar never went out but what it returned with another sticking to it.

In 1872 he had started to purchase mining property in Butte. He bought the original, Colusa, Mountain Chief and Gambetta. Then he took time out and went to Columbia School of Mines for a brief course in minerology, with special emphasis on assaying and analysis. A very thorough man was W. A. Clark.

In 1875 he received the Travona and the Dexter Mill from William L. Farlin through default¹² By the time Marcus Daly arrived in Butte, Clark had already experimented with a

¹² See page 11.

copper smelter, established a bank at Deerlodge and was one of the territory's wealthiest and most influential citizens. This, then, was the man of whom Daly was to take measure, and he was no mean antagonist.

Clark and Daly shared one thing, ambition. In the common field of mining they sought wealth and in politics, power. Both men used the wealth they had amassed to further themselves politically and in that respect they are equally guilty of dulling the edge of political integrity in the state of Montana. While, as the reader will note in the course of subsequent events, the methods employed by the two men differed radically, the ultimate result was the same. The precedent of bribery and coercion in politics was established. Daly and Clark did more to establish it than any other men.

It is usually said that Clark sought money for its own sake, that Daly sought it for what it could do--what he could build with it. The distinction, while too categorical to be strictly accurate, is, to a certain extent justifiable. Clark's activities seem to have revolved peculiarly around himself and his inordinate personal vanity while Daly's seem to have been part of a larger thing.

In any event, though it was a big country, it wasn't big enough. There may have been enough copper for both to mine

¹³ Sketches of W.A. Clark are numerous. The best may be found in Phillips, *op.cit.*; Helen F. Sanders, *A History of Montana*, Lewis Publishing Co., Chicago, (Vol III) 1913, 354-58; Connolly, "The Story of Montana", 454-56; Clayton Farrington, *The Political Life of William Andrews Clark*, unpublished M.A. thesis, Montana State University, 1942, Chap. I; Michael Leeson, (ed.) *Progressive Men of Montana*, A.W. Bowen and Co., Chicago, 1902, 1104-06; Henry R. Knapp, "William Andrews Clark" in *Cosmopolitan*, February, 1903, 475.

without conflict, but there wasn't room for both of them on the political stage and the struggle between these two men, each striving to be king of the political hill, was to be the core of Montana politics from 1888 to 1900. There, too, while it had a common root, the ambition of both men was different in nature. Clark sought office. He wanted to be called Senator. He sought honor and political distinction. Daly did not seek office. He wanted the power to put men into office, and to control them. Both men were Democrats and therein lay the seed of trouble.

But none of this was manifest in 1877. Marcus Daly was merely part owner and superintendent of the Alice mine. He undoubtedly knew W. A. Clark, and it is possible that the innate hostility had already shown itself, that what later came to be known as the Clark-Daly feud had already been born. But that is a matter for a subsequent chapter. According to all surface indications nothing was amiss.

Not all of Marcus Daly's time was spent in managing the Alice. In September of 1877, the Nez Perce Indians, led by the remarkable tactitian, Joseph, went on the war path. Governor Potts called for volunteers to repel them. W. A. Clark received a commission of major in the Butte Battalion; Marcus Daly "drove ambulance."¹⁴ Many of the casualties of the Battle

¹⁴While thus occupied he stopped at the Morgan Evans ranch, some three miles from the present site of Anaconda, for bandages and water. The Evans ranch was used as a sort of dressing station for casualties enroute to Deerlodge hospital. It was here that Marcus Daly first met Morgan Evans, who became his close friend and who, as will be related, often acted as his

of the Big Hole ultimately found their way to the Deerlodge hospital. Butte had no hospital in 1877. Neither Daly nor Clark was actually involved in the battle, both, however, dropped their business and came running when news of Joseph's uprising reached Butte. The event adequately demonstrates the fact that Butte was no settled community, that it lay in a wilderness in which the Indian could still throw a panic into the populace. It was still a frontier country.

Nor did Marcus Daly restrict himself to the Alice in the field of mining. He was a restless man, and once the Alice was over the hump and the 20 stamp mill was functioning full time, he began to prowl around Butte with an eye on other property. What particularly interested him was the evidence of copper. Daly had had little contact with copper, but everywhere in Butte he saw the green out-croppings, and he wondered. He began to inquire about copper. He learned that such smelters as had been built had failed. He listened to the miners snort and complain and voice their fears that the silver would run out in an ever-increasing amount of copper, just as the gold had run out into silver. But with copper it was different, said the miners, what good is copper? You have

confidential agent. In an interview with Mrs. George Wellcome of Anaconda, Morgan Evan's daughter, the author learned of Daly's job as "ambulance driver." She remembers her father speaking of the event in later years. Mrs. Wellcome knew and greatly admired Marcus Daly.

to have a mountain of it and then you'd have to ship the ore to Wales. No, copper might well mean the ruination of Butte. The more he heard and the more he looked the more interested Marcus Daly became in copper. But there were others too. Witness the following letter from A. J. Davis, a Butte miner of note, to S. T. Hauser, who subsequently became territorial governor:

I find the excitement is so great I can not do anything with the copper mines. The Harrie Harvey men refuse to bond. I can only get ground that is of no known value and such ground at fancy prices. This man Daley (sic) who represents Walker and Brothers is bent on getting up an excitement. And with our people here he has succeeded. Probably it may cool down in a few days, if so, I may do something yet. But to talk to them about bonding only tends to excite them more. I see nothing more than usual to be excited over--This man Daley (sic) I think has an object in getting up this excitement.¹⁵

If Daly did have an "object" in getting up this excitement its significance has been lost. It seems likely that his own interest in copper stimulated the interest of those who owned property on which it was known to exist. He seems not to have been secretive about his interest. Even in 1877 he had the reputation of being one of the most competent miners in the territory and probably, because they had respect for his opinion, those who heard him speak of copper with some

¹⁵Letter from A. J. Davis to S. T. Hauser, Feb. 6, 1877. Original in Daly file, DB17, State Historical Library, Helena, Montana.

enthusiasm, resolved to hold onto their property.

As early as 1878 Daly was trying to get ahold of another mine. Conceivably it was with copper in mind. By that year he had somehow made the acquaintance of J. B. A. Haggin of San Francisco. It is not likely that he had met Haggin. He made no trips to San Francisco nor is there any evidence that Haggin had come west in that year. Probably Daly had written George Hearst who in turn had written Haggin. Neither Hearst nor Haggin would have forgotten Marcus Daly's tip on the Ontario. In March of 1878 S. T. Hauser wrote A. J. Davis as follows:

I got into Deerlodge this evening about 9 o'clock. Met Mr. Daly had a long talk with him--he represents Haggin (sic) in all matters. Mr. Fogus (H. D. Fogus of San Francisco) I have not seen as he had gone to bed before I met Daly--Daly informs me that Fogus represents the house of Cook and Brothers--that in the event of their mutual report being favorable that Haggin (sic) and Cook will take equal interests in the investment and says that they would like for us to take equal interests in the investment, or in other words he would so recommend--and would also like to have the Walkers have an interest, that he telegraphed Haggin (sic) that he Daly wanted or would take 1/6 of the mine, which meant him and Walkers. He seems to talk business.¹⁶

¹⁶Letter from S. T. Hauser to A. J. Davis, March 23, 1878. Original in the Daly file, DB17, State Historical Library, Helena, Montana.

Davis' answer is interesting:

---The mine is gradually declining in silver and improving in copper.---We do not wish to put in much money and a small interest with a large company does not usually amount to much. I had rather keep my means more under my own control or at least keep it from the control of strangers. Keep however by all means on the right side of these fellows for we want their business.¹⁷

There is no indication in the letters of what mine Daly was trying to finance. Apparently the deal fell through. Perhaps the report of Cook and Brothers' expert was unfavorable.¹⁸ In any event, Marcus Daly stuck with the Alice and continued to look around Butte and speculate about copper. Notice Davis' answer above: "The mine is gradually declining in silver and improving in copper." Daly had wanted to get that mine.

¹⁷Letter from A. J. Davis to S. T. Hauser, no date. Original in the Daly file, DB17, State Historical Library, Helena, Montana.

¹⁸There is some evidence to indicate that the mine may have been the Anaconda. Lindsay, op.cit., 70 quoting Captain James Branagan says: "Mr. Daly owned at the time (1879) a 1/3 interest in the Anaconda. He was then manager of the Alice Company." Lindsay himself says: "There is a record showing Mr. Daly was still interested in the Alice in 1880. Michael Hickey said [Daly became interested in the Anaconda before he sold his Alice holdings, but Ed Hickey stated Daly was out of the Alice and was looking around for a new mine when he took up the Anaconda." It is definitely known that Daly tried to interest both the Walker Brothers and R. C. Chambers in the Anaconda before he wrote Hearst. In the letter to A. J. Davis in 1878 (see P. 27) notice that Hauser mentions Daly wanting to give the Walker Brothers an interest in the unnamed mine in question. In Davis' answer (see P.) he says: "The mine is gradually declining in silver and improving in copper." While this might describe any mine, it happens to be a good description of the very early Anaconda. While Daly is not supposed to have looked at the Anaconda until 1880, it is possible that the letters of Davis and Hauser above concern the Anaconda and Daly's interest in it as early as 1878.

W. A. Clark's Dexter mill had started to function in 1877. By 1878 he was down 100 feet in the Moulton and his other mines were spilling out silver, high grade near the surface, low grade at greater depths. By 1879 Butte was enjoying a great silver boom. By that year, the Alice had reached the point where it was capitalized at 10,000,000 dollars. Marcus Daly's restlessness did not diminish. The success of the Alice was assured. Its management was routine and nothing in Marcus Daly's makeup attracted him to routine.

Early in 1880 he sold his interest in the Alice back to the Walker Brothers. It was worth 100,000 dollars¹⁹ and with the deal consummated he went home to his new house on Quartz and Montana streets in Butte and informed Margaret Daly that he was unemployed.²⁰ He was not, however, unemployed for long. With 100,000 dollars burning in his pocket and Butte spread out beneath his feet, the next move was not left to chance. The money would go into a mine, and though there

¹⁹There is much disagreement as to the sum, but the most authoritative figure seems to be that given by Lindsay, op cit, 69, who says: "I may say, however, that Mr. Daly informed me, when acting as his private secretary, that for his interest in the Alice mine at Walkerville he had been paid \$100,000."

²⁰According to Mrs. T. J. Murray of Butte, Marcus Daly was the only person who ever called Mrs. Daly "Maggie". On the day in question he came home and said: "Maggie, I quit my job." He had not told her of his plans. "Maggie" was very distraught and that evening visited the Noyes household (Mrs. Murray was the former Alice Noyes) at which time she expressed her fears that the consequences of being unemployed in Butte might be dire.

is nothing in the record to prove it, it is likely that Marcus Daly had copper very much on his mind.

Two brothers, Edward and Michael Hickey, owned a claim known as the Anaconda on the south east side of the hill just east of Butte. It had been named by Michael Hickey who had served in the Union Army and who had once read an editorial by Horace Greeley which referred to McClellan's surrounding Lee "like a giant Anaconda." The name fascinated Michael Hickey and when he located the claim in Butte he called it the "Anaconda".²¹

When the Hickey brothers showed the mine to Marcus Daly in 1880, there wasn't much to it. They had sunk an incline shaft to a depth of about 65 feet. What ore they had taken from the sump looked good.²² It was, of course, silver. There were substantial traces of copper, but whether or not Marcus Daly took an option on the Anaconda because of copper

²¹This version of the naming of the mine occurs in almost all the stories of the mine and in the histories of Butte as well as in numerous reminiscences. Its unanimity speaks for its authenticity. I have found no other versions.

²²Lindsay, op.cit., 70, quoting James Branagan who had an assay office in Butte in 1878-9 says: "The first assay I got from the Anaconda showed 11 ounces in silver. A little deeper I got 32 ounces in silver. I visited the claim and was strongly impressed with the strong healthy character of the vein." Branagan was interested in the Anaconda prior to Daly, but could not finance it.

is a moot question.²³

In any event Marcus Daly took the option. He gave the Hickey Brothers 10,000 dollars. He did not have sufficient capital to undertake the necessary development work. In hopes of raising it he wrote Walker Brothers. Walker Brothers sent a man to look over the property and his report to them was adverse. Daly then offered a half interest in the mine to R. C. Chambers, a mining man he had met in Utah and at that time the manager of the highly successful Ontario which Daly had recommended to Hearst. Chambers, too, turned

²³According to Norman Holter, long time Butte resident, copper was not in his mind in 1881, at least as far as the Anaconda was concerned. He remembers Marcus Daly talking to his father, A. M. Holter, about the discouraging fact that at 300 feet he was running into more and more copper. He was discouraged and talking about shutting the mine down. And the fact is that for many months the Anaconda did operate as a silver mine. Expensive equipment was installed on the basis of silver, including a sizeable mill. Mr. Holter relates that in 1882 Daly had on order a large mill for the reduction of silver ore. I have not seen reference to that fact elsewhere. Mr. and Mrs. Fremont Older, op.cit., 141 report as follows: "He had great faith in a silver prospect on Anaconda hill. He tried to interest Walker Brothers but they doubted his judgement. He wrote Hearst that he had bonded a silver mine on Anaconda hill near Butte." Interviews with William Scallon and Alexander Leggat, both long time Butte residents, seem to confirm that Daly considered the Anaconda primarily a silver property. Joseph Kinsey Howard, Montana: High, Wide and Handsome, Yale University Press, New Haven, 1943, 56 says: "The Anaconda, a silver mine, was sold to Daly for \$30,000. It was pretty well worked out, and historians do not agree as to whether Daly, who shrewdly kept his own counsel, had already discovered that it was a promising copper property." Howard is in error when he says the Anaconda was "worked out". Almost no work had been done on it, but he is correct in the statement that there is disagreement about what Daly considered the mine to be. The preponderance of evidence, however, indicates that in 1880, at least, Marcus Daly was still after silver. The name of the company he formed was: "The Anaconda Gold and Silver Mining Company."

him down. Then Daly wrote to George Hearst, and Hearst had a good memory. He had not forgotten the Ontario. Daly told him of the Anaconda, told him that it had been prospected only, but that it had looked good enough for him to pay \$10,000 for lease and bond, and he added: "If you will come with me I will take a quarter interest or whatever you say."²⁴ Hearst put the matter up to Haggin and together they joined Daly in the formation of the Anaconda Gold and Silver Mining

²⁴Mr. and Mrs. Fremont Older, op.cit., 141. The Olders say further: "Hearst had confidence in Marcus Daly who was a working foreman. He handed his letter to Haggin and asked him to write Daly. Then he went away to a mine in Arizona. Shortly afterward in a telegraph office in Arizona, Hearst was handed a message. This telegram said that Daly had made other arrangements. Hearst had only Daly's guess about the value of the mine, but the description of it aroused his interest so much that he telegraphed immediately to Daly apologizing for Haggin's neglect in answering the letter. He promised to go in with him. Daly telegraphed back that he had made arrangements with W. A. Clark, later U. S. Senator from Montana. Hearst telegraphed Daly to buy out Clark. Daly answered that he could get back a quarter. Hearst telegraphed him to buy that quarter. Hearst bought a quarter interest in the Anaconda Mine without even having seen it. Then he went to Montana to look it over."

It apparently is true that Hearst "bought in" without having inspected the mine, a tribute to Marcus Daly and a fact which C. B. Glascock, War of the Copper Kings, The Bobs - Merrill Co., New York, 1935, 71, finds difficult to believe. Glascock states: "In as much as the Hearst-Haggin partnership operated on two fundamental rules, (1) never buy an interest in property controlled by others, (2) never pay more than the value of the ore in sight, the truth of that report seems doubtful. Probably Hearst came, examined the property and the hill and approved." There is no record that Hearst came until after he had agreed to come in with Daly. The Olders are in error, however, when they refer to an agreement between Daly and Clark. No record of Clark's ever having owned any part of the Anaconda exists. It is vehemently denied by William Scallon, and it is not referred to in any account of the transaction except the Older's. Clark himself stated frequently that he never had any business dealing with Daly. (See Chapter IV) See footnote 7, p.6 for another error in which Mr. and Mrs. Older indicate an early business relationship between Clark and Daly.

Company. George Hearst owned 30 shares, Haggin 27, Daly 25 and Lloyd Tevis, Haggin's law partner and brother-in-law, 17.²⁵ the opposite from what one might expect, was close

By 1880, Hearst and Haggin, and to lesser extent, Lloyd Tevis, were all far on the road to immense wealth. Haggin and Tevis owned vast tracts of rich land in California, the Ontario was producing tremendous wealth and they owned the Homestead Mine in Deadwood Gulch, South Dakota, one of the richest gold mines the world has ever known. It was no task for them to finance Marcus Daly. miles from Sacramento.

Sometime in 1881, Marcus Daly went to San Francisco. The date of his journey is nowhere recorded, but there he met J. B. A. Haggin. Haggin, of course, had heard much of Daly. When Daly arrived he questioned him about the Anaconda and listened to him talk. James Ben Ali Haggin was a great listener. He was, also, a very remarkable man. Inscrutable, taciturn and shrewd he was known in San Francisco as the "Sultan". He was small, straight and very dark of complexion. On almost any Sunday morning he could be seen behind a four-in-hand in the parks of the city, stove pipe hat on head, erect and immobile. Usually he rode alone, though sometimes Tevis was with him. The two men formed quite a contrast. Haggin

²⁵There is disagreement as to the exact distribution of shares, Lindsay, op.cit., 74, stated that each had a quarter. Mr. and Mrs. Fremont Older, op.cit., 141, state that Hearst, with 30 shares was careful to get over a quarter. William Scallon, personal interview, relates that whatever the exact figures were, Haggin had the largest interest, Tevis the smallest, and Daly had exactly a quarter. Certainly if Daly did not fear Haggin, he respected him and admired him, a fact which is implicit throughout their long relationship.

dark and straight, silent almost ^{to} a disconcerting degree; Tevis, blond, voluble, rather plump and nervous. Tevis, quite the opposite from what one might expect, was close fistated, Haggin was liberal almost to a fault.

J. B. A. Haggin was born in Harrodsburg, Kentucky and had come west in 1849 along with the horde of gold seekers. But he did not get his start in the gold fields. He began in the practice of law with Lloyd Tevis and with the profits from their business they bought real estate. Their first purchase was a large ranch eight miles from Sacramento. After that their expansion was rapid, and they soon branched out into mining. Haggin's association with George Hearst was immensely profitable. Starting with the Ontario, they had soon developed the Daly, Home Stake, Golden Terra, Armes and many others. The two men were soon leaders in financial circles in San Francisco; bankers, miners, vast land owners and investors. By the time Marcus Daly met J. B. A. Haggin, no one might expect to enter the charmed circle of Taylor Street who was tabooed by Haggin or Tevis. By that time Haggin had developed the famous Rancho del Paso and Salvatore, the former in California, the latter in Kentucky, two of the finest horse breeding farms in the country. Haggin's one passion beside business was horse breeding and it was from Haggin that Marcus Daly caught the bug--or perhaps it was emulation.²⁶

²⁶John Lindsay, *op. cit.*, 73 states that Haggin was the only man Marcus Daly ever feared. He does not account for the fear, but Lindsay, as Marcus Daly's private secretary, was in a good position to know. Certainly if Daly did not fear Haggin, he respected him and admired him, a fact which is implicit throughout their long relationship.

In any event, Haggin sized Marcus Daly up, listened intently to his plans for the Anaconda--and approved.²⁷

Marcus Daly returned to Butte and began development work on the mine. He leased the Dexter mill from W. A. Clark, (an indication that as yet there was no enmity), and before the year was out he had put some 8,000 tons of silver ore through the stamps. The ore ran about 30 ounces of silver to the ton. There was just enough copper in it to make it unnecessary to add blue stone to the amalgamation process.

The ultimate sum, which Marcus Daly paid to the Hickey Brothers was \$30,000, and the initial investment was soon paid back. But equipment and development work was expensive and the early operation of the Anaconda failed to pay. None the less, Marcus Daly was not playing his hand close to his chest. The superstructure of the mine mushroomed and the shaft deep-

²⁷Sources of information on Haggin and Tevis may be found in: The Pacific Coast Annual Mining Review, 1878-79; The Anaconda Standard Nov. 18, 1900; ibid., Sept. 13, 1914, (Haggin's obituary)1 Francis L. Wellman, Luck and Opportunity, MacMillan Co., New York, 1938, 130, tells the following anecdote which is illustrative of Haggin's character: "Mr. Haggin had always been interested in race horses and had a large breeding farm somewhere in the west. All during the trial he sat directly in front of me (Wellman was his attorney in some mining litigation) close to the witness chair so he could hear every word of testimony. He never spoke throughout the trial--but I felt he regarded me, in a way--as a jockey riding one of his thoroughbreds, for every now and then he would turn around and give me a little wink as if he realized that the other horse was getting up speed a little too early in the race."

ened rapidly. He called for more money from his partners and got it.

At 300 feet the silver ore was almost exhausted. But at 100 feet they had struck a copper glance that ran 30%, and when the silver began to thin, far from closing down, Daly began a new three compartment shaft. Room was made for new hoisting machinery with sufficient capacity to sink to 2,500 feet. Butte City, taking note of this activity and being acutely and painfully aware that silver in the Anaconda, as in other mines, was thinning, wondered. The Butte Semi-Weekly Miner for December 27, 1882 reported:

An immense amount of surface work is being done at the Anaconda and St. Lawrence. The old hoist has been unshipped and by January 1st the new heavy machinery will be in and underground work will be resumed.

The article went on to estimate that the cost of the new machinery was close to \$100,000. And Butte was skeptical to say the least. As one later account put it:

Every mining engineer west of the Mississippi was skeptical. Half the people of Butte called him visionary. Some thought he was crazy. But Marcus Daly persisted.²⁸

It seems unlikely that by this time Daly was still after silver. Probably he had watched that first thin seam of cop-

²⁸Montana-Resources and Opportunities; a Butte advertising Magazine, August, 1928, 181 (title page missing) in the collection of C. Owen Smithers, Butte.

per widen imperceptibly. Probably the thing that had been in the back of his mind for months, had come to the fore--copper. Sometime in 1882 Marcus Daly had made his decision. He told no one, not even his partners. Then when the main shaft of the Anaconda had reached the 300 foot level, he hit it, a copper glance five feet wide. Conn Kelly envisioned the dramatic moment as follows:

Down in the darkness lighted only by a candle's flickering ray, day after day with unremitting toil, the cross cut had steadily been advancing, when one day the drills encountered a new material....Mr. Daly and his lieutenant, kind-hearted old Mike Carroll, looked at each other. Holes were loaded, the fuse ignited, the blast exploded. Mr. Daly picked up a mass of glistening rock, and impulsively exclaimed, "Mike! We've got it!"²⁹

The day and month that Marcus Daly knew his inklings about copper had been justified ^{are} ~~is~~ unimportant. The year was 1882, and he at once sat down and wrote J.B. Haggin. Butte's silver days were over. Its copper days were born and Marcus Daly was excited. He knew that copper meant a huge investment. He knew the magnitude of the task, but he foresaw the results. Other men had toyed with the idea of copper. They had considered the task and stuck to silver. Marcus Daly had a greater vision and so he went to San Francisco. One account of what transpired in the meeting there

²⁹Anaconda Standard, September 3, 1907. A speech by Conn Kelly at the occasion of the unveiling of a statue of Marcus Daly in Butte.

is as follows, presumably the words are those of George Hearst:

Mr. Daly claimed that by erecting large works and reducing our masses of low grade copper ores we had wealth beyond the figures of any silver or gold mines in Montana. I replied that I had mined for gold and silver all my life, that I had no knowledge of and did not care to go into mining for any less precious metal. Mr. Daly said that he had also been a gold and silver miner, but that he could not see the difference that made if a greater profit and more money could be made out of some other. I wanted to know how we could compete with the Lake Superior Mines with water transportation at their doors, while we would have 1200 miles of land carriage over which railroads were not yet but promises. Where would the fuel, the coal and the coke come from? Then Mr. Daly produced his figures, his plans, depicted his conceptions, exhibited all his resources and seemed to see the enterprise as it is today. He scarcely convinced me, but toward the end Mr. Haggin, who had been silent, summed the whole matter up and said, "George, we had better go along with Mr. Daly".³⁰

There is an interesting story in connection with this meeting in San Francisco which illustrates the nature of J. B. A. Haggin. There are several versions of the story, but while it varies as to detail, it is essentially true as follows:

Marcus Daly was by this time broke. He had long since

³⁰Ibid. Contained in a eulogy written by Martin Maginnis. Whether these are George Hearst's own words or whether they are Maginnis' conception of what Hearst might have said is not indicated. Hearst may have told the story on an earlier occasion, or written it, and Maginnis may have resurrected it. In the eulogy it appears as a direct quotation.

invested his own \$100,000 in the company. He had used it to buy machinery which he felt was badly needed, but which he was reluctant to ask his partners to finance. At the meeting in San Francisco, the date of which was May 4, 1882, neither Tevis nor Hearst were enthusiastic about further expenditure especially on the scale which Daly advocated. Hearst's reluctance is implicit in the quotation above. Tevis was apparently even more reluctant. During the course of the meeting, Tevis demanded a stock assessment. If more money was needed, he said, each partner should put it up according to shares. Daly said in effect:

"In that case you'll have to take my interest. I'm broke."

Haggin, who had sat through the meeting silent as usual took out his check book and started signing checks in blank. When he had finished, he tossed the book to Daly and said:

"Here, Mark, if you're broke, I'm not. Take this and pay your assessments as long as I have a cent in the bank."³¹

Haggin, too, was a man of vision and he understood Daly's vision. The surface of the great russet hill had barely been

³¹Lindsay, op.cit., 94, relates the story with Hearst as the man who demanded the assessment. C. B. Glasscock, op.cit., 66, relates it with Tevis as the villian. Various newspaper sketches generally accuse Tevis. Mr. William Scallon, in a personal interview with the author, Nov. 1947, stated that Daly was very fond of the story, told it often and he (Scallon) heard Daly tell it on several occasions. According to Scallon's version Tevis demanded the assessment but was not in the room when Haggin gave Daly the blank checks.

scratched, and Marcus Daly who had already sunk a considerable amount of his partner's money in his preliminary work now proposed a further development on a vast scale. His plan necessitated not only tremendous development of the mines, but the construction of a huge smelter. It is comparatively simple in retrospect to say that it was inevitable that some one, whom fortune smiled on whimsically for a moment, should find the "richest hill on earth". But it was far more than fortune's whimsy. More, even, than competence in the field of mining and years of practical experience. It was vision, foresight and a peculiar sort of inspiration. For Butte in that year was still in a wilderness. Only the year before had the first railroad entered the settlement, the Utah Northern which connected with Salt Lake City. Within the decade the Custer Massacre and the rising of the Nez Perce under Chief Joseph had taken place. In the Butte of 1882 there were but 56 telephones.³² The forlorn cluster of unpainted shacks, the alternately muddy and rut-baked streets did not speak of a city. To mine and smelt copper would require tremendous building. Glasscock comments as follows:

Copper mining since the ancient days when the Carthaginians whipped their ore-carrying slaves up the long ladders in the Rio Tinto, has been a business requiring large

³²Butte Semi-Weekly Miner, August 23, 1882.

capital and extensive organization. A copper mine, to be anything, must be vast. Millions must be invested in both mining and refining equipment. To attract such capital, the evidence must be clear of an ore body sufficient to justify great expenditure through many years. Marcus Daly made it clear in the Anaconda. Hearst, Haggin and Tevis had the money.³³

Through the fall and winter of 1883 Marcus Daly scouted a smelter sight. Butte itself would not do. The water supply was insufficient and besides the smoke from the smelter would blight the city. While he was scouting he shipped his ever-increasing quantity of copper ore to almost every smelter then in successful operation. Some he shipped as far as Swansea, Wales. In addition, he sent one Otto Stallman to Europe to inspect smelter facilities there and to bring back word of the most modern developments.

In the early Spring of 1883[?] Marcus Daly chose the smelter sight. It was 26 miles west of Butte. The conformation of the hills was ideal and Warm Springs Creek afforded an adequate supply of water. The upper works of this smelter was to be situated on the north bank of the stream and was to have a capacity of 500 tons of ore per day. Daly commissioned one Morgan Evans, an old friend, to buy up the necessary land.

One day in June 1883, Morgan Evans, his family and Mar-

³³C. B. Glasscock, op.cit., 90.

cus Daly drove to a hill overlooking the site (where the present protestant cemetery is) and viewed the territory. There happened to be a cow about where the old Thornton residence is now. "Do you see that cow?" asked Mr. Daly, "Well Main Street will run North and South in a direct line from where we stand, right through that cow."³⁴ And it did. The city plat was filed June 25, 1883. Work had already begun with the construction of a ditch from Warm Springs Creek to the sight of the upper works.

That summer Haggin and Tevis visited the place. This was one of Tevis' few visits to Montana. Haggin, gruff and cryptic as usual, looked over the construction work carefully. He said very little but he listened and watched closely. Marcus Daly explained in detail the functions of the various works; Haggin listened and nodded. He observed that Daly had imported smelter experts from all over the country. He took note of the preponderance of Welshmen whom Daly had gathered to make the plant run, for Welshmen were smelter men, and he approved.

The town of Anaconda, Marcus Daly's own town, sprang up over night. Tents rapidly gave way to permanent construction. Lots on Main Street sold for 500 dollars, on Front Street for 350 dollars. Within a few months the population of Anaconda

³⁴City of Anaconda, 1883-1908, Standard Publishing Company, Anaconda, 1908, 15.

had reached 1500. Frame houses 24 x 24 were constructed for employees each renting for \$10 per month. By August, 1883, there were in Anaconda three brick yards, a number of saw mills, a sash factory, a lumber yard, blacksmith shops, a boot and shoe shop, in fact everything required to make a prosperous town where 42 days prior to that date there had been no sign of habitation. There was even a 14 x 18 three-room jail.³⁵

By September, 1884, the smelter was completed. The Anaconda was pouring out ore. During the year 1883 the Anaconda, St. Lawrence and Neversweat, all company mines, had shipped 24,320 tons of ore to Swansea, Wales for a gross profit of \$1,702,400.³⁶ Even with the high cost of shipment to Wales and with construction costs, it was obvious that the venture would pay off a thousand fold.

Marcus Daly was 43 years old and to say that he had arrived is something of an understatement. Only one man in the territory could vie with him, William Andrews Clark.

Clark and Daly were to all intents and purposes, friends. Both belonged to the Silver Bow Club, an exclusive organization which rented the most sumptuous rooms on Main Street, in which they were often seen in each others' company.³⁷ One of Mrs.

³⁵Michael Leeson, op. cit., 571.

³⁶Butte Semi-Weekly Miner, January 2, 1884.

³⁷William Scallon, personal interview.

Daly's sister's had married Ross Clark, W. A. Clark's brother. Clark and Daly were not close friends, but they were, at least, friendly. And in spite of the fact that W. A. Clark in the years subsequent to 1888 always maintained that he had never had business dealings with Marcus Daly, in all truth, he had. Witness the following letter from W. A. Clark to Governor S. T. Hauser:

Dear Sir:

Daly, Cairnes and I had a conference yesterday and agreed on the following plan.

Buy cheap or lease for a long time the line Helena to Assiniboine. Make arrangements with Canadian Pacific to pro-rate business and then build a line to Helena and Assiniboine to Canadian Pacific. This construction will cost about \$12,000. Yourself, Daly, Cairnes, and myself to be the only parties interested....Daly suggested that we put up \$5,000 and send Cairnes at once with letters of introduction to Washington...³⁸

The significance of this letter will be more obvious when the Clark-Daly feud is considered in detail. Suffice it now to illustrate the fact that as of 1886 Marcus Daly and W. A. Clark were at least on sufficiently good terms to join in a proposition which would involve the expenditure of \$12,000.

³⁸Letter from W. A. Clark to S. T. Hauser, May 17, 1886. Original in the Clark File BC54, State Historical Library, Helena, Montana.

CHAPTER III

THE MAN

As was seen in Chapter II, the city of Anaconda grew rapidly. A few short months after Marcus Daly stood on the hill with Morgan Evans and roughly planned the lay of the street, the tents of the construction men had come down and Anaconda, Daly's own creation, was born. By late 1884 there were some eighty houses in various stages of construction, including seven hotels and boarding houses, twelve saloons and six stores.¹ The place was aswarm with Welshmen whom Daly had imported to run the giant smelter, and the smelter itself, huge and squat, soon poured smoke from its stacks as it roasted the ores from the Anaconda.

As one account put it: "The late Marcus Daly is, of course, the central figure when Anaconda or its smelter is considered. He originated the whole business. His active mind and strong personality controlled everything in Anaconda from 1883 to 1899...."²

And indeed, Marcus Daly was the central figure in Anaconda. He had purchased for himself a city block on 6th Avenue West. He had built a large house, a large barn and had planted pines around the perimeter of the lot. Here,

¹Leeson, History of Montana, 571.

²Sanders, op.cit., 711, quoting E. P. Mathewson, superintendent of the smelter in 1902.

when he had more time, he planned to erect a mansion. In the meantime, he was a figure of note even without a mansion. He had a big black team and a driver, and every morning he would drive through the streets of Anaconda on his way to the smelter waving to his friends and looking with satisfaction at the growth of his city.³ Now, when Haggin or Hearst or some other mining man came to Montana, he came to Anaconda, not Butte, and he stayed at Marcus Daly's house. As Daly's city grew he felt the need for bigger things. So he ordered that a hotel be built. He imported a New York architect and he told him that he wanted a hotel, a fine hotel. He got it.

The Montana Hotel which was finished in the early fall of 1888 was, for those days, a magnificent structure. It was filled with fine and costly furniture and nothing in the territory could vie with it. Many of its rooms had oriental rugs. It had a massive, beautifully carved mahogany bar, a reproduction of one in the old Hoffman House in New York City. The woodwork was of Philippine mahogany, the floor of alternate strips of redwood and maple. A fresco of beer steins and ale glasses adorned the walls. A mezzanine parlor featured a grand piano, peer-glass mirrors and sparkling chandeliers.

³Mrs. George Wellcome, personal interview. Mrs. Wellcome still remembers the team and the carriage and the way the people looked after it as it sped down the street. The Wellcome house was just across the street from the Daly's. As a child, Mrs. Wellcome played with the Daly children. Her father, Morgan Evans, and Daly were often together. Mr. Evans felt a proprietary pride in Anaconda too. He had purchased, for Daly, all the land and water rights.

Pretentious and luxurious, built at great expense, it was, like everything else in Anaconda, Marcus Daly's hotel. Its opening was a gala event to which people came from all over the territory. The party featured imported champagne and excellent food. The night the hotel opened, Anaconda and Marcus Daly outdid themselves in welcome. The town was full of fine carriages and dress clothes. Every man of consequence from Butte, Deerlodge, and even Missoula, was there. Far from the least among them was W. A. Clark. With champagne lending more than the usual volume to his voice he climaxed the evening by singing, as he loved to do at public functions, the Star Spangled Banner.⁴

But Anaconda needed more than a hotel. It needed a railroad. So Marcus Daly ordered one built. The Butte, Anaconda and Pacific was constructed. It ran from Anaconda to Butte--26 miles--and it was Marcus Daly's railroad. The B. A. and P., as it came to be called, was constructed in 1891 and the plans as originally projected called for a line from Butte, through Anaconda, Missoula, Hamilton, over into the Salmon country and on to the coast with a terminus at San Francisco. At best, however, these plans were nebulous.⁵

⁴Ibid., Mrs. Wellcome, then a young girl, was at the opening. She remembers the torches, the gaiety, the fine clothes and she distinctly remembers W. A. Clark singing while Marcus Daly looked on.

⁵Mr. William Murphy, personal interview. Mr. Murphy told the author that he does not think the actual plans ever called for a line to San Francisco. It was merely a vague plan which Marcus Daly hoped some day could be carried out.

Though by 1891 Marcus Daly had extensive timber operations in the Bitterroot and the town of Hamilton, which Daly founded, was a flourishing community which he would doubtless have liked to service with his own railroad, the actual stimulus for the building of the B. A. and P. came as a result of rate trouble with the Montana Union Railroad which, prior to 1891, had carried Daly's ore from Butte to Anaconda. It was never practicable to extend the road and it remained primarily an ore carrying railroad.

Anaconda had a newspaper, the Anaconda Review, but after 1888 when the enmity between Daly and Clark was carried into the press by Clark's use of the Butte Miner, Daly felt the need for his own paper. The story of that paper, the Anaconda Standard, properly belongs to a later chapter. Suffice it to say now that once Daly determined to have his own paper, he got the best. He imported the best of machinery, and the best editors available. He gave J. H. Durston, the imported editor of the Syracuse Standard, a blank check and told him to make the best newspaper in the country. Durston did so. It cost Marcus Daly a million dollars, but it thrashed the Butte Miner on its own ground.⁶

Thus it can be seen that as Anaconda grew, Marcus Daly

⁶For the story of the Anaconda Standard see Chapter VII. See also Time, July 27, 1931 and Glasscock, op. cit., 111-112.

grew with it. It became symbolic, in a sense, of his increasing wealth and power. In a few years he was to endeavor, at the expense of over a million dollars, to make his city the capital of the state. He failed, and having failed, lost interest in Anaconda at least as his own monument. But up until 1894, the growth of Anaconda, with its hotel, its railroad, its newspaper, and its race track, (another Daly contribution) was a gauge of the growth and expansion of Marcus Daly. He was no longer strictly a miner. He was a power. He employed thousands of men. He could influence them in many ways and his paper, the Standard was indeed an influence to be reckoned with.

Even compared with the great mining operations of the world, Daly's enterprises were not pignies. The Rocky Mountain Husbandman of White Sulphur Springs reported in 1884 that the Anaconda Company had expended \$4,000,000 in mining development, machinery and buildings to date.⁷ But the editor of the Deer Lodge New Northwest almost fainted when he reported that the Anaconda Company was buying 300,000 cords of wood. "Great Caesar" exclaimed the editor, "we wonder if they ever stopped to think that at \$5 per cord that will cost a million and a half dollars!"⁸ A few weeks later

⁷Rocky Mountain Husbandman, Oct. 16, 1884.

⁸Reprinted in the Fort Benton River Press, Nov. 4, 1884.

the River Press said that a Butte arithmetician had figured out that the sticks of cord wood in the Anaconda wood contract would, if stretched out end to end, reach once and a half around the world.⁹ Marcus Daly was, indeed, reaching out.

When the smelter was built and functioning, it was an ideal training ground for young graduates of mining schools. They would come west with the highest recommendation of some wealthy man whom Daly had met in a business way and Daly would put them to work. Usually it was at the bottom. According to Mrs. George Wellcome, Daly was scornful of technical men. He had built his enterprises on the firm foundation of practical knowledge and he resented the polished and often supercilious graduates who came to him for experience.¹⁰ Mrs. Wellcome relates that one evening Daly was sitting in the lobby of the Montana Hotel discussing business with J. H. Durston, when a young and dapper man strode into the lobby twirling a watch chain and looking haughtily around the establishment. Mr. Durston turned to Daly:

"Who is that young man," he said, "I haven't seen him around before?"

Marcus Daly snorted: "That's -----'s nephew. He's

⁹Ibid., Dec. 17, 1884. The reader is asked to keep this quantity of wood used by the Anaconda Company in mind as it has direct and vital bearing on subsequent political events.

¹⁰Mrs. George Wellcome, personal interview. Mrs. Wellcome informed the author that Daly's own lack of technical training was a sore spot with him. This was common knowledge among his friends and employees and the subject of graduate engineers was not a popular one in Daly's presence.

come out here to learn how to be a miner."

"What does he do?" asked Durston.

"Nothing," snapped Daly, "and he does it damn well."

There was a small room off the lobby which was known as the "sweat box" to hotel employees and a few others. It was a part time office of Daly's. It was in this room that Marcus Daly called his young technical men "on the mat." Many a red-faced young man issued from the "sweat box" wiser and subdued.¹¹

Myriad are the stories of Daly's magnanimity. Few are more appealing than that told to the present writer by Mrs. Wellcome. One morning when Daly was on his way to the smelter, his team was held up by a heavily laden ore wagon which was pulled by a lame percheron. When the driver of the wagon stopped to breathe his team, little Billy Evans (Mrs. Wellcome's young brother) rushed out into the street, lifted the percheron's leg, and pried a stone from his shoe. Marcus Daly got down from his carriage, unharnessed the percheron, and leading him over to the boy who was watching the whole procedure with a puzzled eye, said, "Here Billy, he's yours." Billy Evans led the huge horse away and Marcus Daly drove off in his carriage. Billy Evans kept the percheron for years.

Another story of Daly's generosity is related by Glasscock:

¹¹Ibid., Mrs. Wellcome, at that time a young girl, knew all the troubles and had the confidence of the young "easterners", and she always knew when one of them had been called into the "sweat box".

In the days before his rise to power and wealth, he had won the friendship of a man named Quinn in Virginia City, Nevada. Quinn once provided him with a grubstake. Years later, hearing from a mutual acquaintance that Quinn was dead and his family in straited circumstances, Daly investigated, established the truth of the report, and immediately provided for the family for life. Lest they be embarrassed by any implication of charity, he advised them that it was an obligation properly owing to them because of the grubstake arrangement with the father.¹²

Yet Daly was not always an easy man to work for. He paid men well, but he expected service. If he didn't get it, his anger was abrupt and violent. As Lindsay put it:

He had a way, when apparently taking a liking to a man, of giving him unlimited authority in the matter for which he was responsible, to be shortly reclaimed did the man fail to make good, whereupon the employee might as well seek another job, and the sooner the better.¹³

Lindsay, at Daly's request, once wrote a letter to Haggin. Apparently he said too little or too much and Daly, having received Haggin's reply, was angry. He cornered Lindsay and said:

"If you ever write any more letters of that kind you and I will have to part company." Lindsay reports: "I quickly responded that the letter had been written at his suggestion.

¹²Glasscock, op. cit., 117-118. Glasscock, in the preparation of his book interviewed old-timers extensively. His book is liberally sprinkled with stories of Daly's generosity which were told to him by old-time Butte residents. While Glasscock is definitely pro-Daly, his account is more balanced than Connolly's and more cautiously done. Of all the popular works on the subject, Glasscock's is superior.

¹³Lindsay, op. cit., 77.

He replied, 'I know it,' and walked away."¹⁴

The written reminiscences of those who worked for Daly and the several interviews the present writer has had with those who had worked for him, left the impression that he was a popular employer. He paid well. He did not interfere once he had assigned a task and he possessed to an unusual degree that indefinable quality which attracts men and commands loyalty and good faith. Yet as subsequent events will demonstrate, Marcus Daly sometimes abused the very loyalty he inspired. He reached into the lives of his miners and demanded an allegiance greater than any they owed him. He assumed that the fact that he employed men entitled him to dictate to them concerning political affairs. That was not an unusual thing in Montana in the '80's and '90's, but over and against any eulogistic appraisal of Daly as a paternalistic employer must be put a consideration of the other and perhaps more essential factors involved. Subsequent chapters will endeavor to do that.

Exactly when Marcus Daly first became interested in politics is not known. The first record of any political activity on his part is his association with the abortive Constitutional Convention of 1884.¹⁵ W. A. Clark was the

¹⁴Ibid., 77.

¹⁵The proceedings of this Convention have never been published. A long-hand summary of the proceedings may be found in the archives of the Secretary of Treasury, Helena, Montana.

president of the Convention, Marcus Daly was a delegate. Both men were Democrats. The Constitution which this Convention drafted was almost identical with that of the year 1889, but was not acceptable to the Congress.¹⁶ Both Daly's and Clark's sentiments on the taxation of mines is clear in the provision adopted by the Convention concerning mine taxation. The provision is as follows:

All mines and mining claims, both placer and in rock, in place containing or bearing gold, silver, copper, coal, or other valuable mineral deposits shall be exempt from taxation: Provided, that all machinery used in mining, and all property and surface improvements appurtenant to or upon mining claims, which have separate and independent value, the value of the surface ground embraced in said claims, and the annual net proceeds of said mining claims shall be taxed as provided by law.¹⁷

This "net proceeds" tax, was, of course, supported by both Daly and Clark. In substance it was incorporated into the Constitution which was finally adopted in 1889. Though Marcus Daly was not a member of the Convention of 1889, he was adequately represented by John R. Toole in that convention. The net proceeds method of mine taxation, unfair as

¹⁶The admission of the Western Territories as States was a hot national political issue because of the "free silver" question. The Eastern States were reluctant to give representation to Western Territories whose sentiments were strongly in favor of the free and unlimited coinage of silver at a ratio of 16 to 1.

¹⁷Senate Miscellaneous Documents, Vol. I, 49th Congress, 1st Session, 1885-86, Article XII, Sect. 4, 23.

it was, was not replaced by a gross metals mine tax until 1924.¹⁸

Between 1884 and 1888, the political influence of Marcus Daly grew rapidly. The names of Marcus Daly, S. T. Hauser, W. A. Clark, and C. A. Broadwater were frequently associated as managers of the Democratic party in Montana. They came to be known as the "big four". All four were wealthy men, but of the four Marcus Daly was perhaps the most powerful because of the scope of his enterprises and the number of people directly or indirectly dependent on his operations for support.

During the growth of Daly's influence from 1884 to 1888 there was apparent amity among the "big four" with the result that Montana was an almost solidly Democratic Territory. But it was perhaps inevitable that there should be a falling out. It came in the fall election of 1888.

¹⁸See Chapter VIII.

CHAPTER IV

THE ELECTION OF 1888¹

As has been indicated, the first overt act of the Clark-Daly feud occurred in the fall of 1888. Whatever previous enmity may have existed, (and the possible reasons for such enmity will be treated in this chapter), it was Clark's defeat at the hands of Daly in 1888 that made his hatred implacable and his determination greater. Probably Marcus Daly was not the only factor in Clark's defeat. Other reasons for the surprising strength of his Republican opponent, young Thomas H. Carter, may have existed. They will be analyzed in the next chapter. But as far as W. A. Clark was concerned, his defeat was attributable to one source--Marcus Daly.

Until the year 1888 Montana was a solidly Democratic territory. Only once in territorial history had a Republican been elected delegate to Congress. In 1888, for the first time, a national campaign for president was fought with the tariff as a basic issue, the Republicans espousing the cause of protective tariff. Under the successful candi-

¹Much of the evidence set forth in the next three chapters came to the author by virtue of the cooperation of Mr. Herbert Peet of Seattle. Mr. Peet, for some years a newspaperman and for several years the Editor of the Great Falls Tribune, has for the past fifteen years been a close student of Montana History for the period 1864 to 1890. During the period of his study he has interviewed hundreds of old timers and has spent many hours of research in the State Historical Library and elsewhere. During the past year the author has received voluminous letters from Mr. Peet containing thoroughly documented evidence bearing on the election of 1888 and other events with which this study concerns itself.

date, Harrison, the McKinley bill was passed by Congress raising the average duties about 50%.

There were in that year about 4,250,000 wage earners in America and a multitude of farmers in the South and West who felt that they were not sharing in the prosperity of the manufacturers. There was a deep feeling of unrest throughout the country which undoubtedly reflected itself in the election of 1888. But neither the tariff question nor the general unrest can fully account for the Republican majority of 5,126 which turned up in the territory of Montana.

In territorial history the Democratic nomination had always been tantamount to election. The Democratic party, by and large, was controlled by four men: Marcus Daly, S. T. Hauser, W. A. Clark, and C. A. Broadwater. Quoting the Butte Inter-Mountain Bancroft says of them:

These four men are the democratic party in Montana. They have kept it in their power when they wanted to, and when they fell out the party went to the dogs to the tune of a 5,126 republican majority. (1888) They are very wealthy men. There is nothing that can be said against them personally....Accustomed all their successful business lives to handle men, to expect obedience, to enforce discipline, these four men have carried into the politics of Montana the ideas which have been ingrained by their business experience. There is the evil. Messrs. Daly, Hauser, Clark and Broadwater are not leaders in their party. They are autocrats--bosses of the strongest type. It is only natural that they should be so, but that does not make the situation any less fortunate. The theory of the millionaire employer

that he can command the suffrages as well
as the services of the employed is bad....²

W. A. Clark had gotten the Democratic nomination in 1888 and had made all his preparations to spend the next two years in Washington. When on the ninth of November, however, all the returns were in, lo, he had been resoundingly defeated by the Republican candidate, Thomas H. Carter. The defeat took Clark, his supporters and the press of the state completely by surprise. Carter was a young second-generation Irishman, relatively unknown and he was a Republican. Clark was well known in the territory, generally respected and he apparently had the backing of the Democratic machine. But did he have that backing? After the dust had settled, he and his cohorts took stock of the situation. The reason for the defeat glared at them in the aftermath. Marcus Daly had thrown his support to T. H. Carter.

On November 10th Clark wrote the following letter to Martin Maginnis, a fellow Democrat who had campaigned for him:

Dear Major:

I have your valued favor of the 8th inst. for which you will please accept my best thanks. The conspiracy was a gigantic one, well planned, and well carried out, even though it did involve the violation of some of the most sacred confidences. This was necessary, or deemed necessary at least in order to insure

²Hubert Howe Bancroft, The History of Washington, Idaho and Montana, 1845-1889, XXXI, The History Company, San Francisco, 1890, 794.

success. However as you suggest the day of retribution may come when treason may be considered odious. I will be very glad when I will have a chance to see you and talk things over. In the meantime please accept my thanks, which I desire to extend to all my friends everywhere for their cordial support. For the time being I retire politically....³

The first overt act in the Clark-Daly feud had taken place. Until late in the campaign Marcus Daly had supported Clark and then he had silently but definitely withdrawn his support and thrown it to a man he hardly knew and a Republican at that. Speculation concerning his reasons for doing so was rife at the time. He did not declare himself, indeed, his own paper The Anaconda Standard was strangely silent. But Clark and the votaries of his cause were far from silent. Clark's paper, the Butte Miner for November 14, 1888 asked:

Was it very necessary to have Mr. Carter in Congress, and if so, why? Mr. Clark was not defeated by Republicans. Probably at least 1,000 Democratic votes in this county were cast against him, and this, too, not for any personal reasons nor any tariff considerations, but solely as a result of potent influences which are well understood and deeply deplored by the best thinking citizens of this county, Democratic and Republicans alike. What was the influence brought to bear on the mill men to induce them to vote almost solidly for Mr. Carter? We wonder if the people of Missoula county can answer this?

The Miner here deplores "potent influences which are well understood" but unfortunately contents itself with

³Letter from W. A. Clark to M. Maginnis, Nov. 10, 1888. Original in the Clark file, BD54, State Historical Library, Helena.

insinuations. Actually, the potent influences were not understood and they are surrounded to this day with a wealth of conjecture and speculation. Daly's reasons for his act will be discussed as fully as is possible in the next chapter.

While Daly remained silent, the papers of the state continued to insinuate. Clark was bitter and not at all reticent about declaring himself. The Helena Daily Herald for November 22, 1888 carried the following story which Clark had given to a St. Paul paper on his way East:

HON. W. A. CLARK TALKS ABOUT HIS DEFEAT
AND LAYS IT TO MARCUS DALY, THE MISSOULA
MERCANTILE CO. AND THE N. P.

(From the St. Paul Pioneer Press)

.....There was a combination against me which could not be defeated. On Saturday the foreman of the night shift in the Anaconda mine ordered his men to vote for Carter. The day shift on Sunday also received the same orders, and five bosses were stationed at one of the polling places to see that these orders were carried out. The employees of the Missoula Mercantile Company received similar orders, and their employers saw to it that they were obeyed. I do not undertake to say who was behind these orders, but I do know that they were issued. The employees of the Northern Pacific in the territory numbered about 2,000. They were under instructions to vote for Carter although the officers of the road say that no instructions were issued by them. To show that the fight in Montana was not on the Tariff question one only needs to look at the result in Choteau County. This is one of the largest wool growing counties in the territory, but it was removed from the influence brought to bear in Helena and Butte and I received a 300 majority in that county.

The question continued to occupy a prominent position in

the press for weeks after the election, indeed even a year later it was still being hashed over. Nor was Marcus Daly without his supporters. The Butte Inter-Mountain for September 14, 1889, a Democratic paper, reported:

Last Fall, right after the election it was the Miner that was making the insinuations against Anaconda's Chief and it was the proud privilege of the Inter-Mountain to take the Miner to task for its indiscretion, and reprobate its policy of attributing to Mr. Daly the results of the memorable campaign of 1888. The Miner did not openly accuse the distinguished gentleman of complicity in the election of Mr. Carter but it indulged in several "serpentine innuendoes" (to borrow one of its own felicitous expressions) which were sharper than hens teeth.

The same paper for September 16, 1889 gloated:

The Inter-Mountain notes with much pleasure that the Anaconda Review comes gallantly forward with a jealous defense of that excellent but much abused gentleman, Mr. Marcus Daly, chairman of the Democratic State Committee. It seems that some Republican journal has accused Mr. Daly of permitting his lieutenants to attempt the coercion of some of his men in the employment of the Anaconda Company, and it is but right that the Review, which is published at the fountain head of Democracy, assumes to defend Mr. Daly and to cram their diabolical inventions down their aesophegi.

Eventually, the discussion of the upset of 1888 faded into the background as more violent political struggles between Clark and Daly took the stage, but the issue was never a dead one. It was an event which W. A. Clark never forgot and never forgave and regardless of what personal animosities had pre-

ceeded it, it marked the real opening of the feud which dominated the political scene until 1900. That year found W. A. Clark still recalling it with bitterness. When he ultimately did get to the U. S. Senate and was forced by Daly's charges and proof of bribery to resign, he rose in the Senate chamber and in a tight, thin speech of resignation recalled his long enmity with Daly, who seemed now to have won, once and for all, and he began with his defeat at Daly's hands in 1888:

On the evening preceding the election he, (Daly) sent a train load of men from Anaconda to Butte who bore torches in the procession which preceded a grand rally. Later in the evening, rumors were current that Daly was disloyal. Three members of the Butte Committee hired an engine and went to Anaconda, 28 miles distant, to confer with him, and he assured them that the rumors were false, and that he would go to Butte in the morning, pull off his coat, and go to work in the interests of the party.

At the opening of the polls his employees came flocking down the hill with Democratic tickets in their hands except that the name of the Republican nominee was pasted over mine. The Australian ballot system had not then been established and there were shift bosses at the polls who knew the men and made them show their tickets before depositing them.

This treacherous work was done everywhere in the several counties where Daly had men employed and the result was my defeat by a several thousand majority, and from this staggering blow of treachery the party did not recover for many years. There was no provocation for this. There had been no business difficulties

and never an unkind word had been spoken between us. It was simply an envious and diabolical desire on his part to forever destroy my political influence in the territory.⁴

One more quotation will be sufficient to demonstrate that the bitterness of Clark concerning the election of 1888 was extreme. Marcus Daly had fallen ill in 1898 with kidney trouble and dilation of the heart. He had gone abroad for treatment and had returned to New York in the Fall of 1900 little improved. He was in bed in the Netherlands Hotel, his customary stopping place, when Clark arrived in the city. Clark, too, stopped at the Netherlands. It was the first time in his many visits to the city that he had stayed there, having in the past always preferred to put distance between himself and Daly.⁵ On this occasion, however, he chose the Netherlands, nor could it have escaped his attention that Daly lay gravely ill in the same building. While there he was interviewed by a reporter from the New York Herald:

So many misstatements have been made concerning the Clark-Daly feud that I would like the Herald to give a correct version of the affair. I was never directly or indirectly interested in any business deal with him. I always mistrusted him as I do now. In 1888 against my protest I was nominated as a delegate to Congress by the

⁴Congressional Record, XXXIII, 56th Congress, 1st Session, Government Printing Office, Washington, 1900, 5531-36.

⁵William Scallon, personal interview.

Montana Democrats. Daly promised loyalty, he gave promises to the campaign managers and he even went so far as to call my wife into his office and assure her that the reports of his disloyalty were untrue. That was the act of a coward. Daly's employees were all compelled to vote for my Republican opponent or lose their positions. I was defeated and right then the feud began between us.⁶

It will be seen that there was no reluctance on the part of W. A. Clark to scream to high heaven of the affront given him by Marcus Daly in 1888. But there is no record that Marcus Daly ever made reference to the event until the year of his death when he ^{was} asked about it at the Senate Investigation relative to the right of Clark to hold a seat in the U. S. Senate. True, his paper, The Anaconda Standard denied that he had coerced his employees, denied that T. H. Carter's victory was other than a normal incident in political affairs. And other papers, Republican and Democratic, came hotly to Daly's defense. But from the man himself came no word. And that fact undoubtedly infuriated W. A. Clark the more.

The proceedings of the Senate Investigating Committee will be taken up in detail when the question of the election of 1899 is considered. Suffice it now to consider that part

⁶The Anaconda Standard, September 25, 1900 printed the article from the Herald in its entirety with this comment: "Knowing well the spirit of the people of Montana the Standard cannot see that, in dealing with this amazing exhibition on W. A. Clark's part, it has other function than, without a syllable of comment, to submit, in Montana, word for word, the interview wired last night by its correspondent in New York."

of it which touched on the subject of the election of 1888. The Committee did not concern itself at length with affairs as remote as 1888 but was primarily concerned with the bribery charges leveled against Clark, in connection with the campaign of 1899. At one point, however, the following arose:

Mr. Faulkner: Did you not openly declare yourself in support of him (Clark) during the campaign? (1888)

Mr. Daly: I did at the commencement of the campaign, and was earnestly for him. I changed----

Mr. Faulkner: Did you not----

Mr. Campbell: Let him answer the question.

Mr. Daly: I changed my mind, and at last I took a negative part in it. I did not go to Butte at all.

Mr. Faulkner: Did you not, a day or two before the election pledge your earnest support to do what you could for him at the election which was to come off in a day or two?

Mr. Daly: I did not do anything of the kind. I stated that I would not meddle in the affair. I stated to several friends of mine that I would take no part in it; that from my present views I could not earnestly support Mr. Clark, nor honestly support him, nor I did not, and the majority of the people of the territory were of the same opinion.

Mr. Faulkner: You are a Democrat Mr. Daly, and were then?

Mr. Daly: Yes, Sir.

Mr. Faulkner: And you say the latter part of the campaign you determined not to support Mr. Clark?

Mr. Daly: Yes, I determined not to support Mr. Clark. I made no particular fight against him. I attended to my own business.

Mr. Faulkner: And you expressed that opinion, as I understand, when you had it,

to those who were associated with you?
 Mr. Daly: I could not tell what opinions I might have talked about in that length of time or who I spoke to. I only know what I done myself. What they might report, or anything of that kind--I don't remember what I said to every fellow I would meet on the street, in 1868 or 1858. That is all nonsense.⁷

And that was the sum of what the Committee learned of the election of 1888 from Marcus Daly. Quite obviously he had the right to change his mind and support whom he pleased. He, and the witnesses who testified in behalf of his cause vociferously and continually denied that there had been any coercion in any form. Testimony to that effect will be treated in a subsequent chapter. It was simply the word of Clark and his men against Daly and his men, and the Committee reached no decision with regard to the election in question. Whatever the facts of coercion may have been, Marcus Daly did withdraw his support from Clark and quite obviously he played down the result of such an act in his testimony. The returns demonstrated that the Anaconda district and the Missoula district had gone wrong.⁸ As the Butte Inter-Mountain remarked:

⁷Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as a Senator from the State of Montana, Part III, 56th Congress, 1st Session, Report No. 1052, Government Printing Office, Washington, 1900, 2233-34. Hereinafter referred to as Sen. Rep. 1052.

⁸For the official returns, County by County, see the Butte Miner, November 14, 1888.

The only redeeming feature of the Montana Democratic situation is that the four millionaires are not always of the same mind. Then honest Republicans find their opportunity.⁹

One subsequent writer spoke as follows of the upset:

The first break between the two men came through and after the defeat of Clark as candidate for Congress, conspicuously due to treachery to his former friend, as well as to his party, by Mr. Daly, who, while professing devotion to both party and candidate, so directed affairs that thousands of men employed in his mines in Butte and his smelters in Anaconda either were prevented from voting or were influenced to vote for the Republican candidate to Congress. No intelligent explanation of this action ever was afforded by Mr. Daly or his friends.¹⁰

The really important question as far as this particular election is concerned is not how, but why? Why did Marcus Daly change his mind late in the campaign? Why had he not changed his mind sooner? Why did he say that he could "not earnestly" support Clark? That question entails an examination of some rather obscure factors and necessitates a scrutiny of the feud stories which previous chapters have passed over lightly.

The common explanation of Daly's action is that he took the opportunity in 1888 to avenge himself for the many affronts

⁹Butte Inter-Mountain, September 24, 1889.

¹⁰Jerre C. Murphy, Comical History of Montana, E. L. Scofield, San Francisco, 1912, 20.

Clark had given him in the past. This explanation is found in almost every account which has concerned itself with the matter. It originated, apparently, with C. P. Connolly and was passed on by him to the various writers who have since exploited the inherent drama of the period.¹¹ Clark allegedly made remarks about Daly's uncouthness and referred to his discovery of the Butte Hill as "dumb luck." In addition to this, he did several things, according to the stories, which gained him the undying enmity of Daly.

When subjected to close scrutiny this explanation of the feuds' origin will not suffice, and the stories on which it is based are revealed as being largely fiction. Before proceeding with a discussion of the real facts of the case, however, it will be necessary to consider these stories which allegedly constitute the affronts for which Marcus Daly sought revenge in 1888.

The earliest story concerning the origin of the feud is as follows: When Daly first came to Butte in 1876 and took an option on the Alice mine for Walker Brothers, the story is that he paid Rolla Butcher, the owner of the Alice, with a

¹¹C. P. Connolly, "The Story of Montana" in McClure's Magazine, XXVII, 1906, 406. For other cases in which authors have accepted Connolly's version see Glasscock, op. cit., 64-65; Joseph Kinsey Howard, Montana: High, Wide and Handsome, Yale University Press, New Haven, 1943, 59; Copper Camp, W. P. A. Writers Project, Hastings House, New York, 1943, 34-35; Clayton Farrington, The Political Life of William Andrews Clark, unpublished M. A. Thesis, University of Montana, 1942, 32; C. P. Connolly, The Devil Learns to Vote, Covici-Friede, New York, 1938, 95.

draft payable on the Clark-Larrabee bank in Deerlodge, there being no bank at that time in Butte. According to the story, Clark was also interested in the Alice and when ~~the~~ Butcher presented the draft to him for payment, he refused to honor it, telling Butcher that Daly had no authority to buy mines, etc. Butcher returned to Butte, informed Daly of Clark's refusal and was promptly given an express order for the amount of the option which was sent through the Wells Fargo office in Butte for payment. Subsequently, so the story goes, Clark wrote Walker Brothers informing them that Daly was managing their affairs extravagantly. Walker Brothers sent the letter on to Daly without comment. And he never forgot it. He said nothing and waited.¹²

This story is difficult to disprove, depending as it does on the memory of one man, and because such records of the transaction as may once have existed have long since been destroyed. It must, however, be regarded with scepticism for the following reasons:

1. Clark was a banker and had such a draft been presented to him it is very unlikely that he would have refused to honor it. Walker Brothers, whom Daly represented, were well-known bankers. Daly was their accredited representative which fact had been announced in the Butte papers.

¹²This story originated with E. B. Stack who lived next to Marcus Daly in Walkerville in 1877. According to Mr. Stack, who dictated his story to Mrs. Anne McDonnell of the State Historical Library in Helena, Marcus Daly often dropped into Stack's cabin after work to read the Irish World. One night, according to Stack, Daly told him the story of the bank draft.

2. Daly would have been apt to deal through the Wells Fargo office in Butte in the first place. Deerlodge was forty miles away and forty miles in those days would necessitate a two or three days trip for Butcher.
3. Nothing in Clark's correspondence or in what has been written of him (aside from Stack's story) indicates that he was ever interested in the Alice.
4. Clark would have been fully aware that if he refused to honor the draft, Daly could get the money, backed as he was by Walker Brothers, in Butte.

Admittedly, the story must be kept in mind as a remote possibility, but as subsequent events unfold the reader will see that in addition to the above reasons, there were developments which make the story seem still less likely.

The second story of the feud's origin appears in most popular accounts as either the first or second incident. This story would appear to be entirely false in spite of its wide acceptance.¹³ Its earliest version appeared in a Butte paper in 1889, the year after the election. This is very likely the source from which all subsequent versions arose:

Here is a story about the relations of the two men: Mr. Daly had for some time been drawing the water for his works from

¹³This "water right" story is supported by one of Marcus Daly's two living daughters, Mrs. James W. Gerard of New York City. In her letter to the author, March 29, 1948 she says: "As for the Clark-Daly feud, it has been written up so many times that it is useless for me to repeat it. The cause of the feud was that Clark, in the temporary absence of my father, bought water interests which were essential to some interests of my father."

a creek upon which a poor man had a claim. This poor man tried in vain to get a settlement of the claim, and had been put off from time to time. One day the poor man went over to Butte and sold his water right to Mr. Clark. The banker let the matter run along until it was convenient to look into it. He found that if the Anaconda was deprived of this water which he had bought, Mr. Daly would be put to an expense of at least \$125,000 to make the supply good.

The next time Mr. Clark, met Mr. Daly he asked: "Daly, when are you going to pay me for that water of mine?"

"Your water?" returned Mr. Daly with an incredulous smile.

"Yes," said Mr. Clark. "It is my water." Realizing that he was in for it, Mr. Daly quietly asked,

"How much do you want for it?"

"One hundred thousand dollars" replied Mr. Clark in the same tone he would have said one hundred dollars. Mr. Daly drew his check and after the papers had passed nothing more was ever said about the transaction.¹⁴

The story goes on to connect the event with Daly's desertion of Clark in the campaign of 1888. Subsequent stories changed the details a bit. The creek in question became Warm Springs Creek which fed the Washoe smelter in Anaconda. The sum which Clark demanded rose in some instances to 200,000 dollars. The story does not appear to be true when considered in the light of the following evidence:

When in 1882 Marcus Daly began scouting for a smelter

¹⁴Butte Inter-Mountain, September 24, 1889.

sited outside of Butte, he commissioned his old friend, Morgan Evans, to purchase the necessary property, once it had been decided that the most desirable location was 26 miles west of Butte on Warm Springs Creek. Early in 1883, Evans began purchasing. Nowhere in the record of his purchases is there mention of Clark or of exorbitant prices. Nor in instructions from Marcus Daly is there such mention. Witness the following letter from the Company's secretary, F. E. Seargent, to Evans:

March 19, 1883

Morgan Evans Esquire
Willow Glen
Montana

Dear Sir:

I have just received another letter from Mr. Daly in which he says: "Send for Morgan Evans and tell him to close with Nate Levengood--close as best he can. You can tell him that it is decided to locate on Warm Springs Creek for sure, but you must all keep this to yourself for several reasons. In the first place the Northern Pacific Railroad wants to examine the land, and ascertain its value. They want to reserve the right to locate the townsite on their land. I had to give way to them on some things so as to accomplish the main object and that is to have the works located there. I did the best I could. Let Evans read this letter but tell him to keep it to himself, as I would like to get a ranch for myself. I would like to get that other Levengood place. I want Morgan to know this as it may be of some advantage to him." Signed (Marcus Daly)¹⁵

¹⁵Letter from F. E. Seargent to Morgan Evans, March 19, 1883. Original owned by Mrs. George Wellcome, Anaconda.

The records of Morgan Evan's purchases for Marcus Daly are available. No untoward prices are in evidence, and as indicated, neither Clark nor anyone with whom he was known to be associated appears to have been involved. The various water rights are specifically listed. The total cost of the land and water rights came to 30,000 dollars.¹⁶

Mrs. George Wellcome, the daughter of Morgan Evans, does not recall her father ever referring to trouble with Clark or to any unreasonable prices. She was a young girl at the time but she distinctly remembers her father's part in the founding of Anaconda. And to her knowledge nothing occurred which would serve to substantiate the "water right" story.¹⁷

John Lindsay quotes Captain Branagan, an early Butte resident and friend of Marcus Daly as follows:

I have read and heard for years that Marcus Daly and W. A. Clark's long fight resulted from a dispute over a water right, which Daly wanted and which Clark sold to him at a fancy price, besting him in the bargain. Now I happen to know there is no truth in that story. Their difficulty was of an entirely different nature and had nothing to do with business transactions.¹⁸

Notice that the above statement would also discount the "bank draft" story which certainly falls in the category of

¹⁶See the City of Anaconda, 1883-1908, Standard Publishing Company, 1908. See also the New Northwest, October 15, 1883 which sums up all the transactions. See ibid., under column entitled "Real Estate Transfers" for March 2, 1883, February 5, 1883, February 6, 1883, January 29, 1883, May 4, 1883 and May 18, 1883.

¹⁷Mrs. George Wellcome, personal interview.

¹⁸Lindsay, op. cit., 72.

a "business transaction."

W. A. Clark's denial of the story is implicit in his oft repeated contention that he and Marcus Daly never had business dealings.

In addition to the above evidence, the present writer with the assistance of Mr. Matt Kelly of Anaconda, Mrs. Anne McDonnell of Helena and a Department of Agriculture map of the area, located all the water rights which the records of Deerlodge County contain involving W. A. Clark. No interests that Clark had in the area were close enough to the smelter's water supply to have been even remotely connected with it.¹⁹

Thus it appears that the two stories of the feud's inception above related are, to say the least, weak and insufficient.

A third story, while possibly true, falls short of explaining the feud's inception for reasons which will shortly be considered. The story is to the effect that the feud was actually between Haggin and Clark, and that Marcus Daly because of his loyalty and obligation to J. B. A. Haggin, fought to defeat Clark at every turn of the road. The exact source of the story is obscure, but there is little doubt that Haggin and Clark did dislike each other. One version is that Clark

¹⁹The list of water rights in the area and the marked map both compiled by Mr. Matt Kelly are on file in the State Historical Library, Helena, Montana.

at a meeting of the copper producers in New York in 1888 to which Haggin either arrived late or did not come at all, said in effect: "I don't have to wait for any nigger," and left the meeting. Subsequently, so the story goes, Clark black-balled Haggin for membership in the Institute of Mining Engineers on the charge that he had negro blood. There are various twists to the story. Another version has it that Haggin called a meeting to which he did not invite Clark, thus insulting him and provoking the "nigger" remark. None of these versions can be pegged as to origin, but some credence is lent to the idea of enmity between Clark and Haggin by the testimony of William Scallon. Mr. Scallon, whose memory is acute for a man of 94 years, and whose reputation for integrity throughout all the sordid period of Montana's early political history was outstanding, told the present writer the following story:

One day in the late 1890's, he, Marcus Daly and T. C. Power were having lunch at the Netherlands Hotel in New York City when out of the blue sky T. C. Power turned to Daly and said in substance:

"Mark, why don't you call off this damn fool feud with Clark? Its got the state in a mess and nobody benefits from it."

Daly turned to Mr. Power and eyed him for a moment.

"So you think it's my feud do you?"

"Well, isn't it?" Power replied."

"Why don't you ask Mr. Haggin about it some time?" Daly said, and that was all.

Mr. Scallon relates that several days later he met Mr. Power and asked him

if he had questioned Mr. Haggin. Mr. Power said that he had, and that in reply Mr. Haggin had said:

"So long as I have any interest in the State of Montana, W. A. Clark will never be Senator."²⁰

In February 1939, Mr. M. G. O'Malley, long time Butte resident and newspaperman, wrote Herbert Peet concerning the feud as follows:

With regard to the Clark-Daly feud: Veterans of the Daly regime have one answer to the suggestion that it was a personal scrap. That answer is this: Marcus Daly spent approximately one million dollars, not of his own funds, but those of the Anaconda Company, in his numerous political fights with Clark. Would he have been permitted to do these things were it not a Haggin-Tervis supported battle?²¹

It should be pointed out with regard to the above statement, that considerable doubt must accrue to any such contention. It would be difficult to prove that Daly spent Company money in the fight and not his own. In the Capital fight Daly spent well over a million dollars. It is very doubtful that it was Company money. By 1888 Marcus Daly was already a very wealthy man. After 1888 his wealth grew rapidly. It would have been perfectly possible for him to have spent one million dollars of his own money on his fight with Clark between 1888 and 1900. He spent lavishly on most things. He spent over a

²⁰Mr. Scallon also told this story to C. B. Glasscock and it appears in Glasscock, op. cit., 65.

²¹Letter from Herbert Peet to the author, May 17, 1948.

million on blooded horses. Is it not reasonable to contend that he would spend a like amount in his bitter fight with Clark?

Nonetheless, there is evidence (more of which will appear subsequently) that Haggin was involved in the feud. But we are here concerned with the election of 1888 and the feud's inception. There is evidence to indicate that the enmity between Haggin and Clark did not arise until 1889, the year after the first overt act in the Clark-Daly feud had taken place. The reader must be patient if we seem to go far afield in order to establish the date of the break between Haggin and Clark.

The Copper situation was in a precarious condition in 1888 and 1889. A French Copper Syndicate, of which more will be said later, was endeavoring to corner the copper market. The syndicate had been organized in 1887. In its issue of December 24, 1887, The Engineering and Mining Journal discussed the market situation at some length and included this message which it had received from Paris:

A syndicate has been formed in Paris, France, to maintain the price of copper. It is composed of the Rothschilds, the Comptoir d'Escompte, the Banque de Paris, Andre Gerod and Co., and M. Secretan. The syndicate will undertake for two years, under the direction of the Societe des Metaux, the acquisition and sale of copper of mining companies giving their adhesion to the syndicate.²²

²²Engineering and Mining Journal, Vol. 44, Dec. 24, 1887, 476.

Initially, the syndicate was successful. They accomplished a "corner" on copper. Then Secretan conceived the idea of obtaining control of the copper produced in America by undertaking to buy the whole output of the mines at a fixed price. Early in 1888 the syndicate induced the Arizona producers to join. Early in February, 1888, the Anaconda Company, the Montana and Parrott mines joined.²³

Now, W. A. Clark, Marcus Daly and J. B. A. Haggin were all vitally concerned with the French syndicate. They do not seem to have been in agreement concerning it. Marcus Daly was suspicious of its activities and feared that it would collapse. Herbert Peet says:

There is evidence to support the belief that, by August 1888, or shortly thereafter, Daly was becoming concerned over the French Copper Syndicate, and felt impelled to warn Mr. Haggin of its probable collapse.²⁴

But Haggin and W. A. Clark had confidence in the syndicate's ability to maintain itself.²⁵ They disagreed, however, on the extent to which each producer should curtail his

²³Copper Review for 1888, James F. Mathews & Co., Denver, 1888, 40. This source lists the selling price for copper in October, 1887 at 10.40 cents. By December it had risen to 16.75 cents and by September 1888, it was 17.25 cents, remaining about 17 cents during October, November and December. This meant about 11.5 cents for matte in the Butte district.

²⁴Letter from Mr. Herbert Peet to the author, May 17, 1948. For further evidence that Daly was early suspicious of the Syndicate see the Anaconda Review, March 30, 1889 and the Helena Herald, April 1, 1889.

²⁵See Butte Miner, December 26, 1888 for evidence of Clark's optimism.

production. Haggin apparently felt that he had the production problem licked and wanted a bonus as an inducement to curtail output. Clark believed producers should reduce their production percentage wise, then each would take the same cut proportionately.²⁶

This then, was in all probability the bone of contention between Haggin and Clark and at a meeting in New York they had a falling out over the French Syndicate. It is the date of that falling out, and hence the date of the meeting, that here concerns us since it bears directly on the feud.

The meeting could not have taken place in the Spring of 1888 because Haggin and Clark were not in New York at the same time. Clark returned from New York in the latter part of March, 1888.²⁷ In April Haggin went to New York en-route to London and Paris.²⁸ Clark was in Butte all summer and Haggin was in Europe. But in the middle of August, Clark went to New York²⁹ and in the first week in September Haggin arrived in New York from Europe.³⁰ W. A. Clark returned from New York to Butte on September 6, 1888.³¹ On September 27,

²⁶Letter from Mr. Herbert Peet to the author, May 17, 1948.

²⁷Butte Inter-Mountain, March 28, 1888.

²⁸Anaconda Review, April 12, 1888.

²⁹Butte Inter-Mountain, August 16, 1888.

³⁰Ibid., September 9, 1888.

³¹Ibid., September 6, 1888.

1888, Haggin arrived in Butte enroute from New York to San Francisco.³² Thus in the first few days of September Haggin and Clark were in New York together, and the meeting could conceivably have taken place then. It is unlikely, however, that it did. In September, 1888, the syndicate question was not in a crucial state. The Anaconda Company had joined the Syndicate (February, 1888) but Calumet and Hecla had not, nor had the Lake Superior copper companies.³³ It seems unlikely, therefore, that a meeting of American copper producers was held in New York in the Fall of 1888.

But in the winter of 1889 matters did get crucial and both Clark and Haggin went east. (The reader will remember that Clark had been defeated by Daly's "treachery" in November, 1888, and he was still bitter and hurt.) The syndicate situation was becoming more serious by the day. A new "Metal Bank" was in the process of being formed to handle the syndicate's fiscal affairs, and in January, American producers began insisting upon, and getting a voice in the management of the bank.³⁴ Thus the American copper producers, almost all of whom had by

³²Anaconda Review, September 27, 1888.

³³New York Times dispatch reprinted in Butte Inter-Mountain, September 9, 1888.

³⁴For a thorough treatment of the French Syndicate and its activities, see W. Jett Lauk, Causes of the Panic of 1893, Houghton Mifflin Company, New York, 1907, Chap. IV.

this time joined the Syndicate, were in New York in the winter of 1889 participating in the formation of the new Metals Bank, and J. B. Haggin and W. A. Clark were there. Concerning the meeting with which we are concerned, Herbert Peet says:

The meeting of the copper producers...is likely to have been around the middle of that month (February)...some time between February 15 and February 26. I arrive at this by judging the condition of Clark's health after his attack of typhoid and the mounting tension in New York concerning the syndicate and the efforts to get American producers lined-up with the new "Metal Bank". This would place the time of the meeting between the dates just mentioned. (Clark sailed for Cuba on Feb. 26, 1889)

Clark was not a well man at this time. Not only was he smarting from his defeat in November, but he was angered at Daly for his part in it. It is easy to understand how he could have been nasty about Haggin.³⁵

In the same letter, Mr. Peet informed the author that in a conversation with Harry Gallwey, who came to Butte in the early 90's and was something of a protege of Daly's, Mr. Gallwey insisted that the trouble between Clark and Haggin had its origin in the Spring of 1889 and not in the Fall of 1888.

In a letter to Mr. Peet dated January 30, 1939, Mr. M. G. O'Malley also maintained that the trouble between the two men did not come into being until 1889 and said further:

³⁵Letter from Herbert Peet to the author, May 17, 1948. Underlining is the author's.

The meeting of the copper syndicate, the failure to invite Clark, the indignation of the little man at the imagined slight, Haggin's resentment, Daly's championship of his friend and backer, all seem to fit in with the story that the fight was not really between Daly and Clark but between Clark and Haggin.³⁶

Admittedly, there is much of a speculative nature about the trouble between Haggin and Clark, but the preponderance of evidence would seem to indicate that it did not arise until 1889 and thus could have had no bearing on Clark's defeat in 1888.

If that is so, we are left with three very inadequate explanations of Marcus Daly's reasons for supporting T. H. Carter and contributing to the defeat of W. A. Clark in 1888. The stories which have commonly been accepted have been demonstrated to be, at the very least, weak. Therefore, it is necessary to proceed to a closer study of events and to offer a more compelling motive for Marcus Daly's abrupt reversal.

³⁶See Page 76.

CHAPTER V

THE FACTS BEHIND THE SCENE

It was noted in the preceding chapter that the Clark camp accused Daly of supporting Carter and further that it accused the Missoula Mercantile Company, the Northern Pacific Railroad and the lumber interests of coercing their employees. Witness the editorial already quoted from the Butte Miner:

...What was the influence brought to bear on the mill men to induce them to vote almost solidly for Mr. Carter? We wonder if the people of Missoula County can answer this?

Some of the people of Missoula County could indeed have answered it. One such person was A. B. Hammond, lumberman and merchant. But before dealing specifically with A. B. Hammond and his connection with Marcus Daly, it will be advisable to examine the activities of several Missoula lumbermen.

The interests of A. B. Hammond, E. L. Bonner, R. A. Eddy and the Northern Pacific Railway were closely intertwined in Western Montana. On September 15, 1882, a Deerlodge paper reported the incorporation of the Montana Improvement Company.¹ The Incorporators were E. L. Bonner, Marcus Daly, Michael J. Connell, Washington Dunn, A. B. Hammond and R. A. Eddy. The authorized capital stock was \$2,000,000 divided into 20,000

¹The New Northwest, September 15, 1882.

shares of \$100 each. The purposes for which the company had been organized were diverse and included such functions as constructing and equipping railroad lines, canals, docks, locks, water works, etc; to deal in timber lands, manufacture and deal in lumber, etc.

The Northern Pacific Railway held \$1,000,100 of the Montana Improvement Company's total of \$2,000,000 stock (one share more than one-half).² Of the remainder, the greater part was held by the firm of Eddy, Hammond & Company, of Missoula, who were chief managers of the Montana Improvement Company.

The Company had a contract with the N. P. Railroad to supply the latter with all the timber, lumber, cordwood and other material made of timber between Miles City and Walla Walla Junction, a distance of 925 miles. It had secured, by arrangement with the Northern Pacific, the control of all the timber on railroad lands between the two points. This land lay in alternate sections on either side of the right of way, the sections in between being owned by the government.

Marcus Daly's inclusion in the group of incorporators was beyond doubt an effort on his part to assure himself of an adequate and certain supply of timber for his mines and

²R. T. Hill, The Public Domain and Democracy, Columbia University, New York, 1910, 165. For a detailed treatment of the M. I. Co. see Shirley J. Coon, Economic Development of Missoula, Montana, unpublished Ph.D. Dissertation, University of Chicago, 1926, Chap. IV and V.

and for the construction of his smelter at Anaconda. It was a highly profitable arrangement for everyone concerned since the railroad granted the M. I. Co. a lower freight rate than to any other lumber shipper at all timber products, and pushed the sale of the M. I. Co.'s products to all principal points along the 925 miles of its line. The M. I. Co. supplied the railroad (and Marcus Daly) with all its timber and agreed to drive "trespassers" off N. P. land.

It is beyond the scope of this study to do more than briefly consider the whole question of the cutting of timber from the public domain and the trouble that arose therefrom. The federal land laws were difficult if not impossible to enforce and they seldom fit the peculiar problems of such mining territories as Montana, Idaho, and Wyoming.

The Timber Cutting Act of 1878 had as its aim the prevention of illegal depredation and provision for the needs of settlers. It authorized the citizens of certain states and territories to cut timber without charge from the mineral lands of the public domain for mining and domestic purposes only. The act was not satisfactory. It presupposed a careful survey, (to determine what was mineral land, and what was not), which had not been made, and it forbade the cutting of timber for more than domestic use. As Martin Maginnis, Montana's delegate to Congress said:

Certainly Congress never intended to overturn the ordinary processes of civilized society in the territories and to make every

man his own wood chopper or lumber maker.³

Depredation on the public domain continued after 1878 and the government did little about it. The restrictions of the Timber Cutting Act were, it was obvious, anathema to the interests of frontier communities.⁴ Miners and lumbermen, trusting to the generosity of the government, continued to violate the law, as the Montana Improvement Company did, and cut timber in substantial quantity from the public domain. The M. I. Co. made no distinction between the unsurveyed alternate railroad and government sections.

Henry M. Teller, who was Secretary of the Interior from 1882 to 1885 had been United States Senator from Colorado from 1876 to 1882. He had served in that body with Montana's Martin Maginnis and being from a western state himself he was fully cognizant of the needs of western states, especially as they concerned the development of mining communities. Hence his interpretation of the Timber Cutting Act had been very liberal and though his Land Commissioner, M. C. McFar-

³Helena Herald, June 15, 1882, reprinting a letter from Martin Maginnis to Secretary of the Interior, H. M. Teller. The letter continues: "I respectfully protest against the construction given to the Acts of Congress extending the privilege of the people of the mineral states and territories in this letter and especially to protest against former instructions from the General Land Office which have always seemed to me to have been diligently framed in order to thwart instead of to carry out the intentions of Congress."

⁴For a good treatment of the Timber Cutting Act see B. H. Hibbard, History of Public Land Policies, MacMillan, New York, 1924, 462-466. See also R. T. Hill, op.cit., 150-165.

land, was disturbed by the activities of western lumbermen, Teller did nothing. Mr. Herbert Peet says in this regard:

In fact, Secretary Teller not only put the quietus on Mr. McFarland by personally writing in 1882 a new interpretation of the Timber Cutting Act of 1878 which would favor such an outfit as the Montana Improvement Company but he also in the presence of Delegate Martin Maginnis personally assured A. B. Hammond that the operations of the Montana Improvement Company at that time were within the law.⁵

All might have been well had it not been for the fact that Grover Cleveland was elected president, and Cleveland had the unusual idea that public office was a public trust. He was, moreover, vitally interested in conservation. He appointed a Democratic Union Veteran by the name of William Andrew Jackson Sparks to the position of Commissioner of Public Lands. Spark's understanding of the law, quite naturally, did not coincide with Secretary Teller's interpretation. But on top of all this, persistent reports kept pouring in from Montana and Northern Idaho that the M. I. Company was not even holding to Secretary Teller's interpre-

⁵Letter from Mr. Herbert Peet to the author, April 5, 1948. Mr. Peet states, however, that Teller did not include the right of the M. I. Co. to ship lumber out of the territory, a point on which they were later indicted.

tation.⁶ Sparks was shocked and he immediately took the matter up with Teller's successor, Secretary Lucius Q. Lamar. The go signal was given to prosecute the Montana Improvement Company and the N. P. Railroad. The following news item appeared in a Butte paper in the Fall of 1885:

The Northern Pacific caught it again today. General Sparks issued an order defining how railroads may cut government timber along their line. It is only in time of construction by properly accredited agents from and immediately near the road and for the purposes of construction and not for fuel, building stations or fences, nor for sale to other companies, that government timber is to be cut.

The case out of which this order grows was that of the Montana Improvement Company. This concern is organized under the laws of Montana with \$2,000,000 capital, a majority of which is owned by the Northern Pacific Railroad Co. Eddy Hammond & Co. of Missoula own the greater part of the remainder. One of the partners, E. L. Bonner, is president of the company.

The company has a contract to furnish the Northern Pacific Railroad with timber, cord wood and general lumber from Miles City to Wallula Junction, a distance of 925 miles. The company has control of all the railroad timber land between these points and claims control of the government timber land over that distance also.

The firm of Eddy, Hammond & Co. claim that Secretary Teller gave permission to Mr. Bonner in the presence of Major

⁶R. T. Hill, *op. cit.*, 165, quoting a report of Commissioner Sparks (1885) says: "The Montana Improvement Company, a corporation stocked for \$2,000,000 in which the N.P.R.R. Co. is reputed to be the principal owner, was formed in 1883 (this is an error. Should be 1882) for the purpose of monopolizing timber traffic in Montana and Idaho, and under contract with the railroad company, running for 20 years, has exploited the timber from unsurveyed public lands for great distances along the line of said roads, shipping the product of the joint trespass and controlling rates in the general market."

Maginnis and Land Agent Sanborn of the Northern Pacific to cut all the timber they wanted off government land where there had been no survey.

Eddy, Hammond & Co. built sawmills on the Flathead reservation and claimed to have permission from Secretary Teller to cut timber there until the Northern Pacific was completed to Portland. The mills were run night and day. Between 1,500 and 2,000 men were kept employed. Much of the lumber was sawed into shingles and manufactured lumber.

The Northern Pacific, according to evidence filed in the General Land Office, has hauled the Montana Improvement Company's lumber for less than that of other lumber concerns. Eddy, Hammond & Co. are shown to have sent their lumber from Spokane Falls to Endicott for \$23 a carload, when other parties were charged \$47 a load, and thus competition was shut off and Eddy, Hammond & Co. had the trade alone. The favored firm also assumed the right to drive intruders off government land. Settlers were told that Eddy, Hammond & Co. would prosecute them if they cut timber from the government land for their houses or fences.

Mr. Lamar has rendered a decision which declares that there is no record of permission granted Eddy, Hammond & Co. to cut lumber from government land, nor if there were would it be legal, as the Secretary of Interior has no right to violate the law. As an executive officer it is his duty to see that the law is executed. He holds that Eddy, Hammond & Co. are amenable for the timber they have cut and Mr. Lamar has demanded that Attorney General Garland shall have suits brought to compel the former to make restitution.

The secretary holds that the right to protect the government timber when unsurveyed must rest with the United States. The railroad company, he holds, has no right to protect it, for its right even to the alternate sections cannot attach until a survey is made to show

which sections are odd and which are even. Until surveyed, Mr. Lamar holds, all the lands are under control of the United States.

The special agents of the land office have been ordered out to take evidence, procure names of witnesses, to ascertain the amount of timber cut by the trespassers from government land and report promptly. The suits are likely to be criminal as well as civil.⁷

Thus began the effort on the part of the federal government to indict, both on civil and criminal charges, the Montana Improvement Company. The affair dragged on until 1889 when the whole matter was finally dropped. It would serve no useful purpose here to follow the ups and downs of the indictment's progress. The significance of the charges as far as Marcus Daly was concerned is already obvious. If the federal government closed down the M. I. Co., he would be deprived of timber for his mines and for his smelter. Mr. Peet says:

The late C. H. McLeod of your city told me that Daly not only was alarmed over what the consequences to the Anaconda's operations would be if the Montana Improvement Company were closed down, but he was disturbed over what it might mean to his own lumber operations which he was already contemplating in the Bitter Root Valley.⁸

In the progress of the government's suit, several sign-

⁷Butte Inter-Mountain, September 16, 1885 reprinting an article from the St. Paul Pioneer Press, September 10, 1885.

⁸Letter from Mr. Herbert Peet to the Author, April 5, 1948.

ificant things happened. One such event was reported by a Helena paper in the fall of 1886. The report stated that the government had ordered two more civil and criminal suits against the agents of the M. I. Co., and said further:

Agents of the department have found that the Montana Improvement Company has organized a Miner's Lumber Company as a disguise and is cutting timber as actively as ever. All the assets of the old company have been assigned to the new company to avoid execution in the case of the government's succeeding in its prosecution in the Wyoming Courts. The company non suited the government in Montana on the grounds that it did its business in Wyoming.⁹

The item's significance appears in the light of a report in a Butte paper that the newly formed Miner's Lumber Company was organized with Marcus Daly as president and M. J. O'Connell as vice president, both original incorporators of the M. I. Co. The report further stated that the M. I. Co. had withdrawn from the retail lumber field, and the retail business of the company had passed into the hands of the new corporation.¹⁰

The government's case was dealt harshly with by the courts. By and large the M. I. Company had the sympathy of the people of the state. On several occasions the government's case was thrown out of court with little ceremony. But by the Fall of 1888 suits were still pending against the company.

⁹Helena Weekly Independent, September 23, 1886.

¹⁰Butte Miner, January 28, 1886.

Suits potentially very dangerous.¹¹

With a Congressional election in the offing, politics again entered the picture. W. A. Clark's personal paper, The Butte Miner, had come out with much editorial excoriation of the government and its suits against the M. I. Co. But editorial comment was not sufficient. In his campaign speeches Clark let the matter alone. So did his opponent, T. H. Carter, but there is little doubt that there was an agreement between A. B. Hammond, R. A. Eddy, Marcus Daly and T. H. Carter to the effect that if the first three mentioned would support Carter, Carter, if elected, would see that the indictments were quashed once and for all. It is very likely

¹¹Ibid., February 15, 1888 reported as follows: "Acting Secretary Muldrow has requested the Attorney General to institute a criminal suit against H. B. Haycock of Missoula, Montana, for unlawfully cutting and removing from public lands pine timber estimated to have produced 1,250,000 feet of lumber. He also requested that a criminal suit be brought against the members and officers of the Blackfoot Mill Co. of Missoula, Montana (owned and run by Eddy and Hammond, a subsidiary to the M. I. Co.) for unlawfully cutting and removing from the public lands timber estimated to have produced 9,500,000 feet of lumber." The article is particularly significant because it is one of the few that goes on to connect the lumber men involved with the Anaconda Company, though it was common knowledge that Hammond supplied Daly with mine timbers.

For blow by blow accounts of the several suits see: Butte Inter-Mountain, December 22, 1886; New Northwest, December 31, 1886; Helena Weekly Herald, February 24, 1887; Helena Weekly Independent, March 31, 1887; ibid., April 21, 1887; New Northwest, April 21, 1887; Helena Weekly Herald, May 19, 1887; Butte Miner, December 22, 1887, ibid., May 19, 1888; ibid., June 13, 1888; Butte Inter-Mountain, April 14, 1889.

that in that fact lies the real reason for Marcus Daly's support of T. H. Carter, and the real origin of the Clark-Daly feud.

Nowhere is the tie in of Marcus Daly with the Montana Improvement Company hard and fast, as the reader can see. The tie in with T. H. Carter is even more obscure.

On October 11, 1900, twelve years after the election of 1888, an article appeared in a Helena paper which stated that E. L. Bonner, earlier that year, (1900) told a friend that he approached Marcus Daly immediately following Carter's nomination for Delegate to Congress in 1888, with the proposition that he and the Anaconda Company should support Carter rather than W. A. Clark. Daly did not at first take kindly to the idea, but said he would discuss it with T. F. Oakes, vice president of the Northern Pacific. "There was nothing personal in this action" said Bonner. "It was business." He then went on to explain that the Cleveland administration had filed suits aggregating \$1,000,000 against Bonner, Hammond, and the Northern Pacific. Daly, at the time, was getting ready to go into lumber business himself in the Bitter Root Valley. Bonner said no mistake was made--Carter was his friend at Washington.¹²

¹²Helena Independent, October 11, 1900.

Now let us jump back to 1889 and a dispatch from Washington, D. C. published in a Butte paper.

Secretary Noble, in a letter to the Attorney General, has requested that the U. S. Attorney for Montana be directed to suspend all actions, civil and criminal, against the Missoula Mercantile, formerly the Montana Improvement Co., and the Northern Pacific Railroad for timber trespasses on public lands in Montana, until the same can be investigated with a view to dismissal, as recommended by the U. S. District Attorney....This action is taken, it is understood, upon information that it would be extremely difficult if not altogether impossible for the government at this late date to secure sufficient evidence to maintain the suit.¹³

Two weeks after the above item appeared the same paper reprinted an extended interview by the Helena Journal with T. H. Carter, Montana's new Delegate to Congress, who had just returned to Helena from the national Capital. Among other things Mr. Carter said:

Secretary Noble, with whom we have to deal more intimately than any other Cabinet officer, save perhaps Postmaster General Wanamaker, is a strong, intelligent, big-hearted, brainy western man, and under his administration of the Interior Department, our people will certainly be exempted from the many petty annoyances with which they have been afflicted through the Sparks, Lamar and Vilas regimes.¹⁴

¹³Butte Inter-Mountain, April 14, 1889.

¹⁴Ibid., April 28, 1889.

Thus T. H. Carter announced that he had made peace with the government, and he could hardly have explained more clearly what he had done for Mr. Bonner, Mr. Hammond and Marcus Daly.¹⁵

The conclusion to be drawn from the foregoing discussion of the M. I. Co. and the indictments is, of course, that purely for business reasons, Marcus Daly threw his support to T. H. Carter. Admittedly, the conclusion is one of inference. Hard and fast proof is lacking. The reader has undoubtedly noticed that Marcus Daly's name is far from prominent in any of the quoted items. It is obvious that there are gaps in the case. It can only be inferred that T. H. Carter actually had Secretary Noble quash the indictments; it can only be inferred that he did have them quashed in return for the support of Daly, Hammond, the N. P. and their interests. But if these inferences (and what evidence there is to support them) are considered in the light of collateral facts, the tie in becomes manifest.

1. There is no doubt that late in the campaign Marcus Daly, without explanation, withdrew his support from W. A. Clark.

¹⁵C. W. Wilbur in "The Way of the Land Transgressor: How Montana was Done" in Pacific Monthly for January, 1908 charges the N. P. Railroad with criminal depredations of public land at the expense of the citizens of the territory. He makes no personal charges, and does not mention T. H. Carter in the text, but following a discussion of the suits, has a full page picture of Carter. The connection is effective, if implied.

2. The reasons commonly given for his actions (the feud stories) are weak and fail to account fully for his actions.
3. In 1888 Marcus Daly was using about 40,000 feet of timber every day in the mines exclusive of the smelter.¹⁶
4. T. H. Carter won the election with a 5,126 majority, a fact which surprised everyone. An examination of the returns, county by county, demonstrates that the districts where Daly, the M. I. Co. and the N. P. Railroad employed men in substantial numbers voted solidly for Carter. Quite aside from any question of coercion or influence, the fact of Carter's surprising majority in these districts remains.¹⁷
5. Within 5 months from the date of Carter's election word was received from Secretary of the Interior Noble that the indictments were being dropped.¹⁸

¹⁶Holiday Butte Miner, January 1, 1888.

¹⁷In this connection a sketch of John Caplice in Leeson, op.cit., 353 is interesting. It is a detached account having nothing to do with the timber suits. In the course of the sketch, however, Leeson says: "Caplice and McCune organized a firm with headquarters at Walkerville which contracted to supply 300,000 cords of wood to the Anaconda Company....They put 250 men and 80 teams to work in the woods and kept them there for two years....Mr. Caplice was forced to sell his interest in the contract for less than he had invested, because he refused to stultify his political convictions and go into the woods and demand that his men support Thomas H. Carter in a political contest then in progress in which Mr. Caplice enthusiastically supported William A. Clark." The significance of this report is obvious. It is one of the few out and out indications that the Anaconda Company used coercion in their endeavor to elect Carter.

¹⁸Concerning this fact, Mr. Herbert Peet in a letter to the Author April 29, 1948, says: "Carter was elected in the Fall of 1888. He was sworn into Congress shortly after March 4 1889, and before a month had passed he had convinced Secretary Noble that it would be futile to attempt to prosecute Hammond, Bonner, et al, because the government wouldn't be able to assemble its witnesses. He didn't explain, of course, that agents of the M. I. Co. and the N. P. had intimidated, scared away or bought off everyone who might have testified in the government's behalf."

6. After 1888 Marcus Daly went into the lumber business for himself. In 1889 he bought timber land in the Bitter Root from persons who had acquired it by pre-emption or under the Timber and Stone Act. He set up his own mill at Hamilton in 1891. By that year he owned a stretch of timber extending for 24 miles south of the present site of Hamilton and covering the east slope of the Bitter Root Mountains.¹⁹ Whether or not this action was to obviate the necessity of supporting independent lumber operators politically or not is speculative but worth considering.

Mr. Herbert Peet, from whom much of the material in this chapter came, concludes concerning the matter as follows:

Hence there should be little doubt in anyone's mind when all the evidence is reviewed that Daly supported Carter in 1898 "for business reasons." Unquestionably he held the same view as Bonner and Hammond, who were at that time Democrats, like himself, that while Montana had no electoral votes, the election of a Republican delegate to Congress would indicate to Cleveland, if he were re-elected, just what Montanan's thought of the awkward and unworkable Timber Cutting Act. Then, too, there is no question in my mind but that a "deal" was made with Carter that if he were elected and a Republican administration came into power, the indictments would be quashed.²⁰

Now it cannot be denied that other factors may have entered into Carter's election aside from the support of a significant bloc of Democrats including Daly. W. A. Clark apparently

¹⁹Shirley J. Coon, op. cit., Chapter IV. Daly's really big acquisitions did not take place until 1898 when he purchased N. P. timberland in Montana and the holdings of the Big Blackfoot Milling Company. (Eddy and Hammond) He then organized the lumber department of the Anaconda Company.

²⁰Letter from Herbert Peet to the author, April 5, 1948.

made some pretty grave campaign errors. First of all, as has been indicated, he did not make much of an issue of the timber suits except editorially in the Butte Miner. Secondly, undoubtedly Clark's interests were closely enough allied with the copper producers so that he would have worked for them if elected, but the tariff issue was a ticklish one in 1888 and Clark was a Democrat. Many copper producers were wondering what might happen if the French copper Syndicate collapsed (which it did in March of 1889). They thought that only a high tariff would prevent the dumping of large quantities of copper then held in England and France, into the United States. Clark gave no clear cut assurances to copper producers, and the Republicans were, it will be recalled, stumping for a high tariff.²¹

Clark was a 2nd generation Irishman, so was Carter, but the latter made much of the fact and made a strong bid for the Catholic vote. Clark made the silly mistake of attacking Pat Ford, a great Irish American idol, in his opening campaign speech in Missoula and lost there by an undetermined number of Irish votes.²²

These factors undoubtedly contributed to Carter's 5,126 majority and thus must be taken into consideration, but they

²¹For a discussion of the French Copper Syndicate and its effect on American copper producers see: W. Jett Lauk, op. cit., Chapter IV.

²²Helena Daily Record, November 21, 1888.

do not make less valid the significance of Daly's reversal.

In any event, there is much evidence to indicate that the Clark-Daly feud, with which the remainder of this study will largely concern itself, was started by Marcus Daly in 1888. Whatever animosity (if any) existed prior to that date was insignificant. After that date, the feud was self-perpetuating.

The feud has played a prominent part in the early history of Montana, and with few exceptions, the most notable being Clark himself, its origin has been attributed to W. A. Clark. The present writer does not claim to have unalterably disproved that contention, but in view of the evidence contained herein it would seem that reasonable doubt, at least, must attach itself to the versions of the feud which have heretofore been so readily accepted.

CHAPTER VI

COERCION AND BRIBERY

The election of 1888 set the stage for the political events to follow; events in which Marcus Daly and W. A. Clark were to play the dominant roles. Two charges were to ring out from the opposing camps with ever increasing frequency and venom. From the Clark camp came the charge of coercion and from the Daly camp came the charge of bribery. In the election of 1888 bribery did not play an important part, but from that date until W. A. Clark at last sat in the U. S. Senate, vindicated (in his own eyes) and triumphant over his foes, bribery was on every tongue. So before proceeding with the period 1888 to 1900 it will be of benefit to inspect, in a general way, the charges, pro and con, though the specific facts concerning bribery at its worst must be left to a subsequent chapter.

There can be little doubt that Marcus Daly employed coercion in order to bring about the defeat of Clark in 1888. Clark's claims in that connection have already been fully treated. Reference has been made to John Caplice who was forced to sell his interest in a contract to furnish wood to the Anaconda Company because he refused to demand of his employees that they vote for Carter.¹ The Butte Miner, Clark's

¹See footnote 17, page 96.

paper, was vociferous in its charges. A few days after the election it asked:

The people are wondering what steps will be taken in the future to carry elections. Will men employed in the mines be commanded to vote so and so or be dismissed? Will shift bosses watch around the polls and see to it that those employed under them vote the ticket decided upon by those having control of the mine? Will the Northern Pacific employees and the saw mill men go to the polls, like men in a chain gang?²

The Miner, being Clark's paper, might be expected to make such charges, but there were other papers, Democratic and Republican, which made similar accusations. The Great Falls Tribune, whose editor, Jerry Collins, was a Democrat, took the hide off Daly and Hauser in a hot editorial, part of which is quoted below:

Every concern and corporation in Montana with which Sam Hauser is in any way identified, from the N. P. R. R. Co. to the Sun River Ditch outfit, in this county, put forth all possible effort to secure Carter's election...and even in this county where about 70 men were employed on Hauser's Ditch the Democrat in charge received instructions, (imperative) that the men must vote for Carter, and so they voted....As to Marcus Daly's part in this perfidious business, his apathy during the campaign and the vote in Anaconda and Butte tell the story. Comment would be idle.³

²Butte Miner, November 14, 1888.

³Reprinted in the Helena Record, November 22, 1888.

In a conversation with Mr. Herbert Peet in Portland in 1940, C. H. McLeod of Missoula told Mr. Peet that he (McLeod) was an employee of Eddy Hammond & Company in the Fall of 1888 and that he had been sent to all the woods camps of Western Montana to distribute cigars, whiskey and money on the orders of Daly to instruct employees that they must vote for Carter and not for Clark or lose their jobs.⁴

Forrest Leroy Poor, author of an excellent study in Montana Politics says:

It is a matter of record that Daly not only influenced the vote of the men in his own employ, but brought economic pressure to bear on other influential business men to change their political allegiance from one major political party to another. For example in 1899 (sic) when Daly was chairman of the state Democratic Central Committee, he wrote of a conversation he had with Bonner in Missoula, in the presence of McLeod and Hathaway, in which he cancelled his lumber contracts with them in an effort to force them from the Republican into the Democratic party.⁵

Poor bases the above quotation on the following sections of a letter which Daly wrote to Hauser in 1889: "McLeod stated that the loss of my friendship was simply a money consideration, but to abandon the Republican party in this fight, would simply be surrendering his manhood and he would

⁴Letter from Mr. Herbert Peet to the author, May 17, 1948.

⁵Forrest Leroy Poor, The Senatorial Aspirations of William A. Clark: A Study in Montana Politics, unpublished Ph. D. dissertation, University of California, 1941, 152.

walk out of the country before he would do it." The letter goes on to say that Bonner was simply "temporizing" with him and was determined to stick with the Republicans. Then Daly says: "In view of this state of affairs I have started up the valley, will send men in every direction, and will make the hardest fight that is possible. Have contracted with outside mills for lumber already..."⁶

In connection with coercion (though as applicable only to the election of 1899) the following testimony was given to the Senate Investigating Committee by Charles W. Clark, son of W. A. Clark:

Senator Hoar: Intimidate them how?

Mr. Clark: By threats.

Senator Hoar: Threats of what?

Mr. Clark: The usual method of Daly intimidations.

Senator Hoar: I do not know the usual methods of Daly intimidation.

Mr. Clark: Threats to boycott a man, drive him out of the country, and methods of that kind.⁷

It should be noted, however, with regard to this testimony that C. W. Clark did not make a good impression on the

⁶Letter from Daly to Hauser, September 22, 1889. Original in Hauser papers, file 1889-90, case 6, Montana Historical Library, Helena. Underling is the author's.

⁷Sen. Rep. 1052, op. cit., Part III, 2063.

Committee, nor was he a man of unquestioned integrity.

Another report of coercion is that of Jerre C. Murphy, who, while admittedly very much anti-Daly, still must be considered. He says:

The first break between the two men came through and after the defeat of Clark as a candidate for Congress, conspicuously due to treachery of his former friend, as well as to his party by Mr. Daly, who, while professing devotion to both party and candidate, so directed affairs that thousands of men employed in his mines in Butte and his smelters at Anaconda either were prevented from voting or were influenced to vote for the Republican Candidate to Congress. No intelligent explanation of this action ever was afforded by Mr. Daly or his friends.⁸

There follows an excerpt from a letter which the late A. L. Stone of Missoula, former Dean of the School of Journalism and long a student of Montana History, wrote to Mr. Herbert Peet on June 22, 1940. Dean Stone was well qualified to write on the subject of early Montana politics having been a journalist in Montana the greater part of his life, and having worked for Marcus Daly as publicity agent. He wrote:

In Deerlodge County, Otto Stalman was chairman of the Democratic central committee; W. L. Hoge was at the head of the Republican committee. Stalman was superintendent of the smelter; Hoge was president of the Daly bank in Anaconda. On

⁸Jerre C. Murphy, op. cit., 20. For a very similar charge see Joaquin Miller, History of Montana, The Lewis Publishing Co. Chicago, 1894, 592, in which Sam Word in his "History of the Democratic Party" charges that Daly forced his employees to vote for Carter.

the night before the election, there was a mammoth Democratic rally in Anaconda with a torch light procession which was of unprecedented size--every man in the works was given a torch and instructed to march.

In Butte, Mr. Clark ordered the banquet which, the next night, was to celebrate his election.

Anaconda gave Carter a tremendous majority. A Clark messenger asked Mr. Daly on Wednesday what it all meant.

"Well," said Mr. Daly, "as near as I can figure it out, they marched in Stalmann's procession and voted in Hoge's."

In connection with this election eve rally and the fact that the Company's employees marched in the Democratic rally but voted the Republican ticket on the following day, another bit of evidence is interesting and informative. In October, 1938, Mr. Herbert Peet, who had some time previously become suspicious of the common explanation of the reversal of 1888, visited Judge D. M. Durfee in Philipsburg. In 1888, Durfee was a young lawyer in Philipsburg and for two or three weeks prior to the election he had been disturbed by rumors that Daly planned to knife Clark. To satisfy his curiosity he went to Anaconda the night before the election to attend the big Democratic rally. He told Mr. Peet in the interview that a great deal of drinking was going on and that most of the smelter workers who marched in the parade were drunk. As he knew a number of them, he asked them what they understood the situation to be. He said that one after another told him: "We march in the Clark parade tonight but we're voting for Carter tomorrow."⁹

⁹Letter from Herbert Peet to the author, May 17, 1948.

This would indicate that at the very least Marcus Daly had a close control over the activities of his employees.

There were, however, many who scoffed at the idea of coercion. They attributed the Republican victory to the sudden enlightenment of the voters on the tariff question. Daly was defended on this basis by the Republican, James H. Mills, editor of the Deerlodge, New Northwest, who usually spoke thoughts without cavil even if he did hew always to the Republican party line.¹⁰

Daly was also strongly defended by Lee Mantle, owner of the Butte Inter-Mountain, who also based the Republican victory on the tariff question.¹¹ But these editorialists and others who maintained that in no instance had Daly used undue influence, had a weak case. As W. A. Clark stated in his interview with the St. Paul Pioneer Press:

To show that the fight in Montana was not on the tariff question, one needs only to look at the result in Chouteau County. This is one of the largest wool-growing counties in the territory, but it was removed from the influence of Helena and Butte and I received a 300 majority.¹²

More than that, Cascade and Fergus counties produced more

¹⁰See New Northwest, November 10, 1888.

¹¹See Butte Inter-Mountain, November 7, 1888.

¹²Republished in the Butte Miner, November 28, 1888.

wool than all the rest of the territory, but in those counties a review of the election returns demonstrates that the Democrats held their own. The same was true of Gallatin, Custer and Dawson.¹³

In connection with these attempts to attribute the Republican victory to the tariff question and to discredit the idea of coercion, Mr. Herbert Peet says:

There is little doubt in my mind but that all the Republican leaders fully understood that their victory was due primarily to the pressure which Daly, Bonner and Hauser had exerted on the Anaconda, the Northern Pacific, and the Eddy, Hammond & Co. employees. Nevertheless, they could not publicly admit that they were indebted to Daly and the others.....Even then, by reading the comments of Republican editors carefully, you can detect that they unconsciously were trying to defend Daly's "treachery."¹⁴

Taking into consideration the evidence pro and con it seems clear that Marcus Daly did coerce, or sanction the coercion of his employees. But it is necessary to say more than that if an accurate picture is to result.

Ten months before the election, the Butte Inter-Mountain, in an article concerning Marcus Daly, asserted:

...although he never interferes with the politics of his employees, he has a way of making his influence felt where it does

¹³For the official returns see Butte Miner, Nov. 14, 1888.

¹⁴Letter from Mr. Herbert Peet to the author, May 19, 1948.

the most good and he gets there with the pressure and weight of a ball stamp.¹⁵

That statement is highly revealing because it was written prior to any discussion of coercion and it was included in a highly complimentary report. It reveals more than the writer intended. Coercion is, after all, a matter of degree. There can be little doubt that in/certain instances Daly merely told a shift boss that he was for, or against, so and so. That's all there was to it. He made his views known and the rest was a matter of course. No threat was necessarily involved. It must be kept in mind that labor in the period in question was not organized as it is today. Working men lived more or less from hand to mouth, they had little to say about wages, little to say about being fired or hired. There was a definite feeling of obligation to an employer for the privilege of having a job. Marcus Daly played freely upon that sense of obligation. The morals of the thing quite likely never occurred to him. Thus coercion is bound up with the somewhat indefinable employee-employer relationship and it is very difficult to determine just what is, and what is not, coercion.

When Daly was questioned before the Senate Investigating Committee about "undue influence" the following took place:

Mr. Faulkner: I will ask, first, whether or not you gave any instructions in reference to how the men should be induced to

¹⁵Butte Inter-Mountain, January 1, 1888.

vote in that election? (1888)

Mr. Daly: I did not.

Mr. Faulkner: Men employed by you?

Mr. Daly: No, Sir, I did not. I stated that I was not supporting Clark; but I never instructed any man, either in that election or any other election, how an American Citizen should cast his ballot. I always stated how I felt and what I was in favor of; but as for telling any man how to vote, I positively did not.¹⁶

This testimony was made under oath and beyond doubt Marcus Daly meant what he said. He had never instructed any man how to cast his ballot. He did not have to. Once he had "stated how he felt" the rest was a matter of course. Considering the position of his employees, their loyalty to him and perhaps the zeal of his lieutenants, it is not difficult to see how, once he had declared his opposition to Clark, the election went as it did--particularly in view of the fact that the M. I. Co., the N. P. Railroad, et al, were applying pressure (probably greater pressure) simultaneously.

An understanding of Daly's influence in this respect, is necessary to an understanding of the events which are to be treated in subsequent chapters, because it was this influence, hard to pin down and difficult to weigh, which held together what came to be known as the "Daly Gang," or "Daly Faction," and the reader will seek in vain for a more tangible tie.

¹⁶Sen. Rep. 1052, op. cit., Part III, 2234.

There was no formal organization; there were no rules and no overall policy existed except one: defeat W. A. Clark wherever and whenever he runs.

On the other side of the picture there is the charge of bribery. Bribery is a more definite thing than coercion and unlike the latter, it almost always leaves a track. It was with bribery that the Senate Investigating Committee concerned itself when called upon to pass on the right of W. A. Clark to sit in the U. S. Senate in 1900. It was on the basis of bribery that Clark was denied a seat in that body. The three volumes of the report of the Committee on Privileges and Elections of the U. S. Senate are full of proof that in the election of 1899 the Montana State Legislature (which in those days elected Senators and Representatives to the U. S. Congress) was corrupted by money which came from the pocket of W. A. Clark.

Clark did not use bribery in the election of 1888, but after that bitter defeat, he was more determined than ever to sit in the U. S. Senate and he turned to a power he well understood, the power of money.

It is not the function of the remainder of this study to concern itself with the proof of bribery. That has long since been done. But, as in the case of the charges of coercion against Daly, an accurate picture will not result unless, before treating the events of the period 1888 to 1900, the reader understands that politics in the Northwest

in those days differed basically from the politics of today. Considered in the light of present principals^{less} the early politics of the state of Montana are very nearly incomprehensible. Thus the events in question must be considered in the light of contemporary ideas and conceptions.

Officially the frontier no longer existed after 1890, but the conditions which make a frontier a frontier do not alter for arbitrary historical dividing lines, and there was much in the attitude and mentality of the populace of Montana after 1890 that was of the frontier. The institutions of government and of society were flexible and fitted to the needs of a new and still raw community. The cities of Butte, Anaconda and Helena were filled with a restless, often rootless element who had not as yet settled in any sense, let alone a political sense.

Economically the order of the day was Laissez Faire. Marcus Daly, S. T. Hauser, C. A. Broadwater, A. B. Hammond, A. J. Davis and a host of other men who had built fortunes, had done so from scratch. They were, in every real sense of the word, self-made men. Government, to such men, had its place, but its place was not in business. The reader will recall that when the M. I. Co. was indicted by the Federal Government, it had the whole-hearted sympathy of the majority of Montana citizens.

Labor was poorly organized. The idea of the right of collective bargaining was anathema to everything for which

these men stood. True, an employer was obligated to his employees, but it was a paternalistic obligation. His was a despotism--benevolent in some cases, but still a despotism.

Politics reflected the spirit of the times and the times were wide open for any man with brains and ambition. Scruples were, in many cases, secondary. In addition, there was a substantial quantity of money in the state. Men who had started with nothing a decade or less before, found themselves millionaires. They spent money lavishly on most things. It is not strange that they spent it also on politics.

All these factors contributed to the sordid record of politics in Montana from 1888 to 1900 and they cannot be overlooked in any accurate appraisal of events. They help to explain the conduct of both Daly and Clark as well as the host of lesser lights who revolved around them. They make understandable, though they do not justify, both coercion and bribery, for both were the product of the times and circumstances peculiarly conducive to political corruption.

Mr. Norman Holter of Helena, who remembers the events of the 90's well and Mrs. George Wellcome of Anaconda, whose memory is clear concerning events as remote as the early 80's, gave the present writer a clear picture of the attitude toward bribery by describing the large quantities of money which were easily available to those who would take it in payment for their vote. Both remember that at the time of the Capital fight, which will be considered in the next chapter, represent-

atives of both Clark and Daly stood on the street corners of Butte passing out five dollar bills to passers by urging them to vote either for Anaconda or Helena, as the case might be. C. P. Connolly estimates that Daly spent, all told, over \$2,500,000 in the Capital fight and Clark, \$500,000.¹⁷

With such quantities of money floating around to be had simply for the taking, many people, who had little actual interest in whether Anaconda or Helena became the permanent Capital of the state, came to accept the fact that the dispensing of money in large quantities went hand in hand with political campaigns of any sort. The Capital fight established, in many minds at least, a precedent. It dulled the edge of political integrity. In subsequent years when W. A. Clark sought to buy his way into the U. S. Senate by the wholesale bribery of the state legislature, talk of large sums of money changing hands and the sudden enrichment of some poverty-stricken legislator did not always fall on scandalized ears. Money in politics was nothing new.

¹⁷Connolly, The Devil Learns to Vote, 104.

CHAPTER VII

THE ELECTION OF 1893 AND

THE CAPITAL FIGHT

In 1889 Montana became a state. The president of the constitutional convention, the majority of the members of which were Democrats, was W. A. Clark. Clark had also presided over the convention of 1884 in which capacity he had served capably.

This period witnessed an odd truce between Marcus Daly and W. A. Clark, though in fact Marcus Daly had little to do with it. It was his political cohort and right-hand man, John R. Toole, who found himself allied with Clark over the question of mine taxation.

The mine owners had come reluctantly to the conclusion that they were going to have to pay some taxes. Throughout the territorial period, except for a brief period of seven years, they had been required to pay none whatever.¹ What W. A. Clark and John R. Toole were stumping for in the convention was as low a tax as possible. Since most of the discussion of this vital question occurred in committee of the whole, Clark was able to take the floor on behalf of the mine owners, and this he did with eloquence and spirit.

¹Howard, op. cit., 61.

The mines of the territory of Montana for the year 1887 had yielded over \$25,000,000. By 1889 the annual output had risen to \$40,000,000.² Yet under the laws of the territory the mines were exempt from taxation!

The mine tax provision which was submitted to the convention by the committee proposed that mines should be taxed at the price paid the United States therefor; that the machinery should be taxed and that the annual net proceeds should be taxed.³ The principal opponent of this provision, W. A. Burleigh from Miles City, the cow country capital, pointed out that net proceeds could be manipulated almost at will by the mine owners and that the books could show very little net profit while the actual profit might be great. He was supported by other cattlemen in the convention, but he could not buck the influence of the mine owners. At one juncture W. A. Clark rose and gave a long and impassioned speech in defense of the proposition as it had come from the committee. He said in part:

If you study it as we have done, you can arrive at no other conclusion than that it is the only method whereby the state

²Report of the Governor of Montana to the Secretary of the Interior, Government Printing Office, Washington, 1887, 1888, 1889.

³Proceedings and Debates of the Constitutional Convention in Helena, July 4 to August 17, 1889, State Publishing Company, Helena, 1924, 472. For debate on the question see ibid., 471-477, 492-497.

can secure from this species of property a reasonable and just revenue, and at the same time protect those men, those brave pioneers who have come out here and have made the wilderness blossom as the rose, and opened up these great mountains and brought their hidden wealth to light; yea, I say, it is the duty of the members of this convention to throw such safeguards around this industry as are proper and just.⁴

Right down the line, W. A. Clark and John R. Toole saw eye to eye. Their agreement and cooperation in the convention was singular because Toole was an employee of the Anaconda Company, a close friend of Marcus Daly, and politically Toole and Daly were of identical mind. The section exempting mines from other than a nominal tax was incorporated in the constitution and there remained until 1924.⁵

The convention adjourned on August 17, 1889, on which date the constitution prepared by it was adopted. On October 1, 1889, it was ratified.

In the meantime the political situation had resolved

⁴Ibid., 477.

⁵In 1924 Governor Joseph M. Dixon made a campaign issue of the net proceeds tax. He carried a check for one dollar, paid to the state of Montana by the Anaconda Copper Mining Company as full payment for the net proceeds tax. This check was shown to audiences all over the state and they were urged to vote for the initiative measure which would create a gross metal mine tax. The measure passed, but Dixon was defeated. The newspapers of the State, nearly all owned by the A. C. M. Co., brought about his defeat with daily tirades. For an excellent treatment of the mine taxation problem in Montana see Warren Aldrich Roberts, State Taxation of Metallic Deposits, Harvard University Press, Cambridge, 1944, Chapter IV.

itself into a state of chaos. The only Democrat elected on the state ticket was Joseph K. Toole, the candidate for governor. The burning question was the election of United States Senators by the legislature.⁶

In 1889 Montana had two legislatures, one Republican and one Democratic! This had come about as a result of election difficulties in precinct number 34 in Silver Bow County where fraudulent practices had thrown out the vote of that precinct.⁷ It is not necessary here to consider the intricate factors which led to this situation. Suffice it to say that Montana found itself in 1889 with two legislatures, each claiming to be the legitimate legislative body of the state. Each legislature met separately and separately elected two United States Senators. The Democrats elected William A. Clark and Martin Maginnis and the Republicans elected T. C. Power and Wilbur F. Sanders. Since, in 1889, the presidency and both houses of the national Congress were Republican, Sanders and Power were seated. W. A. Clark's second bid for a seat in the U. S. Senate was frustrated.

The first legislative assembly (or assemblies) of the

⁶From 1889 to 1913, when the 17th amendment was ratified, Senators were elected by the state legislature and not directly by a vote of the people.

⁷For a detailed explanation of the peculiarities which resulted in the deadlock see Sanders, op. cit., 403-410 inclusive.

state of Montana adjourned on February 20, 1890, having reached no compromise and having passed no legislation. On January 5, 1891 the second session of the legislative assembly was called and the same deadlock prevailed. This time, however, a compromise was effected and the way was cleared for the enactment of such legislation as was necessary for the welfare of the state. Thus Montana's first two years of statehood were characterized by strife and confusion in the political field. But the end of such business was not in sight. Taking advantage of the general turmoil W. A. Clark and Marcus Daly stepped into the arena and locked horns. There was to be little order and no peace in Montana politics for a decade to come.

Two Republicans now sat as representatives from the state of Montana in the U. S. Senate. T. C. Power had drawn the long term and Sanders the short. Thus in 1893 Sander's term was due to expire and it was the job of the state legislature to elect his successor. The indefatigable W. A. Clark threw his hat in the ring and the instant he did so, Marcus Daly gathered his forces and prepared for the fight.

Both Clark and Daly were well prepared for the struggle. Clark had recovered from the slap handed him by the Republican administration in 1890. He fancied himself as a leader of the Democrats. In 1892 he had headed a Montana delegation to the Democratic National Convention in Chicago. There he helped to nominate Grover Cleveland for his second election

to the presidency. Clark had almost unlimited resources at hand. He had personal control of some of the richest mines in Butte. His banking interests extended throughout the state. He had great lumbering interests around Plains and St. Regis, smelting interests in the Butte area and in Colorado, and control of the vast resources of the newly developed United Verde copper deposits in Arizona. He owned the local street car system of Butte and was reaching out toward the water-power resources of the state. He had also acquired as a by-product of one of his financial manipulations some years before, the Butte Miner, at that time a moribund sheet in which no one had much interest. After Clark took the paper over, (and under the able editorship of John M. Quinn, an editorial writer of power and clarity), the Miner became a potent weapon. With stinging venom Quinn attacked Marcus Daly, J. B. A. Haggin and the Anaconda Company. And with plausible logic he turned charges against Clark into condemnations of Daly.

It was Clark's use of the Miner in his fight with Daly that led the latter to establish his own paper. It was necessary for him to install the Anaconda Standard at Anaconda, twenty-six miles from Butte, because Clark, by reason of his ownership of the Miner, controlled the Associated Press franchise at Butte. This fact did not hinder Daly. A special "paper train" of Daly's own Butte, Anaconda and Pacific Railroad rushed the Standard to Butte hot off the press.

The editor of the Standard was Dr. John H. Durston, a

philologist who had left a professorship at Syracuse University to edit the Syracuse Standard from which he came to Montana. Daly had given him a blank check and told him he wanted the best paper in the country. Durston, who did not at once take to the idea, was finally prevailed upon. He imported two of his associates from the Syracuse Standard, E. B. Catlin and Charles Eggleston, and set about to make the Standard just what Marcus Daly wanted, the best that could be had. In time the new paper attained some 20,000 circulation. In Butte it gave Clark's Miner a sound thrashing. Its news section had excellent national coverage as well as state. Every inter-mountain town of any importance had its Anaconda Standard bureau. The finest mechanical equipment was bought. In the early days of the Mergenthaler linotype machine, the Anaconda Standard at one time had more linotypes in operation than any Manhattan daily. When colored comics came into being, Daly sent for Thorndyke, Trowbridge and Loomis, then three of the highest priced newspaper artists in the country. Color decks and photo-engraving equipment were rushed to Anaconda and the Standard produced its own four-page colored comic supplement.

Marcus Daly is said to have spent \$5,000,000 on the Standard which, as Time Magazine pointed out, would have been

a money-maker without such extravagance.⁸

Durston, in spite of his professional background, was as capable of venom and razor sharp comment as was Quinn, and since libel was a double-edged sword which neither paper could charge without fear of immediate recrimination, the pages of the rival publications were wide open.

Though Daly had less actual wealth than Clark, his influence in the political realm, judging by the events of 1893, was greater. He had done nothing to prevent the election of Clark in 1889 by the Democratic side of the split legislature. But when Clark made overtures of peace in the summer of 1893 (when he determined to run once more for the Senate) Daly would have none of it. The Capital fight was brewing, and in the coming contest between Helena and Anaconda, Daly was all out for Anaconda. Clark apparently made overtures to him intimating that if he (Daly) would support Clark for the Senate, Clark would support Daly in the Capital fight.⁹

⁸For a good history of the Anaconda Standard see Time, July 27, 1931. See also Glasscock, op. cit., 111-113; Connolly, The Devil Learns to Vote, 97-98.

⁹See Clayton Farrington, The Political Life of William Andrews Clark, unpublished M. A. Thesis, Montana State University, 1942, 38. Farrington does not document his contention and the present writer has found no evidence to substantiate the assertion that Clark made such overtures. In view, however of Clark's eagerness to sit in the Senate, and the obvious difficulty of doing so without the support of Daly, plus the fact that Clark had much to bargain with, (his support in the Capital fight), it is very possible that such overtures were made.

When Daly refused, Clark determined to fight alone and further, to support Helena with all his power in the election scheduled for the following year, (1894).

The complexion of the state legislature in 1893 was doubtful. This assembly on which Clark pinned his hopes and which Daly scrutinized from his position behind the scene as usual, had neither a Democratic nor Republican majority. The Populists, disciples of a new creed which was rapidly coming to the fore in the South and West, held the balance of power. The Populists, who advocated, among other things, government ownership of railroads, woman suffrage, initiative and referendum and the free coinage of silver, were composed of the agricultural elements and their platform was far too radical for either Clark or Daly, (though both were in favor of free coinage of silver). But Marcus Daly was not one to hew to the party line if doing so might work to his detriment. He had deserted the party in 1888; now he made a deal with the Populists and organized a Democratic-Populist majority to defeat Clark. The incumbent, W. F. Sanders, saw his support disintegrate in the forty days and nights through which the legislature battled. The Republicans, hopelessly in the minority, deserted Sanders and threw their support to Lee Mantle.

William Wert Dixon, Daly's leading attorney, was the principal candidate opposed to Clark. As Sander's support dwindled, Clark's vote climbed to 27, Mantle's rose to 22

and W. W. Dixon's chance looked poor.

As the session drew to a close the excitement in Helena was intense. Appeals for compromise from both Democrats and Republicans failed to move either Clark or Daly. The Daly forces offered to vote for any Democrat but Clark. The Clark forces refused to sanction any candidate but Clark. The stalemate remained unbroken.

The result of the final ballot found Clark three votes short of the required number. He was bitterly disappointed. The vote of thirty-seven to thirty-two was a vote of thirty-seven against Clark but divided among Mantle, Dixon and Carter. Clark polled thirty-two. Thirty-five was necessary to election. He sat in the front row of seats, his speech of acceptance ready in his hands. He had been confident of victory and he seemed unable to take in the fact that Daly had won again.¹⁰

Twelve votes had been unwaveringly cast for W. W. Dixon. This effectually blocked Clark's election in spite of the fact that six Republicans voted for him. It was in connection with this Republican support of Clark that the charge of bribery came forth. Senator E. D. Matts of ^{Missoula} (Deerlodge) County, a staunch Daly supporter, rose and made an eloquent and denun-

¹⁰For treatment of the election of 1893 see Farrington, op. cit., 34-36; Glasscock, op. cit., 121-123; Connolly, The Devil Learns to Vote, 100-103; Connolly, "The Story of Montana", 460-464; Sanders, op. cit., 411-412.

ciatory speech against Clark referring to "notorious bribery". "I want to see no man representing this State in the Senate," shouted Matts, pointing his finger at Clark, "who obtains votes by fraud or force. I want to see a man elected to the United States Senate who is not tainted by fraud, bribery and corruption." At the end of his speech Matts moved the final adjournment of the joint session and the motion was carried.¹¹ As a result Montana had only one Senator from 1893 to 1895. Governor Rickards appointed Lee Mantle to fill the vacancy, but the Senate refused to seat him.

Rumors of bribery in the election of 1893 were vague. Clark was said to have bought up legislators, whom the Daly forces as promptly bought back.¹² But these were rumors only. As Connolly puts it:

Rumors of legislative corruption were rife--Clark pursued, in this legislative campaign, those revolting tactics which provoked such bitter feelings against him. Men whose lives had been clean were corrupted, not only by the use of money, but in worse ways. Questionable resorts were chartered and debaucheries ensued which shocked, not only the high minded but the indifferently scrupulous.¹³

¹¹Connolly, "The Story of Montana", 463.

¹²Connolly, The Devil Learns to Vote, 100.

¹³Connolly, "The Story of Montana", 431.

According to Connolly, C. L. Coder, one of the Republicans who voted for Clark, had told W. F. Sanders that he had been offered a bribe by the Clark forces. Sanders warned Coder that the Democrats would stand for no such business. Coder subsequently left town. He announced that his child was dying, but a telegram received the same day from Coder's home town, Lewistown, contradicted his statement, saying there was absolutely no sickness in the Coder family. Connolly goes on to say:

Clark played with men's honor as with poker chips, and had his agents in the field buying up the public representatives like so many cattle on hoof, driven into market place, weighed, tested, marked and paid for. There were rumors of bribery, but no open admissions and defense of it as in later campaigns.¹⁴

Connolly, though he refers only to rumors, gives evidence which, if true, would put the charge of bribery beyond the rumor stage. He says, for instance:

Clark also secured the vote of Bonner of Granite County, a strong Daly supporter who had denounced Clark all through the session up to the last ballot--when he made a strong speech, which the Clark forces declared cost them ten thousand dollars. At the end of this speech he cast his vote for Clark, and this vote, the Clark faction claimed, cost them ten thousand dollars more.¹⁵

¹⁴Ibid., 432.

¹⁵Ibid., 432.

According to Connolly, Clark's error was that he bought only what he thought he needed, making no provisions against contingencies--an error he did not make in 1899.

The reader should bear in mind, however, that Connolly, from whom the above quotations are taken, was rabidly anti-Clark and pro-Daly. Unfortunately his writings on the subject of the election of 1893 are one of the few sources available and his appraisal of that session has been accepted too frequently by subsequent writers without question. Considering the categorical manner in which Connolly disposed of the election of 1888 and the inception of the Clark-Daly feud, (in the appraisal of both of which he was largely in error), one should approach his conclusions concerning the election of 1893, and Clark's nefarious connection therewith, with considerable caution and a measure of scepticism. It is safe only to say that there were rumors of bribery and corruption in 1893, and that judging by subsequent events it is very possible that Clark did seek to bribe the legislature.

The feud had run through round two and Clark had lost that round. Daly's opposition had defeated him in 1888 and in 1893. Whatever hope had existed that agreement might somehow be reached was blasted. The Anaconda Standard shouted gleefully:

THEY FELL DOWN
Money Couldn't Buy Enough Votes
Three Votes Short
Clark Sat In Front Ready to Accept

Said the Standard:

It was a death struggle between corruption and honesty for the honor of the state....With all the forces of corruption doing their utmost for weeks, the legislature in joint assembly today declared by a vote of 37 to 32 that the majority of its legislature is honest and that a seat in the United States Senate cannot be bought....¹⁶

The Standard was optimistic. W. A. Clark was far from through. The following year, 1894, he handed Marcus Daly his first defeat and it was a stinging one.

No provision had been made for the permanent location of the state capital aside from the stipulation in the constitution that at the general election in the year 1892, the question should be submitted to the qualified electors of the state, and the city receiving the majority of the votes should become the Capital. When the election was held in 1892 none of the seven cities contending received a majority, and so a second election was necessary. The date of this election was set for November, 1894, and the two cities in question, Helena, (the temporary capital since 1874), and Anaconda, (the two cities were first and second respectively in the election of 1892), began to prepare for the campaign.

Early in 1894 Clark threw his support wholeheartedly and without stint into the cause of Helena for state Capital. Daly, equally wholeheartedly backed his own city of Anaconda.

¹⁶Anaconda Standard, March 2, 1893.

The Miner and the Standard sharpened their claws on each other. As the campaign warmed, the Daly forces issued a special cigar which was labeled the "Anaconda-For-Capital Cigar." The Clark forces announced that the cheroots were made by "scab" labor.¹⁷ They charged that the Daly forces were hiring Pinkerton detectives to register voters illegally for Anaconda. The bloody Pullman strike occurred in 1894 and in that strike the Pinkertons had taken up arms against the unions. Butte miners and Anaconda smelter men were newly union conscious and they were bitter against the Pinkertons.

The Daly forces countered with the assertion that Helena was of importance only as a headquarters for Chinese laundries, gambling dens and opium joints.

So it went, each side issuing pamphlets, souvenir coins, cigars, etc. As a supplement to an address, "Reasons Why Helena Should Be The Permanent Capital Of The State," the Daly forces issued a pamphlet entitled:

HELENA'S SOCIAL SUPREMACY
Montana's Center of Fashion,
Refinement, Gentility, Etiquette,
Kettle Drums, High Fives,
Progressive Euchre and Mixed Drinks¹⁸

The campaign gave rise to some of the best cartooning the state had yet witnessed and some of the best torch light parades and fire works.¹⁹ For weeks preceeding the election

¹⁷Glasscock, op. cit., 125.

¹⁸Pamphlet in the collection of Mr. Robert O'Hara, Hamilton, Montana.

¹⁹Personal interviews, Mrs. T. J. Murray, Mrs. George Wellcome and others.

Butte, Helena and Anaconda were alive day and night. Excitement reached a fever point.

As the fight warmed up both Clark and Daly went all out. Both sent cigars, whiskey and campaign buttons out to their respective woods camps. Both hired unheard of numbers of lumber jacks, fed them whiskey and bombarded them with the pros and cons of the issue.²⁰ One of Clark's camps hired 200 extra men. When the election came around the crew was able to cast 200 votes for Helena. Any men who had not been on the payroll at least thirty days before the election were told what names they were registered under and voted accordingly.²¹

But behind the gayety, the parades and the humor lay the deadly enmity of Clark and Daly and into the contest were dragged all the fierce hatreds of their fight. The Helena partisans attacked J. B. Haggin along with Daly. They had manufactured thousands of miniature copper collars, and these they gave away with the admonition that a vote for Anaconda was a vote for the "Octopus."²² They said that to have the

²⁰Glasscock, op. cit., 129. One old timer told Glasscock: "My crew had so much booze and tobacco they were no good on the job."

²¹Ibid., 130.

²²Mrs. L. B. Scott, Historical Librarian, Helena, still has a few of these "copper collars." Perhaps these collars gave birth to the phrase "copper collar" which is so frequently used in any discussion of the A. C. M. Company's influence in Montana.

Capital at Anaconda was forever to subject the machinery of government to the influence of the "corporation" and to the whim of Marcus Daly.

And, indeed, many feared the shadow of this great power on the hearth stone of the state. Many men who were neither especial friends of Clark or Daly, but who hesitated to place the seal of the state in what would practically be the possession of a corporation, came out and fought not for Clark or against Daly, but for the integrity of the state. It was, in all probability, the vote of this element, and not the money of Clark, that won the election for Helena. The vote was 27,028 to 25,118.²³

Helena had won and the repeated political slaps given to Clark's ambition by the Daly forces were answered in kind. The Butte Miner trumpeted:

Three Cheers!
The People are Supreme!
The Citizenship of Montana is Vindicated!
Tyranny has reached its Waterloo!²⁴

Helena's celebration was magnificent. A bonfire which could be seen the length and breadth of Prickley Pear Valley blazed on Mount Helena. A horde of cheering citizens greeted the train which bore W. A. Clark from Butte to Helena to join in the festivities. The Miner described his arrival thus:

²³Butte Miner, November 7, 1894.

²⁴Ibid., November 7, 1894.

When it arrived and Mr. Clark stepped to the platform he was taken upon the shoulders of several strong men and carried through a mass of cheering people to the carriage in waiting for him. The horses were taken from the carriage and a rope attached to the pole. Then, drawn by hundreds of men, the carriage proceeded in triumph through the streets of Helena to the hotel with the bands of music playing and men and women cheering the heroes of the hour.²⁵

The drinks in every Helena bar were on Clark. As Kinsey Howard wrote:

The pious presbyterian and the old timers today declare it was the drunkenest night Montana ever had, which was going some.²⁶

Late in the evening hundreds gathered on a street corner where Marcus Daly was burnt in effigy. This was an affront, which, when he heard of it, turned Marcus Daly white. He never forgot it.²⁷

After Anaconda had lost the election, Marcus Daly lost interest in the city. His plans for it had been big. He had been about to build himself a mansion on 6th Avenue West. He had plans to build and endow a public library. But after 1894 Anaconda saw less and less of Marcus Daly and the Bitterroot Valley saw more and more. It was a touchy subject, and

²⁵Ibid., November 7, 1894.

²⁶Howard, op. cit., 67.

²⁷Personal Interview, Norman Holter.

those who knew him never mentioned the election in his presence.²⁸ It had cost him something over a million dollars and the fact that it had cost Clark close to four-hundred thousand was little consolation.²⁹ Connolly estimates that since the vote did not exceed 50,000, the cost of each vote was approximately thirty-eight dollars.³⁰

While the celebration was going on in Helena, Anaconda was quiet. The city seemed particularly dark after the weeks of torch light parades. The bars were empty, the streets deserted. The following day the Standard remarked under an obscure headline and a Helena dateline: "The ovation which W. A. Clark received early in the evening upon his arrival from Butte showed that Helena thanks Clark for sacrificing his own city for Helena. He rode in a richly decorated carriage."³¹

Clark had had his revenge. He had thrilled at the ovation in Helena. His vanity and his ambition were blown red

²⁸Personal Interview, Mrs. George Wellcome.

²⁹Connolly, The Devil Learns to Vote, 104; Glasscock, op. cit., 190; Copper Camp, op. cit., 35. Some estimates went as high as \$2,500,000.

³⁰Connolly, The Devil Learns to Vote, 104.

³¹Anaconda Standard, November 8, 1894.

hot and the defeats at Daly hands in 1888 and 1893 paled in the glow of his satisfaction. Politics had seen far from the last of this white starched little man and so had Marcus Daly.

The motives of both Clark and Daly as far as the Capital fight was concerned have been appraised by many in different ways. With both men it seems largely to have been a personal matter. The election was fertile ground for a demonstration of personal power and for the airing of personal grievances. It afforded Clark an opportunity for revenge and it kept him before the voters.

Anaconda was Marcus Daly's town. He had built it and his enterprises kept it. As his creation, he had pride in it. His motives were not necessarily sinister, therefore, when he supported Anaconda for the Capital. Yet quite obviously, Anaconda was not an ideal location for the Capital and the fear of many citizens that the Anaconda Company, which was Marcus Daly, was reaching out for control of state government was not without justification. One writer on the subject says:

The first wholesale political debauchery of Montana was in connection with the location of the state Capital. It was instigated by Marcus Daly, directed by him, at his expense, in his selfish interests and to gratify his personal vanity. Bribery in this fight so far as Mr. Daly was concerned, was limited only by the variety of means and channels through which it

could be exercised, and not at all by extravagance of cost. The important fact of the matter is that Marcus Daly established in the state the business of corrupting the state at elections and in government for private service, and that his successors and assigns in politics and business have continued the enterprise ever since with every imaginable invention and device to defeat public interest and to perfect corporate power in the promotion of selfish private ends.³²

The author of the passage above quoted, Jerre C. Murphy, was anti-Daly. His book evidences a venom throughout, which does not speak of any objective appraisal of events. Yet what he says can in few instances be wholly discredited. The Capital fight did establish bad precedent. Marcus Daly's interest was largely personal and he did carry into the political field his personal hatred of Clark and his personal ambition for Anaconda. The degree to which the political integrity of the state was damaged in 1894 is an imponderable. But if the Capital fight did appreciably weaken the moral tenor of government and set the stage for the open corruption of succeeding years, Marcus Daly and W. A. Clark are equally guilty in contributing to that state of affairs.

³²Jerre C. Murphy, op. cit., 23.

CHAPTER VIII

1894 to 1899: THE BITTER ROOT

The five years 1894 to 1899 were not notable for political difficulties between Daly and Clark. The latter ran for no office but was content to rest on his laurels after his victory in the Capital fight. The only brush between the two men came in 1896 when, in the State Democratic Convention of that year, all of Clark's candidates for office were defeated by Daly's efforts. By 1898 Clark's following in Silver Bow County had dwindled to five delegates, which meant that every one of the thirteen nominees for the state legislature was an anti-Clark man. It was for this reason that in 1898 he formed an open alliance with the Republican party and made a bitter fight against the whole Democratic ticket in his own county of Silver Bow.

In the meantime Marcus Daly had been expanding his interests. Sometime in 1886 he had toured the Bitter Root Valley with A. B. Hammond. He had been struck with the richness of the soil as well as with the abundant timber which covered the foothills. Starting with the purchase of a small ranch from one Joe Pardee, he gradually bought up surrounding land and by 1889 the Bitter Root Stock Farm was taking form. Into this venture Daly threw the same energy that had marked his enterprises in Butte and Anaconda. The Bitter Root became his headquarters. Water from the Bitter Root river and from Skal-

kaho creek was brought to the sage brush benchland by an elaborate and costly system of ditches and by the early 90's nearly 20,000 acres were under irrigation. The stock farm rapidly became a show place.

The mansion which he had once planned to build in Anaconda he now built on the farm. Along with it he built a green house, a private laundry, an open air swimming pool and an artificial lake in which trout abounded. He planted stately trees along either side of the long driveway which approached the house and terraced the area in back of the house so that from the flagstone back porch one looked out over an expanse of velvet green lawn to the artificial lake and beyond that to the rugged mountains on the West.¹

After the scare of 1888 when it appeared that the mines and smelter might have to close for lack of timber as a result of the government's prosecution of Montana lumbermen, Daly had gone into the lumber business himself in the Bitter Root. He organized the Bitter Root Development Company, bought timberland from persons who had acquired it by preemption or under the Timber and Stone Act, logged it and sold the land back to the farmers at a nominal fee. He constructed a mill at Hamilton, a town for which he had laid the plat when he

¹Mr. Matt Eggar, personal interview. The original house was torn down after Marcus Daly's death. The present structure was built on the old site.

first came to the valley, and Hamilton was soon a thriving community.

But Daly was not content with local timber operations. The mines and the smelter took an immense amount of timber and his Hamilton operations fell far short of filling the need. Consequently, sometime in 1896 he began negotiating with the Northern Pacific Railroad for the purchase of additional timberland in Montana. By 1898 the deal was completed and Daly purchased 700,000 acres of timberland with an estimated stand of more than 200,000 feet to the acre. The same year he also bought the Blackfoot milling Company from Eddy and Hammond along with the large mill which they had constructed at Bonner in 1884. With this purchase came an additional 90,000 acres of timberland all in the Blackfoot Valley except for a few thousand acres at Nine-Mile, twenty-five miles west of Missoula.² Daly then organized the Lumber Department of the Anaconda Company and turned over all the timber holdings to it.

Primarily, however, the Bitter Root Stock Farm was famous for its horses. Daly had first become interested in horses and racing when he had visited Haggin in San Francisco. Haggin, as the reader will recall, had several famous breeding farms in Kentucky and his one passion beside business was horses. Daly outdid him. The stock farm, under the direction of sev-

²For a good treatment of Daly's Bitter Root activities see Coon, op. cit., Chap. 4.

eral imported horse trainers, became famous the country over for its fine horse flesh. The Anaconda Standard, recalling Daly's activities in the racing field said:

Typical of Daly's every endeavor, his efforts to build up the best stables that money and brains could gather had succeeded in a wonderfully short time, when the time necessary to breed fine stock is considered, in building a stable, which later turf events have shown, was the peer of all stables.³

Daly maintained a select breeding establishment in England and he imported his sires and dams from England and Kentucky. On the stock farm he built an enclosed track about an eighth of a mile long for the winter training of his harness horses. During the height of the season he kept in training, simultaneously, about fifty thoroughbreds and one-hundred trotters and pacers.⁴ He also imported hunters from Ireland and coach horses from England and in the barns on the estate he kept every conceivable kind of carriage and conveyance. In addition, he produced some excellent cavalry horses which were purchased by the government for the Fort Keogh Remount Station.

Of the running horses perhaps the most famous and cer-

³Anaconda Standard, October 31, 1921.

⁴Sunday Missoulian, August 26, 1923.

tainly the most beloved as far as Daly was concerned, was Tammany. In his first race on the eastern circuit Tammany romped home with the odds at 60 to 1.⁵ In addition to being a great horse and a money maker, Tammany was a gentle pet. Butte and Anaconda followed the career of Tammany with almost as much interest as they followed the activities of his owner. Tammany won all his stake races as a three year old, and defeated Keene's famous Lamplighter as a four year old. To commemorate the victory Daly hired a New York artist to inlay a picture of Tammany's head in a mosaic of hard wood on the dining room floor of the Montana Hotel.⁶ Tammany had his own private stable, a handsome structure of red brick, which sat on a hill overlooking the valley. It was known as Tammany Hall and is to this day.

Marcus Daly loved to bet on his own horses but he usually lost. Quoting Ben Stack, Glasscock says:

Daly was a fine fellow but you couldn't believe a word he said about a horse race.....When Marcus Daly smilingly let the tip-seekers into the inside information the educated money went down on other bangtails.⁷

⁵Anaconda Standard, Oct. 31, 1921. This was the Eclipse Stake.

⁶The old timers say that Daly would never walk over the Tammany mosaic and every time he passed it he would stop for a moment and silently admire the image of his favorite horse. The mosaic may still be seen on the floor of the dining room.

⁷Glasscock, op. cit., 162.

But Montana followed the Daly horses with great enthusiasm especially when they ran on Montana tracks, tracks which Daly had built. Butte celebrated in characteristic style when Daly's Montana won the Suburban Handicap at 40 to 1. Then, as Glasscock put it, "they roared with laughter when they discovered that Marcus Daly had a one-thousand dollar ticket on his horse at those odds which he left in his clothes in the "dry" when he had been called into the mines on the day of the race, and had returned to the surface to find that the "dry" had burned up with his clothes and the ticket worth forty thousand dollars in it."⁸

The stables in the Bitter Root were famous for such animals as Lady Reel, Hamburg, Ogden, Killarney, Moondyne and Pasterella, all of which are still remembered by those who follow the horses. Daly paid forty-one thousand dollars for Hamburg, won sixty thousand dollars with him and sold him for sixty thousand. He paid fifteen thousand dollars for Lady Reel in foal with Hanover, sold Hanover for ten thousand five hundred and sold two colts from the same dam for fifty-four thousand. When his stable was sold in Madison Square Garden in 1901, the year after his death, it brought \$737,328.⁹

⁸Ibid., 163.

⁹^{he}The complete records of the Daly stables with individual record books for each horse kept by its trainer are on file at the Daly Realty Company office in Hamilton, Montana

Thus, as in all his other enterprises, Daly demanded and got the best.

Attracted by the heavy crops of hay, wheat and fruit which the irrigation of the formerly arid benchland produced, and by the busy and rapidly growing farming and lumbering settlement of Hamilton, settlers came into the valley in ever-increasing numbers.

As has been indicated, the years 1894 to 1899 were singularly free from the infection of the Clark-Daly feud. Aside from the influence he brought to bear to defeat Clark's candidates in the State Convention of 1896, Daly's name does not appear frequently in connection with political affairs in the state. The national issue at the time was "free silver." Being a miner and a westerner Daly, as were most of his contemporaries, was a "free silverite". He contributed liberally to Bryan's campaign fund in 1896 and the lost cause of the free and unrestricted coinage of silver at a ratio of 16 to 1.¹⁰ The mining interests in Montana, without significant exception, were in favor of free coinage. The newspaper editorials of the period reflect the general western insis-

¹⁰He gave \$50,000 to the fund out of a total of \$350,000 contributed from all sources. See Daly File, Butte Public Library, a statement of J. M. Dixon, recalling a conversation he had with Senator J. K. Jones, Bryan's campaign manager. P. C. Phillips recalls that Dixon told him that Clark contributed \$100 to the same fund.

tence that the government obligate itself to buy the ever-increasing output of the western silver mines. Pressure on the national government was particularly strong in view of the fact that with regard to free coinage the agricultural and mining interests were in league. Being largely a debtor class, the former was heartily in favor of any inflationary move. While the climax of Butte's silver period had been reached in 1887, silver was still being mined in substantial quantities. Silver was obtained, aside from mines which were still operated solely as silver mines, in the process of the reduction of copper ores. This was no less true of the Anaconda and other Daly mines than of any Butte copper mine. Therefore, Marcus Daly, quite in keeping with the spirit and attitude of the times, was a supporter of Bryan's. The fact that the Sherman Silver Purchase Act of 1890 had seriously depleted the national treasury of its gold reserves and the fact that the unlimited coinage of silver had been demonstrated to be bad business by the panic of 1893, at which juncture the Sherman Act had been repealed, did not deter the westerners who were only convinced of the hopelessness of their cause when Bryan was defeated in 1896.

Lulled by the comparative peace in Montana political circles from 1894 to 1898, there may have been a few earnest souls in Montana who believed that the Clark-Daly feud had burnt itself out. But those who were familiar with the ambi-

tion of W. A. Clark and the grim determination of Marcus Daly knew better. In the fall of 1899² W. A. Clark decided to run for the U. S. Senate again. The fight was on.

CHAPTER IX
THE ELECTION OF 1899

It is something of an anomaly that during the events to be treated in this chapter Marcus Daly was in Europe and on the East coast. He was not in close contact with affairs in Montana. Nonetheless, his supporters acted, as if by force of long habit, quite in keeping with the policy, "defeat Clark where ever and whenever he runs." Their opposition to Clark was as vehement and determined as if Daly had been present and conducting the campaign.

Marcus Daly was a sick man in 1899. In the fall of 1898 he had fallen against an iron rail in the Netherlands Hotel in New York and had aggravated a heart condition.¹ The fact that Daly was not in Montana during the election of 1899 and was not in good enough health to adequately direct the fight from New York poses something of a problem for the biographer. The situation is further complicated by the fact that Daly was in the process of negotiating the sale of all his properties in Montana to Standard Oil. Yet the "Daly Faction", which followed without deviation the political policy established by a decade of Daly influence, was, in every effective sense, inseparable from Daly himself. Therefore, the activities of this faction and of Clark's supporters must

¹William Scallon, personal interview.

be considered in cursory fashion before proceeding with Daly's actual and direct activities.

It is understandable that W. A. Clark was somewhat reluctant to run for the Senate in 1899. His last big bout with Daly, the Capital fight, had resulted in a victory; but he was fully aware that the minute he committed himself to run, Daly would be after him. Consequently he resisted the efforts of his followers to persuade him to run until he had made a canvas of the state and judged his chances. Then he set about carefully preparing his campaign.

After 1896 it did not occur to Daly that Clark would run again. In a conversation with Frank Corbett, an avid Clark supporter, he said:

I don't think Mr. Clark will be a candidate. I don't think he will have anything to do with it. He was hopelessly defeated at the polls. He hasn't got a single vote from his own county, and it would mean wholesale bribery, and I don't think Clark would want to go into that.²

Nor did Daly's supporters believe that Clark would try it. They were caught unprepared. John R. Toole testified before the Investigating Committee as follows:

Senator Caffery: What I want to know is whether there was an organized Daly faction as opposed to an organized Clark faction in the legislature?

²Daly testimony, Sen. Rep. 1052, Part III, 2206.

Mr. Toole: In the sense that Mr. Daly led it or that he knew of it, I will say, no. Mr. Daly left (for New York) believing that Mr. Clark's election was an impossibility. I went to the legislature believing that myself. For that reason there was not any organized attempt to beat him.³

But John R. Toole had his tongue in his cheek. In response to questions aimed at establishing the existence of the "Daly faction" he twisted and begged the question, finally stating: "There was no such thing as the Daly gang. It is all a pipe dream."⁴ But nebulous as it may have been, the Daly faction was no pipe dream. Though they were taken by surprise, they soon rallied and the fight was on.

As has been noted, W. A. Clark made an open alliance with the Republicans. This he was forced to do because the Democratic party was controlled by the Daly faction completely.

Having made his alliance he set about laying the ground work.

The legislature convened on January 2, 1899, but the balloting for Senator did not start until January 10. Thus the Clark lieutenants had eight days in which to work, and work they did. Clark's headquarters were in the Helena hotel. Rooms were provided in the same hotel for his son, Charles, and his chief legal adviser, John B. Wellcome. The former was a tall, pale

³Toole testimony; Sen. Rep. 1052, Part III, 2159.

⁴Ibid., 2157.

youth of 26, a graduate of Yale and a man of some political sagacity in spite of his youth. He was determined to "send the old man to the Senate or the poor house."⁵

In addition there were other Clark supporters who were working like beavers in the first week of January. There was John S. M. Neill, owner of the Helena Independent, whose paper was as staunch a supporter of Clark as was the Butte Miner. There was Walter M. Bickford, one of the best of the vote purchasers. There was A. J. Davidson, Helena merchant, through whose hands much Clark money passed, and A. J. Steele, a co-worker of Davidson's. There was W. F. Rector, errand boy and petty spy, and F. E. Corbett, a brilliant and popular young lawyer whose career was ruined when he was mixed up in an attempt to bribe the Supreme Court. And there were many others who clung around the perimeter of this Clark faction, hoping for a few crumbs and offering their services in any capacity which might be required.

Before the balloting began rumors of bribery were rife. Clark had put up one hundred and thirty-nine thousand dollars for the secret uses of his private campaign committee, and the money was beginning to make itself felt.⁶ The easy money of the Capital fight had not been forgotten. Said the Standard

⁵Connolly, "The Story of Montana" 637.

⁶Glasscock, op. cit., 170.

five days before the balloting:

This watchword, lately made potent against hoodlers in Chicago, ought to be balazoned over the main entrance of the temporary⁷ Capital in Helena: "Make it hot for men who take bribes and hotter still for men who give bribes."⁸

Gossip and scandal were floating around the legislative halls, the saloons and in the hotels of Helena. On January 10, the Miner headlined:

FIRST VOTE FOR U. S. SENATOR TO BE TAKEN
HELENA CROWDED WITH POLITICIANS
SOME SHADY CHARACTERS ON HAND

On the preceeding day the Daly group had pushed through the establishment of a joint committee to investigate the rumors of bribery. Gloated the Standard:

A SUDDEN HALT IS CALLED IN HELENA

Greasers and Bribe Takers and Bribe Givers in the Legislature Will be Compelled to Face the Music. Six Members Named to Look into The Story That The Senatorship is About to Be Sold At Auction.⁹

On the day the balloting began Helena was in an uproar. The galleries were filled and a rowdy crowd waited outside the Capital building hoping that something would pop. On the first ballot W. G. Conrad, a Daly man, was the leading candidate.

⁷The Standard never ceased referring to Helena as the "temporary" Capital.

⁸Anaconda Standard, January 5, 1899.

⁹Anaconda Standard, January 10, 1899.

Clark was some distance down the line. But no one had anywhere near the necessary majority. As Glasscock described it:

More liquor flowed in the bars, more whispered conversations took place in the lobbies, more talk of the cash value of votes was heard in the streets. A deadlock such as had prevented the election of a Senator in 1893 when Clark had also been a candidate threatened. With that threat the curb quotations on votes went up swiftly. Unofficial charges were freely made that Clark was buying votes.¹⁰

Then it was that the Daly faction threw a bombshell into the already tense affair. A report was called for from the committee which had been appointed to investigate the charges of bribery. There rose from his seat State Senator Fred Whiteside and in the electric atmosphere he asked the speaker of the Joint Assembly for recognition. Whiteside produced four envelopes and from them he took thirty thousand dollars in currency. He announced in ringing tones that this money had been given him by the agents of William A. Clark for the express purpose of buying the votes of himself, W. A. Clark of Madison County (no relation), H. L. Myers and H. H. Garr. Glasscock adequately describes the ensuing scene:

The chamber was in an uproar. Newspaper reporters tumbled over one another in their eagerness to get their stories on the wires. Montana was ready to believe any rumors or gossip of bribery, but a

¹⁰Glasscock, op. cit., 173.

definite and official charge, made on the floor of its legislature and backed by evidence in the form of thirty thousand dollars in currency, that its wealthiest citizen had actually provided that money to buy his way into the United States Senate, was almost more than it could believe.¹¹

The following day the Standard shouted:

CLARK BRIBERS CAUGHT AT IT RED HANDED

Thirty Thousand Dollar of the Boodle Fund piled up in full view of the Members of the Legislature--Astounding Revelation of High Crime Attempted Against the State--Conspiracy's Foul Secret Laid Bare.¹²

But the Miner was not caught unprepared. The same morning it hit the streets with the following version of the affair. It was this Miner story which, when he was told of it in New York, prompted Marcus Daly to launch a Congressional Investigation of the Montana election. The headline read:

A DAMNABLE CONSPIRACY

DALY CROWD SPRING THEIR PROMISED SENSATION

BUNGLING WORK AT THE OUTSET

And under a two-column headline: "The Conspiracy That Failed--It was a Daly Trick," the Miner said:

¹¹Ibid., 173.

¹²Anaconda Standard, Jan. 11, 1899. This issue of the Standard carried the full story of the "Whiteside \$30,000 incident." It was an accurate story as has been demonstrated since. For other full treatments of the "Whiteside Incident" see Par-
rington, op. cit., Chap. V; Sanders, op. cit., 418-419; Myers
testimony, Sen. Rep. 1052, Part I, 461 ff; Whiteside testimony,
ibid., 89-244; Poor, op. cit., Chap. VI.

The first move in the damnable conspiracy of Marcus Daly and his followers to control the Senatorial situation in Montana has been made....How desperate the conspirators must have been is evidenced by the fact that thirty thousand dollars of Daly money is turned over to the state just to create the impression that an effort was being made to buy a seat in the Senate.¹³

The next day the Miner clinched this with the following:

Sensational Scandal Now Clouding the State, the Result of a Cleverly Arranged Conspiracy, Perfected Weeks Before Marcus Daly Left For the East on a "Business Trip."¹⁴

W. A. Clark on the evening of January 10 was in a sad state. He was in a fit of temporary despondency. Mangan describes him thus:

He lay on a bed while Charlie and Wellcome sat by him. He lay utterly prostrate and groaning, with his hands stretched above his head, while from time to time he was seized with a fit of nausea and bent over the spittoon by his bed side.¹⁵

According to Mangan, it was while Clark was this prostrate that he conceived the idea of blaming the whole thing on Daly.

But if Clark was discouraged, his cohorts were not, and the following day Clark's vote leaped to a new high of 21. On January 16 his score was 25. Rumor had it that the price

¹³Butte Miner, January 11, 1899.

¹⁴Ibid., January 12, 1899.

¹⁵Mangan, op. cit., 58-9.

of votes was going up. The Standard came up with the following:

Make Clark put up the cash! To every man who is getting ready to sell out to W. A. Clark, greetings! When you make your deal get the real stuff-cash in hand.... If you're going to be a criminal, be it in style. Demand cash every time.¹⁶

In the meantime a Grand Jury had been appointed to investigate the report of the Joint Committee on bribery.¹⁷ It was in session for twelve days and all the while the balloting for Senator was going on. Two days before the last ballot was taken (which elected W. A. Clark to the U. S. Senate) the Grand Jury reported that there was not sufficient evidence of bribery on which to base an indictment of William A. Clark. It had come to this conclusion in spite of the fact that forty-four witnesses were presented to it by the Attorney-General. Of the final report of the Grand Jury Connolly says:

Its proceedings...were among the most brazen in the whole shameless trafficking. It was publically rumored that each member of it received \$10,000 and the foreman, one Ellis, \$15,000, although the truth of these rumors was never proved. It is said that the grand jury would not have dared to make an adverse report in the face of the sentiment in Helena. Besides, everybody felt that Clark was going to spend the money anyhow, and why should the grand

¹⁶Anaconda Standard, January 24, 1899.

¹⁷The testimony given before the Grand Jury and the findings of the jury are included in Sen. Rep. 1052, Part I, 12-36.

jury be neglected when everyone else was getting his share.¹⁸

The Miner was elated. It viewed the findings of the jury and gloated:

HIS VINDICATION WAS COMPLETE

CONSPIRATORS FAILED

GRAND JURY DID NOT BELIEVE THE FALSE AND
MALICIOUS CHARGES.¹⁹

In contrast the Standard said:

THEY SIMPLY FELL DOWN FLAT

Helena's Grandjurors Didn't Have the Pluck
to Find Anybody Guilty--Attorney General
Gives Them Scoring in a Red Hot Speech.
It Was a Dark Day of Wrath.²⁰

This was followed on successive days by other scornful, bitter comments by the Standard. On January 29, the Standard plastered the following comment in a box on the front page:

Bribery Triumphant by Republican Perfidy.
Scorn and Loathing Already the Wage of
the Eleven Who Violated Party Faith in
Casting Their Votes For W. A. Clark--
Execrated by Their Own People--Shunned
by Honest Men. They Took The Arch Bood-
ler's Gold.

W. A. Clark had at last succeeded in getting himself elected to the U. S. Senate. The bribed legislators left Helena quickly, richer, but in most cases no happier. They were

¹⁸Connolly, "The Story of Montana", 40.

¹⁹Butte Miner, January 27, 1899.

²⁰Anaconda Standard, January 27, 1899.

jeered at by their fellow legislators who had not been corrupted. They were named in the Standard along with the price paid for each vote; and they had not heard the last of the charge of bribery for they were to be called before a U. S. Senate Investigating Committee to testify.

And there were other casualties. Fred Whiteside, the man who had exposed the bribery on the floor of the legislature was one of them. The Clark faction, while being exposed itself, had not been idle. They had probed back into the ballot boxes and discovered that some of the ballots for Geiger, Whiteside's opponent at the polls in the election of 1898, had been thrown out on the charge that they had been improperly marked. Whiteside was charged with having obtained his credentials by fraud. The evidence was displayed before the State Senate. The Senate unseated Whiteside and certified Geiger. The Miner was delighted. Its headline for January 27 read:

A MORAL LEPER LOST HIS SEAT

Senate Chamber Will no Longer be Polluted
by Fred Whiteside

But whatever the casualties might have been, W. A. Clark had been elected.²¹ The Daly forces had been handed a final

²¹John B. Wellcome, Clark's attorney, was another casualty. He was disbarred.

defeat. It had taken Clark ten years to do it and over a million dollars, but he had done it. Or had he? Even as he prepared for the celebration of his victory, Marcus Daly was arranging for yet another reckoning.

CHAPTER X
THE INVESTIGATION

W. A. Clark and his cohorts made a grave mistake when they decided to go on record as stating that the Whiteside exposure was a Daly conspiracy, that the \$30,000 which Whiteside had turned over to the state came from the pocket of Marcus Daly. Daly called a meeting of his lieutenants and decided to take the matter to Washington. "You can't pass a thing like that by," he said when he returned from New York in February, "He's gone too far this time. He said I put up that money. Let him prove it."¹ Daly subsequently explained his motives in launching the Senate Investigation as follows:

After the legislature adjourned Mr. Clark made a speech in Butte. In that speech and also in the Miner, which was supposed to be controlled by Mr. Clark, he asserted there was a villainous conspiracy organized for the purpose of defeating him, and I do not know that Mr. Clark stated it, he intimated it, but the paper stated that Daly was the man who put up the money. After that I called a meeting of friends and men who were accused of being in on the conspiracy, and as Mr. Clark courted an investigation, and I agreed right there at that meeting that I would contribute my share of the money, or what would be necessary to make the investigation.²

¹Connolly, The Devil Learns to Vote, 204.

²Daly testimony, Sen. Rep. 1052, part III, 2201.

Daly lost no time in setting the machine in motion. Evidence, of which there was plenty, was gathered by detectives under the direction of A. J. Campbell and two memorials were prepared for presentation to the Senate asking that the election of W. A. Clark be investigated. The first memorial was from certain members of the Montana legislature, mostly Daly partisans. It protested Clark's election and offered testimony and evidence to the effect that the election was fraudulent. The second memorial was from certain citizens of Montana. It gave a list of the members of the legislature who had been corruptly influenced into voting for Clark and it listed the amount that each had received for so doing. There was also included a list of legislators who had been offered money but who had refused to take it. This memorial was signed by Governor Robert B. Smith, the State Treasurer, the Speaker of the House, the State Auditor and several others including Congressman A. J. Campbell who was the attorney for the memorialists and in direct charge of "Daly's investigation." Appended to this memorial was a synopsis of the evidence taken before the grand jury; the entire testimony of the Wellcome disbarment case and other testimony substantiating the charges of bribery and corruption.³

³The two memorials may be found in Sen. Rep. 1052, Part I, 1-400.

The evidence was gathered and the memorials prepared during the month of February. On March 4, 1899, Clark presented himself for the oath of office in the Senate chamber. He had scarcely been sworn in when his colleague, Thomas H. Carter, the Senior Senator from Montana and a friend of Daly's, presented the two memorials to the Senate asking that Clark's election be investigated and declared void. The matter was postponed until Congress met in regular session on December 4, 1899, at which time the memorials were referred to the Committee on Privileges and Elections for investigation.

The committee began its investigation on January 5, 1900 and concluded on April 6. It was composed of the following Senators: William E. Chandler of New Hampshire, chairman, George F. Hoar of Massachusetts, Peter C. Pritchard of North Carolina, Julius C. Burrows of Michigan, Louis E. McComas of Maryland, Donelson Caffery of Louisiana, E. W. Pettus of Alabama, Thomas B. Turley of Tennessee and William A. Harris of Kansas. The attorneys for the memorialists were former Senator George F. Edmonds, Congressman A.J. Campbell, former Congressman Charles S. Hartman of Bozeman and Arthur A. Birney, a Washington lawyer. Senator Clark was represented by former Senator Charles J. Faulkner of West Virginia and Mr. Roger Foster, a New York attorney.

In January, 1900 Daly had returned to New York to be on hand during the examination of witnesses. His health, which

had been bad for some months, grew worse. He went to bed in the Netherlands Hotel and there remained until he was called upon to testify.

In the meantime, W. A. Clark, being fully aware of the fact that his election was to be investigated, had plenty of time to prepare his defense and work out the theme on which he was to justify his election and the obviously peculiar circumstances which surrounded it. From the very beginning his testimony and the testimony of those who spoke in his behalf was calculated to convince the committee that he had sought office to rid the state of Montana of one-man rule and Daly despotism. Whereas Daly attributed his instigation of the investigation to no high-blown motives but bluntly admitted that it was a personal matter, Clark, eloquent as usual, defended himself on the grounds that he sought to restore personal liberties to the people, liberties which had been wrested from them by Daly's one-man rule. The chairman of the committee questioned Clark on that point as follows:

The Chairman: For what purposes did Mr. Daly want control of the legislature, and for what purposes did you want it, if that was the issue between the factions?

Senator Clark: I wanted control of it simply as all good citizens, or most good citizens in the country, wanted control of it, and that was in order that we might have some recognition of our personal liberties and rights.

The Chairman: In order that Mr. Daly and his people should not have it?

Senator Clark: In order that they should not have it, because their methods were so infamous that men cannot live in Silver Bow County with any composure.

The Chairman: That was the issue rather than the election of a Senator?

Senator Clark: That was the issue.⁴

Having based his defense on that worthy motive Clark was then confronted with the necessity of proving his contention of Daly despotism with specific illustrations. At first he was very general but generalities did not suit the committee. They asked for specific evidence of Daly's despotism. Clark said:

The conditions were such in Montana-- everything in the way of elections there, where this company has had domination, has been of such high-handed character that nobody could expect to have any recognition whatever unless he bowed the knee and crawled in the dust to these people. The primaries at these elections...showed that in one or two precincts at least the total amount of votes cast was double the number of voters in the precincts. And those were precincts controlled by the Anaconda Company. I was not present when the election occurred, but I know positively through my son and hundreds of others who have told me about it (it is hearsay evidence, of course, and I know it is not pertinent, but you can take it for what it is worth if you will allow me to tell it) that there were repeaters traveling around from poll to poll in the City of Butte, and it is said that a train was run from Anaconda to South Butte with a load of voters and that they were taken around there and voted at several polls. They own the political machinery of the country,

⁴Clark testimony, Sen.Rep.1052, Part III, 1933.

or a good deal of it. I saw men at the election receiving money for votes at that election.⁵

Clark went on to tell the committee that it was useless to prosecute violators, or attempt to, because Daly controlled the City Attorney, the County Attorney and the Sheriff. He told them that the men who had persuaded him to run were alarmed for their personal liberty, their homes and their property rights owing to Daly's despotism and political control.⁶ He painted a bleak picture of the life of the average man in Butte and he spoke of their plight with frequent use of such words as "liberty", "property" and "peace of mind". But Senator Chandler was a hard man to satisfy. He wanted to know the purpose of Daly's control and he wanted to know for what purpose Clark sought control:

The Chairman: Explain how they make life so unhappy and property so precarious.

Senator Clark: They have a system of boycotting of men who do not train with them. They force people to trade at their stores. And in every way that it is possible to obstruct and retard and restrict the rights and liberties of people who live in that county and who do not agree with them.

The Chairman: That is very general--How have they restricted the rights and liberties of the people? It is perfectly simple,

⁵Ibid., 1838. Note the contradiction in the above testimony. First Clark says: "I was not present when the election occurred." Then he says: "I saw men at the election receiving money for votes at that election." Fortunately for Clark the committee, erudite as its members were and watchful as they may have been for contradiction, did not catch the slip.

⁶Ibid., 1839.

Senator Clark, if you mean that they would not let people be chosen who would vote for you for United States Senator; but you deny that.

Senator Clark: Yes....The question is this, largely: If men that are in their employ, or with whom they trade do not agree with them on all propositions, and vote for them, as they are dictated to, they will boycott them. They cannot get a job of work.

The Chairman: I understand those are the methods, but what is the purpose of defeating you for United States Senator? Tell us something else, if you can, that the Daly people were malignly determined to accomplish that you and your people wanted to defeat.⁷

Senator Clark mentioned a bill for the repeal of a law requiring safety cages in all the mines which the Daly forces supported and which he fought. He went on at some length describing the Daly faction's method of control but aside from the cage incident, gave no examples of the sinister purpose of that control. Senator Chandler grew exasperated:

What purposes? That is the very thing I do not seem to get you down to... State how the Daly faction have perniciously exerted the power, and what you were afraid they would accomplish if you did not dislodge them....We are all apt to think that a man who is against us is bad and resorts to bad method, and that we are pure and honest. What I want to get you to do is to be more specific as to the good ultimate result you wanted to accomplish and the bad ultimate result

⁷Ibid., 1933.

which they wanted to accomplish, outside of the question of electing you Senator.⁸

Clark launched into the dangers attending one man rule but he did not answer the Chairman's question. He said, "The general impression is that it has been very subversive to good government in that county, and, I think, outside of the men in Daly's employ, there is not five percent but what will acquiesce in the opinion if you had them here to testify." The chairman asked Clark if he thought they would be able to state the actual injuries resulting in a more detailed manner than he (Clark) had. Clark replied that he was sure that they would be able to tell many stories of persecution.⁹

Clark's testimony in this regard is a peculiar combination of truth (as he saw it) and fiction, fact and clever defense. Clark's speaking of Daly's influence as being "subversive to good government" is ironical, a case of the pot calling the kettle black. But in spite of the fact that Clark went overboard endeavoring to paint a picture of the evil power wielded by Daly it cannot be charged that he was

⁸Ibid., 1933.

⁹Ibid., 1934.

completely insincere in doing so or that he was motivated solely by the fact that such a tack constituted the most effective line of defense. Admittedly, it did, and doubtless the emphasis Clark placed on Daly's sinister influence and his own high purposes had been carefully worked out by Clark and his attorneys before he ever took the stand. But it must be remembered that Clark's hatred of Daly was by this time nearly fanatical. At every turn of the road he had met that implacable force. To him, Daly, Haggin and the Anaconda Company were probably very real evils. The chairman of the committee when he said, "We are all apt to think that a man who is against us is bad and resorts to bad methods" was making a clear distinction between the personal and objective aspects of the political situation in Montana. This W. A. Clark could not and did not do. Nor did Marcus Daly. Politics and their hatred of each other were inseparable. And Clark, who had met his nemesis time and time again at Daly's hand could hardly be expected to regard Daly as other than an evil influence.

When it was Daly's turn to testify he got out of his bed at the Netherlands to do so. He had been very ill and in view of this fact the committee treated him with considerable deference. His testimony was brief and he was spared the usual intent, probing questions. Also his position was more

tenable than Clark's. He indulged in no generalities. He was blunt and forthright, almost rude at times.¹⁰

Whereas Clark had destroyed all his checks and vouchers which might have thrown light on the case, Daly offered his books and the books of his company to the committee for their inspection.

However, in response to questions about his relationship with Clark, he played down the personal aspect of it. He said:

I have not the slightest personal feeling against Mr. Clark or any member of his family, and it is a villianous lie. Our politics are different, but as for personal feeling, to injure him in any way, or a member of his family, it is a villainous lie.¹¹

Coming from a man who was even at the moment spending a large sum of money to unseat Clark and who had spent over a million dollars to defeat him in other instances, one must regard the explanation that they differed only in a political sense as something of an oversimplification.

Daly disposed of the question of his "one man rule" in short order:

Mr. Faulkner: It is a general source of discussion there in relation to Daly tyranny, is it?

¹⁰In response to a wordy question put to him he said: "If you make a clear statement I will answer it." See Daly testimony, Sen. Rep. 1052, Part III, 2232. He was impatient with innuendoes, inferences and lengthy questions.

¹¹Ibid., 2232.

Mr. Daly: It is never mentioned until just before election.

Mr. Faulkner: Then is when the people can act, is it not?

Mr. Daly: Then is when the fellows want to talk, but there is nothing in that.¹²

Daly's testimony with regard to coercion has already been considered in detail.¹³ All those who testified in his behalf categorically denied that he ever exerted undue influence at any election.¹⁴ The Clark forces failed to produce any evidence of actual coercion and in any event the committee was primarily concerned with the charges against Clark of bribery and corruption and only incidentally concerned with Clark's charges concerning the use of coercion by Daly.

All in all the witnesses for Daly were good and those for Clark were bad. There were many among those who testified for Clark who had been bribed by him the year before. Usually they crossed themselves up on the witness stand and did damage to his cause. They had difficulty in accounting for their sudden enrichment. Some explained it as gambling money, others as gifts. None of the explanations impressed the committee when considered in the light of detailed evidence presented by Mr. Campbell which definitely established the

¹²Ibid., 2222.

¹³See Chapter VI.

¹⁴See particularly the testimony of John R. Toole, Sen. Rep. 1052, Part III, 2148-2155.

fact of bribery. At the conclusion of the hearing the committee noted as admitted or undisputed facts the following:

In December, 1898, Clark closed a deal with H. W. McLaughlin, a member of the legislature, to buy lumber properties for \$24,684, an amount described elsewhere as "extravagant." McLaughlin voted for Clark.

One E. P. Woods who was heavily in debt and had mortgaged his ranch in 1898, paid off the mortgage in April 1899. Woods voted for Clark.

H. H. Garr was so poverty stricken that he had to borrow \$25 to get to Helena to attend the session. Immediately after the session he paid \$3,500 in cash for a ranch. Two of the bills were one-thousand dollar bills. Garr voted for Clark.

Stephen Bywater, a Republican, voted for Clark. Immediately after the session he deposited \$15,000 in the Montana National Bank.

W. W. Beasley, a Republican, voted for Clark. He owed \$400 at the time of his election. He left Helena with \$5,000 in his pocket.

John H. Geiger, a poor man, seated, as the reader will recall, when Whiteside was unseated, took \$3,600 home from the session. He said that he made \$2,500 of it gambling and found \$1,100 of it in his room.

W. P. Warner received \$7,500 in currency from a known

agent of Charles Clark for small real estate holdings near Boulder. He voted for Clark.¹⁵

And there were many others who had voted for Clark who could not adequately account for their sudden prosperity. The committee in its final report made the following recommendation:

That the election to the Senate of William A. Clark, is null and void on account of briberies, attempted briberies, and corrupt practices by his agents, and of violations of the laws of Montana defining and punishing crimes against the elective franchise.¹⁶

The report went on to state that there was no affirmative disproof produced by Senator Clark at any time showing that the facts in connection with the \$30,000 exposure were not true, and stated that the charge that the whole thing was a Daly conspiracy was a necessity of Mr. Clark's canvass and defense.

In addition, the committee pointed out that a candidate was limited by law as to the amount he could spend on a campaign, which law Mr. Clark had ignored to the tune of many thousands of dollars.¹⁷ The committee considered the reasons

¹⁵Sen. Rep. 1052, Part I, 1.

¹⁶The Report of the committee may be found in Sen. Rep. 1052, Part I, 1-21. A good summary of all the testimony appears in Farrington, op. cit., Chap. X and Glasscock, op. cit., 189-194.

¹⁷See Revised Codes of Montana, 1895, IV, Inter-Mountain Printing Company, Butte, 1895, Sect. 86 and 87.

given for the Republican votes for Mr. Clark to be "pretenses and covers" and said that, "he also, in June 1899, with full knowledge, destroyed all his checks, including those for his expenditures in this canvass and was unable to give any full and satisfactory vouchers for the money so expended by his agents." Even without the destruction of checks, failure to render accounts and disregard of the limit of legal expenditure, the Committee found the case proved by other evidence. And it held Clark responsible for the action of his agents whether or not, (as he claimed he did not) he kept track of what they were doing.¹⁸

Marcus Daly went back to the Netherlands Hotel and his bed. W. A. Clark had lost another round. Surely it was the last. But Clark, if his foes were determined, was more so. He was far from finished, and Marcus Daly's hold in Montana was slipping. He no longer owned the Anaconda Company. He had sold his holdings to Standard Oil. There was resentment aplenty directed against him and he was too ill to fight back.

Clark, having anticipated that the decision of the committee would not be in his favor, even before the committee made its report to the Senate was preparing the ground for a shrewd tactical move. He wrote the governor of Montana and resigned his seat in the Senate. Then he wrote his lieutenants in Montana and outlined his plan.

¹⁸Sen. Rep. 1052, Part I, 1-21.

The governor of Montana was Robert B. Smith, an anti-Clark man. Smith was inveigled out of Helena by Clark's henchmen on a trumped up business trip and the lieutenant governor, A. E. Spriggs, a luke warm Clark man, was persuaded by Clark's cohorts to appoint W. A. Clark to the United States Senate to fill the vacancy left by his own resignation. This he did the day following Clark's resignation and immediately the Daly faction was up in arms. Governor Smith, almost incoherent with rage, rushed back to Helena and at once rescinded the appointment with the bitter announcement that he had been duped and that the Spriggs appointment was as corrupt as the original election had been.¹⁹

Clark did not force the issue. He accepted the "vindication" and declined the appointment. With that feather in his cap he sat back to wait for the fall election of 1900, for in November of that year the state legislators were to be elected and W. A. Clark knew that if he could bring about the election of legislators sympathetic to his cause, he could run for the Senate in 1901 with assurance of success.

¹⁹Though the event is treated in almost all accounts of the period the most complete treatment is that of Poor, op. cit., Chapt. IX. Poor has uncovered the original coded messages which, telegraphed between Butte and Washington, set the stage for the coup.

After governor Smith had rescinded the appointment and Clark had failed to push the issue, the Daly faction relaxed. Marcus Daly himself left for Europe and a German Spa. He stated that he would return to Montana in the fall of 1900 to get ready for the election. Clark had not yet proclaimed his intention to run in 1901, but Daly fully understood that if Clark gained control of the legislature in 1900, his election to the Senate in 1901 would follow as a matter of course.

CHAPTER XI

HEINZE & AMALGAMATED

"I shall also deal at length with a notorious character, who, like the spot upon the sun, looms up in all American copper affairs whenever they appear in the full vision of the public eye.--Mr. F. Augustus Heinze, of Montana."

Thomas W. Lawson,
Frenzied Finance.

No study which includes a consideration of the events from 1890 to 1900 in Montana can omit mention of the almost legendary figure, Frederick Augustus Heinze--a man who entered the arena of copper and politics long after all others had relinquished the stage to Marcus Daly and W. A. Clark.¹ But though he occupies a prominent place in the consideration of politics and mining in the history of Montana, his passage across that part of it with which we are here concerned is brief. By the time Heinze was disrupting things in Montana to any appreciable degree, Marcus Daly had withdrawn from active participation in events. He had sold his enterprises to Standard Oil and he had largely lost his grip on political affairs. He did not live to see the climax of Heinze's struggle with the copper giants of New York, and the former's most

¹The most complete life of Heinze is Sarah McNelis, The Life of F. Augustus Heinze, unpublished M. A. Thesis, University of Montana, 1947. Though somewhat partisan it gives the subject a full treatment.

spectacular battles and ultimate ruin. Nonetheless, it will be necessary for our purposes to dwell on F. Augustus Heinze insofar as his activities are pertinent.²

Heinze had graduated from Columbia School of Mines in 1889 and had come to Butte the following year. Educated, cultured, and handsome, he soon was known and liked in Butte, particularly by the ladies for whom he possessed a good deal of fascination. He was at first employed by the Boston and Montana Company, (whose president, A. S. Bigelow, Boston financier, he was subsequently to drive to bankruptcy and ruin), as a surveyor. In this capacity he had opportunity to study the location and lay of out-croppings and ore bodies and the knowledge he acquired was later to serve as the basis for his one man fight against the magnates of Wall Street.

After two years with the Boston and Montana, he left Butte and returned to New York where he worked for a time on the editorial staff of the Engineer and Mining Journal where, through considerable work on copper statistics, he gained a still better knowledge of the world of copper.

²In addition to McNelis, op. cit., Heinze's story may be found in dramatic form in Glasscock, op. cit.; Connolly, The Devil Learns to Vote; Howard, op. cit.; Thomas W. Lawson, Frenzied Finance: The Crime of Amalgamated, The Ridgway-Thayer Co., New York, 1905; Copper Camp, op. cit.. His own views are set forth in: F. A. Heinze, The Political Situation in Montana, 1900-1902, a collection of Heinze speeches, copies available at the State Historical Library, Helena. Heinze's activities are accurately and fully treated also in Poor, op. cit. and Farrington, op. cit.

In 1893 with fifty thousand dollars he was back in Butte where he organized the Montana Ore Purchasing Company, built a smelter and began purchasing ore. In 1895 he purchased the Rarus mine and shortly thereafter went to Canada where he became a pioneer in the development of copper properties there. He built a smelter, a railroad and founded a newspaper, but soon found himself in conflict with the Canadian Pacific Railroad and the Canadian government. At the end of two years he sold out for a profit of over a million dollars and returned to Butte.³

There now occurred the first event in a series which kept Butte and Wall Street in a turmoil for a decade and which, though he was even then considering the sale of his properties, involved Marcus Daly. The federal mining laws, dating back to 1866 were designed to protect the prospector who first located an outcropping mineral vein. The law held that the owner had the right to follow any vein to its end if it "apexed" on his claim, even when it led under the surface holdings of claims located beside it.⁴ This "apex law" became the basis of a tremendous amount of litigation and it all origin-

³Foor, op. cit., 187.

⁴Statutes at Large, Treaties and Proclamations of the United States of America from December, 1865-March, 1867, XIV, ed. by George F. Sanger, Little Brown and Co., Boston, 1868, 91.

ated with F. Augustus Heinze.⁵ The courts, whose job it was to determine to whom a vein belonged, were clogged. The testimony of experts filled volumes. Beginning with the Boston and Montana, Heinze exploited the "apex law" to the hilt. The litigation with which he tied up the Boston and Montana was the first. Heinze was victorious, Bigelow was ruined and his Globe National Bank wrecked.⁶ But Bigelow's fight was inherited by Standard Oil in the persons of Henry H. Rogers and William Rockefeller. How that came about will be explained shortly.

In the meantime Heinze entered the political scene. He was in good standing with the Butte miners and with independent operators whose smelting costs he had cut almost in half.⁷ He was popular with the local business men whose trade he had increased. With that support he obtained the nomination of William Clancy to the bench of the District Court. Clancy, who was Heinze's judge, was elected and Heinze had gone a long way toward assuring himself favorable

⁵Foor, op. cit., 189 states that the cost of attorney's fees annually was estimated at over one million dollars. It involved mining property evaluated at over two million dollars. Heinze at one time had thirty-seven attorneys on his staff.

⁶Classcock, op. cit., 155 states that Bigelow lost ten million dollars in the three year battle with Heinze.

⁷Ibid., 155.

decisions in the battles to come. Clancy was coarse and vulgar, a burlesque of judicial dignity, but he was cunning and shrewd and stubbornly loyal to Heinze.

Heinze then set about studying the maps and rechecking the surveys of the Butte hill and he discovered a triangular section on the hillside which contained about forty square yards. This area had never been recorded or patented and it lay in the area between the Anaconda, St. Lawrence and Neversweat shafts. Heinze secured title, named his property "Copper Trust" and announced that the great bodies of ore in the Anaconda, St. Lawrence and Neversweat apexed on his claim. With that he incurred the enmity of Marcus Daly. What was more natural than an alliance between Heinze and Clark? So it came about that Clark and Heinze joined forces, Heinze supporting Clark in his move to destroy Daly's power in Montana and Clark supporting Heinze in his apex suits against the Boston companies and Daly. But Heinze was not fighting Daly in reality; he was fighting Standard Oil, H. H. Rogers, William Rockefeller and National City Bank. He was fighting, in short, the most powerful and wealthy forces on Wall Street. This came about as the result of Daly's sale of his properties to Standard Oil and the formation of a holding company, the Amalgamated Copper Company.

Prior to 1896 the Anaconda Company had been a closed corporation owned by Marcus Daly, George Hearst, J. B. Haggin and Lloyd Tevis. In 1895 and 1896, a few years after the

death of Hearst, something less than half the stock was sold to London syndicates. The stock did not prove popular with the English, however, and most of it soon passed into the hands of Boston and other eastern investors. After reorganization the name "Anaconda Copper Mining Company" was adopted and with shares being traded it ceased to be a closed corporation.

In 1896 Thomas W. Lawson,⁸ a Boston stock broker, formulated the plans for "Coppers", a comprehensive project having for its basis the buying and consolidating of all the best-producing copper properties in Europe and America. In 1897 Lawson laid these plans before H. H. Rogers of Standard Oil. Rogers considered Lawson's plans in detail and then did some research on his own in the copper field. He concluded that there was as much, if not more, wealth in copper than in oil. In 1898 Rogers agreed to Lawson's plans and Lawson

⁸Author of Frenzied Finance: The Crime of Amalgamated. See footnote 2, page 172. This book is difficult to appraise. It is exculpatory in nature being Lawson's endeavor to excuse, or at least explain, his own part in the Amalgamated stock slump of 1900 in which thousands of investors, whom he had advised, were ruined. The book is bitter in its condemnation of Standard Oil, of Amalgamated's manipulations of stock, and its duping of the investing public. It pictures H. H. Rogers as a brilliant and sinister power for evil. Because Lawson broke with Standard Oil and because of the general dramatic tenor of the work, it must, of course, be read with skepticism and reservation, but the picture of the inside workings of a deal such as the formation of Amalgamated which Lawson gives is revealing, nonetheless.

at once began a sustained publicity campaign of national scope. He was just the man for the job of preparing the public for the floatation of the Amalgamated Copper Company.⁹ He did the job well and sensationally. Glasscock says:

By the time organization was completed potential investors throughout the United States and even in Europe were falling all over each other in their eagerness to get into this great new company.¹⁰

It was originally intended that the first companies to go into the consolidation should be Butte and Boston, Boston and Montana and Calumet and Hecla.¹¹ These were the well known companies, at least as far as Wall Street was concerned, and these were to be in the first section of Amalgamated. Lawson set about buying what stock of these companies he could. Backed by the immense wealth of Standard Oil he had no particular difficulty and consolidation proceeded apace.

Now while this was going on in New York, Heinze was

⁹Glasscock, op. cit., 213. "Lawson had won riches and fame through his methods of publicity in the great Westinghouse-General Electric warfare in the early nineties. He had built himself up through several years of clever publicity as the friend of the people. He had developed the practice of putting his facts and theories before the people in cleverly worded statements widely circulated in purchased space in the newspapers."

¹⁰Ibid., 214. For the details of Lawson's campaign see Lawson, op. cit., Chapter XI.

¹¹Lawson, op. cit., 254.

fighting A. S. Bigelow and the Boston and Montana in Butte; W. A. Clark was preparing to bribe the state legislature and buy a seat in the U. S. Senate and Marcus Daly, believing that Clark would not run, (after his defeats of 1893 and 1896), was negotiating with H. H. Rogers for the sale of his holdings. Daly was tired and ill.

In the meantime Rogers had discovered a few facts which Lawson had overlooked.¹² He had discovered the Anaconda Company. He had discovered that the Rothschilds, as great a power in the finances of Europe as was Standard Oil in the economics of America, had seen fit to buy the Hearst estate interests in Butte and Anaconda. He watched Anaconda stock in the market. The price was rising steadily--not spectacularly, but steadily. Late in the summer of 1898 Rogers went to Butte and there he talked with Marcus Daly.¹³

Rumors were rife in the press of plans to centralize control of copper.¹⁴ Butte properties were included in the rumors. The exact date on which Marcus Daly decided to

¹²Lawson, op. cit., 284.

¹³Foor, op. cit., 193; Heinze, The Political Situation in Montana: 1900-1902.

¹⁴See Foor, op. cit., 194 and also Heinze, op. cit., 13, speech delivered at Butte, October 19, 1900, for evidence that Standard Oil's position was definitely revealed as early as the spring of 1898 when all possible pressure was put on the legislature to bring about the passage of House Bill No. 132. This bill which became law over the vigorous veto of Governor Smith virtually reversed a decision of the Montana Supreme Court which forbade the transfer of stock under any

sell to Standard Oil is not known but probably it was in December, 1898. Both Haggin and Daly were in New York in December 1898 in frequent conference with H. H. Rogers.¹⁵ In any event, they sold. The price agreed upon totaled \$39,000,000.¹⁶ The Amalgamated Copper Company was born, and much to Lawson's horror, instead of the first section consisting of stock of the Butte and Boston, Boston and Montana, and Calumet and Hecla (which Lawson had advertised as the first section) Rogers insisted on substituting the Anaconda Company. Lawson says:

Just about the time the world awaited the first section of "Coppers" which I had advertised should consist of the rich

¹⁴(Continued from page 178) circumstances. House Bill No. 132 provided that stock could be transferred with the consent of two-thirds of the stock-holders. This, of course, permitted consolidation which had hitherto been forbidden. Heinze termed it, "A bill to turn the state of Montana over to the Standard Oil Company." Every corporate interest in the state was directed toward forcing the passage of the bill. It had the active support of Marcus Daly who was at that time negotiating with H. H. Rogers. In his veto message Governor Smith said: "I had hoped the people of Montana might be spared, at least for many years the power of the Standard Oil magnatesIf they could, they would obscure the God of day and deny us daylight....I write you thus at length to warn you of the dangers where you stand," quoted in Heinze, op. cit., 12.

¹⁵Ibid., 10.

¹⁶Lawson, op. cit., 45. See Heinze, op. cit., 8 for evidence that after Rogers had seen Daly in Montana and returned to New York, he called Heinze to his office one day (Heinze was in New York in November) and explained the idea of a combination to him offering to buy him out and let him in on the ground floor. Heinze turned him down.

Boston and Montana, and Butte and Boston properties, it "happened" that Mr. Rogers "met" Marcus Daly. The result of the conjunction of the two personalities--the whole souled, trusting miner and the fascinating and persuasive master of Standard Oil--was decisive; the miner confided his dreams and aspirations to the magnate, who at once magnificently undertook to realize them. The trade was almost instantly made. Mr. Rogers would buy the properties of Daly, Haggin and Tevis, at "insight" prices, and Daly would be his partner, but the partnership must remain a secret until the purchase was consummated.... It took a brief time to get together the other properties which were finally included in the first section of Amalgamated. They consisted of the Colorado, Washoe, and Parrot Mining Companies and timber, coal and other lands, and mercantile and like properties situated in the state of Montana, for which Mr. Rogers paid in round figures \$15,000,000 (The mines proper brought \$24,000,000) a total of \$39,000,000 for what within a few days after purchase was capitalized at \$75,000,000 in the Amalgamated Company.¹⁷

The reader can see that if the purchase price for Rogers came to a total \$39,000,000 and the Amalgamated was capitalized for \$75,000,000, the immediate profit involved was \$36,000,000, a neat and tidy sum. The capitalization of Amalgamated, of which Marcus Daly was president; H. H. Rogers, vice president; William D. Rockefeller, secretary-treasurer, and James Stillman, J. P. Morgan and Governor Flower on the board of directors, has been a subject of much uncertainty.

¹⁷Lawson, op. cit., 23-24. Underlining denotes italics employed by Lawson.

But one thing appears certain. It was run, its policy determined and its ends effected not by Marcus Daly, but by H. H. Rogers.

There arises in connection with this capitalization a charge against Daly which must here be considered. Since it originated with Lawson, it is best set forth by him. When Rogers informed Lawson that he had purchased Daly's holding and intended to offer them as the first section of Amalgamated, Lawson was shocked. Rogers, according to Lawson, spoke as follows:

In looking over the copper field I discovered a number of things you failed to see. First, that Haggin and Tevis, who own Anaconda with Marcus Daly, have grown so wealthy that they have left the management of their Montana copper and silver properties entirely to Daly, and he has been coddling the mines along, saying nothing about their real worth and quietly passing by the richest parts, awaiting the day when he could buy his partners out....Daly came to see me to talk things over, and it took me only a short time to get under his waist-coat and find just what he had out there, and it took me still less time to decide that he offered something a little better than anything we had turned up yet. These properties which we can secure for \$24,000,000, which will carry with them the majority of the 1,200,000 shares of Anaconda, alone are worth \$75,000,000, and with the addition of the Colorado, Washoe, and Parrot, which he is in the way to secure for us at a bargain, will cost us not over \$15,000,000.¹⁸

¹⁸Lawson, op. cit., 287.

Thus Daly was accused by Lawson of double crossing his partners, and it was on the basis of that double cross that H. H. Rogers, according to Lawson, justified capitalizing Amalgamated at \$75,000,000 whereas the purchase price of the Anaconda holdings was only \$39,000,000.

Glasscock says of the charge:

Whether that story is true, or whether Daly shrewdly allowed himself to be "pumped" by the complacent Rogers in order to put through the deal, must remain a question. All the principals are long since dead.

In justice to Daly, however, it should be said that outside of that unsubstantial charge of perfidy there is nothing in the available record to indicate that Marcus Daly was ever a man to double cross his friends. It is known that Haggin, with the approval of Tevis, cooperated with Daly in subsequent negotiations with Rogers.¹⁹

Mining engineers familiar with the Butte mines have placed little credence in Lawson's version of the sale of Daly's property to Standard Oil.²⁰ In the first place copper deposits do not conveniently lie where they can be by-passed and saved for later exploitation. In the second place any number of people were as familiar with Daly's mines as he

¹⁹Glasscock, op. cit., 211.

²⁰Notably Alexander Leggat, retired mining engineer and amateur historian who was familiar with Lawson's charges and believed them to be false. In a personal interview with the author Mr. Leggat explained that the conformation of Butte ore bodies was such that such a plan as that outlined by Lawson would have been exceedingly difficult and impractical.

was, and there was nothing secret about where the veins ran and the rich deposits were.

Lawson quotes Rogers as saying: "It took me only a short time to get under his waist-coat and find just what he had out there..." Compare this alleged statement of Roger's with the following of Lindsay's and remember that Lindsay was for some time Daly's private secretary:

I do not know that any man ever fully comprehended him or was capable of fully understanding Mr. Daly, for one of his distinctive characteristics was trusting the very few.²¹

Mr. William Scallon was for several years the Resident Council of the Amalgamated Copper Company in Montana. He is familiar with the formation of that organization since he was its first legal representative in this state. Mr. Scallon stated positively that the capitalization of Amalgamated had nothing to do with hidden wealth at Butte. It was a Roger's scheme and nothing more.²²

It would seem, therefore that either Lawson was telling a tale, or Rogers, in order to placate him about his substitution on the first section, told him an untruth.

Marcus Daly died before market manipulation by Rogers and Stillman drove Amalgamated stock down to seventy-five.

²¹Lindsay, op. cit., 75. Underlining is the author's.

²²William Scallon, personal interview.

He died before he could witness the havoc wrecked by the financial omnipotence of Standard Oil and the unscrupulousness of H. H. Rogers, but even so, his brief association with Amalgamated left a bad taste in many a mouth.²³ He was, after all, Amalgamated's president. Both W. A. Clark and Heinze exploited that fact fully. They painted a black picture of Standard Oil's threat to the state of Montana, and they reminded the people that Marcus Daly had "sold out". The issue on which Clark and Heinze campaigned was the threat of Standard Oil to the sovereign state of Montana. In a speech delivered at Butte in October, 1900, Heinze said:

You and I know, my friends, every one of us, that there was not a single nominee on the Republican state ticket whose name was not dictated by Senator Thomas H. Carter and William H. DeWitt, the paid attorneys of the Standard Oil Company. You know as well that John R. Toole, the political wire puller of the Standard Oil and Anaconda Companies, dictated the name of every man who was placed in nomination on the independent democratic ticket. It will be asserted and reasserted and asseverated that the Standard Oil Company has nothing at all to do with the political situation in the state of Montana, as it exists at present. I tell you that I know absolutely that it is the most dominant factor in this political

²³For the complicated financial maneuvering which resulted in the crash of Amalgamated see: Lawson, op. cit., Chap. XXIII, XXIV and XXV; Glasscock, op. cit., 216-222; Howard, op. cit., Chap. IX; Heinze, op. cit., 1-63; Poor, op. cit., 192-197.

situation which is presented to us here today.²⁴

F. Augustus Heinze could hold an audience spellbound, particularly an audience in Butte. He was popular in Butte. People came to think of him as one lone man fighting the sinister forces of Standard Oil. Indeed, he was soon to be, for W. A. Clark, the only independent owner of consequence beside himself was destined to desert him and put in with the forces of his enemies. The Daly sentiment in Butte had dropped rapidly after news of Amalgamated's formation was out. In the same speech part of which is quoted above Heinze said of Daly:

I know not by what soft blandishments Mr. Rogers persuaded Mr. Daly to join this unholy alliance. I know it was totally and absolutely opposed to the traditions which served in the past to guide Mr. Daly in his action with reference to his properties in this state. But there can be no doubt that Mr. Daly joined the alliance, for subsequently, when the Amalgamated Copper Company, the first step in this great conspiracy, finally became an actual fact, Mr. Daly appeared as its president. So there can be no doubt that Mr. Daly is now one of the Standard Oil coterie for the purpose of controlling the copper industry of the world.

²⁴Heinze, op. cit., 8.

Such speeches (and Heinze and Clark made many of them) sapped the strength of Marcus Daly's supporters in Montana. With Daly himself absent and ill, they entered the campaign of 1900 with the initial odium of Standard Oil association weakening every move. Heinze told the Butte miners that Standard Oil would cut their wages, that they would live in Standard Oil houses and be buried in Standard Oil coffins. He drew pictures of the operations of Standard Oil in Pennsylvania and predicted that if Standard Oil gained control in Montana, the people would become subservient cowards and industrial slaves. He said:

My friends, have you ever been in any place where the juggernaut of Standard Oil has passed before you? Have you ever seen the wrecks of human hopes, the wrecks of ambition which the Standard Oil Company has left behind it? There are many of those states where their operations have been concentrated. And I fear me much that, if they should be successful in the schemes which they have in hand at the present time in the state of Montana, there will be many in the same position.²⁵

And Heinze played for the support of those who remained loyal to Daly as cleverly as he appealed to Daly's enemies. In a speech in Missoula, for instance, he said:

I have not the least doubt that when Marcus Daly accepted that position he thought

²⁵Heinze, op. cit., 61. Speech from the steps of the Butte courthouse, October 6, 1900.

he would have the same authority and the same control over affairs that he had in the management of the Anaconda Mining Company. But Mr. Daly upon his return to the state in the latter part of May or in the early part of June, 1899, soon found that he was mistaken; there was a joker in the field and that joker was an executive committee of three that controlled the Amalgamated Copper Company. After two or three months residence here, when Mr. Daly had failed repeatedly to carry out his plans, he left here in August 1899, a heart broken, disappointed man, and has not since returned. He has been trying to recover his broken health, and in the interim his trusted employees and lieutenants who have been with his corporations for years, have slowly and gradually been replaced by the minions of the Standard Oil Company.²⁶

All this was potent talk and it amounted to support for W. A. Clark. A vote for a pro-Clark legislator was a vote against Standard Oil. But what was Heinze's cut? He aimed at stirring popular opposition to Standard Oil to such a pitch that the pressure of opinion would force the trust to go easy. He was making a bid for the loyalty and support of the men who were most vitally involved, the miners of Butte. But even Heinze underestimated Standard Oil.

The reader will recall that Heinze had patented 40 square yards of ground between the St. Lawrence and the Anaconda and that he had claimed that the ore in those Daly mines apexed in his ground. From Judge Clancy he obtained, on this technicality, an injunction demanding that these mines cease operation pending legal settlement. This was the method

²⁶Heinze, op. cit., 24, Speech at Missoula, Oct. 28, 1900.

by which he was hamstringing the Boston and Montana and the magnate, A. S. Bigelow. But he was not dealing with Bigelow now, nor Marcus Daly. H. H. Rogers acted swiftly and effectively. The mines were closed without a moments hesitation and three thousand men were out of work. These men were advised that they had thus been dismissed because of Clancy's injunction which was a trumped up technicality by which Heinze proposed to steal a hundred million dollars worth of ore. Angry and on the verge of riot, spurred on by provocative agents, these men started after Clancy. Clancy fled, but by midnight the injunction was revoked. The next day the three thousand men went back to work.

This technique, which Standard Oil was subsequently to use to humble all opposition in Montana, should perhaps have impressed Heinze more than it did. It had no visible effect on him and there is no indication that he regarded it as the portend it actually was. He continued the battle.

To aid him Heinze, like Clark and Daly before him, bought a paper the Reveille. Glasscock says of this paper:

Probably never in the history of journalism has there been a more violent and unrestrained paper. Though no journalist, Heinze revealed to the newspaper world what could be done when a man with a printing press and funds really desired to exert himself in the way of cartoons, headlines and unbridled invective.

liver, tive.²⁷

W. A. Clark, armed with his allies Heinze and the new political element, anti-trust appeal, began his campaign for "vindication" in the fall of 1900. The battle would be fought, he knew, in November. If he could elect a pro-Clark legislature then, he would have little to worry about at the regular Senatorial election in 1901. He began his campaign in September in New York.

By that time, Marcus Daly had returned from Europe. The rest at the German Spa had done him no good and when he arrived in New York he was unable to travel on to Montana. He was put to bed in the Netherlands Hotel, where Clark was also staying. While there he gave an interview to the New York Herald in which he said among other things:

Marcus Daly is now dying, the victim of his own spleen. He is the most violent tempered man I have ever known.²⁸

There was no compromise in Clark. There was none in Daly either.

²⁷Glasscock, op. cit., 253 Glasscock here gives more credit (or discredit) to the Reveille than is actually due it. A student of the old files of the Anaconda Standard, Butte Miner and Reveille would have grave difficulty in determining which of the three outdid the others in "unbridled invective." In the opinion of the present writer, the Butte Miner would take the prize.

²⁸Reprinted in the Anaconda Standard, Sept. 25, 1900. Clark later denied that the Herald reporter had quoted him accurately. The Herald stuck by its guns and said that its reporter had made no error.

The months of September and October saw the biggest and best political shows the state of Montana had yet witnessed. There were fireworks, parades and again the whiskey flowed. The miners were entertained as they had never been entertained before. W. A. Clark toured the state with a thirty-five piece band when he got back from New York. Both Clark and Daly sent agents all over the state purchasing county newspapers with the result that each county seat had its Clark and Daly paper. Above and beyond any question of Standard Oil, the enmity of Clark and Daly, the latter on his death bed, endured.

On November 5, 1900 the following message from Marcus Daly appeared in the Anaconda Standard:

The election will decide whether justice will be honestly and fairly administered and rights given the protection provided for by the laws, whether employment is to be secure, and it will also show plainly whether men whose plans and enterprises mean so much for our towns and the State shall be encouraged or treated as enemies.

You have fought well--the voters will not go back on their own best friends and interests at this time.

Marcus Daly

But Marcus Daly had lost his grip. His prolonged absence, during which Clark and Heinze had industriously undermined his power, and the fact that he had "sold out" to Standard Oil, had had their effect. The state legislators elected in the Fall of 1900 were overwhelmingly pro-Clark.

On November 11, 1900, William Scallon, long a close

friend of Marcus Daly's, arrived in New York. He was met at the station by Pat Daly, Marcus' brother, and John Lalore, Daly's private secretary. They cautioned him to say nothing of the news in Montana. Daly was very low and had not been told of Clark's victory with the state legislature. Mr. Scallon went immediately to the Netherlands. He visited with Marcus Daly briefly, but no word of events in Montana was mentioned. "However," said Mr. Scallon, "I am sure that Mark knew what had happened if for no other reason than that subject was so studiously avoided. I didn't bring Clark up, nor did he. Neither of us wanted to talk about it."²⁹

On the following day, even while W. A. Clark was basking in the glow of victory, Marcus Daly died.

²⁹William Scallon, personal interview.

CONCLUSION

W. A. Clark, elected legitimately in 1901, served his full six year term in the U. S. Senate. He served capably. One can imagine the satisfaction with which he first took his seat in that august body which a scant year before had spurned him. One can almost imagine the regret with which Clark must have considered the death of Marcus Daly. Some of his satisfaction must have been dulled by the knowledge that his arch enemy did not live to see him ultimately victorious.

W. A. Clark, always cautious, a master of tactics, did not prolong the fight with Standard Oil once he had reached his goal. He sold out to Rogers and left F. Augustus Heinze alone with his back to the wall.

The reader, being now at least partially aware of the power of the corporation which had reached into the mining and politics of Montana, will perhaps be surprised to learn that F. Augustus Heinze, humbled, even though momentarily, the giant trust which opposed him. It is beyond the scope of this study to consider the details of Heinze's struggle. Suffice it merely to recount the story in summary form.

Heinze had tied up much of Standard Oil's operations with injunctions and litigation issued by virtue of his control of Judge Clancy. In the meantime, he systematically looted their veins by tunneling into them from his own pro-

perty. Amalgamated's engineers found that Heinze had looted the Michael Davitt alone of \$1,000,000 worth of ore.¹ Then Heinze had his agents buy stock in two of Amalgamated's subsidiary companies and bring suit in Butte demanding a receivership on the ground that Amalgamated, under Montana law, was an illegal trust. A short time later a packed Butte courtroom heard the tobacco chewing judge Clancy declare the great Amalgamated illegal and permanently enjoin its subordinate corporations from paying dividends to it. One man, by virtue of his control of the court, threatened the Amalgamated Copper Company with ruin.

But if Heinze could play that game, so could Amalgamated, and they played it more effectively than he did. The day Clancy's ruling was made, telegrams sped out from New York. The following day every Amalgamated operation in Montana was shut down. A deadly quiet settled over the Butte mines, the Anaconda smelter, the Great Falls copper refineries, Missoula's lumber mills, the coal mines and Company stores. In a single day, Montana's sole industry of consequence ground to a stop. Twenty thousand men were out of work, and thousands more, dependent on the activities of the trust, were laid off. Ironically, the very day that Clancy's decision was announced, the report of the distribution of the estate of

¹Howard, op. cit., 73.

Marcus Daly, who had died three years before, was filed in Montana courts. He left \$3,000,000 in cash, and millions more in investments.² But the miners of Butte and the smelter men of Anaconda cared little about that. They were out of work. They gathered in the streets in angry knots and they were helpless. So, in spite of his popularity, was Heinze.

For several weeks no word came from Amalgamated. Heinze raged and the miners listened, but Amalgamated held the whip. Then, having demonstrated its power, Amalgamated announced that if the governor of the state would call a special session of the legislature, and if that legislature would pass a "fair trials" bill providing that any litigant, merely by charging a judge with prejudice could force the judge to disqualify himself and call another, Amalgamated would resume operations. Confronted by thousands of petitions and by the literal prospect of starvation and riot, Governor Joseph K. Toole, called the special session. The "fair trials" bill was passed and Amalgamated resumed operations. Thus by outright coercion of the state legislative body, the Amalgamated broke Heinze's power. Glasscock says:

The fact remained that a combination of corporations had, through the threatened starvation of one hundred thousand persons, forced the unwilling governor of sovereign state to call a legislature to enact laws for its benefit. That the laws themselves happened to be just was ethically beside the

²Ibid., 75.

point. A combination of capital, for the first time in the history of the United States had openly dictated to a state in which it had invested its money and grown vastly rich, and under the laws of which it was operating.³

Thus Amalgamated stamped out its last opposition in the state of Montana.

But Heinze, far from being ruined was still in the picture. He still owned mining property and the "apex law" was still on the books. He had robbed Amalgamated of millions. He had cost them more anxiety than it pleased them to remember. When, therefore, Heinze offered to sell his holdings to Amalgamated for something over \$10,000,000 they jumped at the chance. Heinze had come out on top. Had he called it quits then, all would have ended happily, but Heinze never quit.

With his money he went to New York determined to beat H. H. Rogers at his own game. He bought a bank, formed a copper syndicate, and tackled Rogers in his own back yard. Within a year's time he was broke. He died (at the age of 48 with little to show for his battles but cirrhosis of the liver.

With the sale of Heinze's properties to Amalgamated an era in the history of Montana ended. The year that Heinze lost his money in New York, (1907), a statue of Marcus Daly created by the skillful hand of the sculptor, Augustus St.

³Glasscock, op. cit., 288.

Gaudens, was unveiled in Butte. Today the stocky figure of Marcus Daly, hat in hand, stands with bronze ^{imperturbability} ~~imperturbability~~ on the grounds of the Butte School of Mines and looks out over the city of Butte.

But St. Gaudens could never have carved as fitting a memorial to Marcus Daly as is the city of Butte itself, or the city of Anaconda; for it was Marcus Daly who stood on the barren hill in 1881 and saw in his mind's eye a city where there was nothing, and it was Marcus Daly's faith in Anaconda hill that ultimately led to the riches it poured forth. Above all things, he was a builder. The money he made as a result of his building was only the by-product of his energy. It never became, as money so frequently becomes, an end in itself.

It is appropriate that his statue should stand on a hill overlooking Butte. It is also appropriate that in the office of the president of the School of Mines pictures of Marcus Daly and W. A. Clark regard each other from opposite walls.

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Of these sources the Report of The Committee on Privileges and Elections has been by far the most valuable for the purposes of this study. While Marcus Daly's testimony before the Committee was brief, due to his illness, it was, in many ways, revealing. His grammar was in no way touched up, as was obviously the case with his "published reminiscences" and with his letters, the majority of which were actually written and phrased by his private secretary. Most of the witnesses examined by the Committee were self conscious and very anxious to make a favorable impression. Many of them came close to fawning. Marcus Daly was blunt and forthright. He did not deal in generalities nor was he non plused by any of the questions asked. The Report is and will remain the starting point for any study of the election of 1899. It is, in addition, rich in source material concerning the nature of early Montana politics.

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The files of the Butte Miner, Anaconda Standard and New Northwest in the State Historical Library, Helena, have been of great value. Daly's and Clark's views are always implicit in the pages of the Anaconda Standard and the Butte Miner respectively. The editorials of J. H. Durston for the Standard and John Quinn for the Miner, blunt, fiery and frequently venomous, though obviously not concerned primarily with facts, afford a better insight into the sentiments of Daly and Clark and the supporters of each than any other source. They also make fascinating reading because in those days no punches were pulled. The history of the Clark-Daly feud, can be followed from week to week and year to year simply by following the editorials of the Standard and the Miner.

The New Northwest, published in Deerlodge under the editorship of Captain James H. Mill, was a Republican paper, and was perhaps the most reliable paper, factually, in Montana. Mill was a capable editor whose writing evidenced not only a sound command of the language but a wealth of good sense as far as politics was concerned. Removed from the scene of action, the New Northwest was still close enough to Butte, Anaconda and Helena to get in on things, yet distant enough to be somewhat objective about them.

Reveille, published in Butte under the editorship of P. A. O'Farrell, was Heinze's paper. With the example set for it by the Miner and the Standard, Reveille was a personal organ dedicated to supporting whatever course the spectacular Heinze chose to take. Violent and colorful, the Reveille vied with the Miner and Standard for unrestrained invective.

The Butte, Inter-Mountain, owned by Lee Mantle, was a Republican paper, but was friendly to Marcus Daly. The Anaconda Review, edited by the Leonard Brothers, was also Republican, but was friendly to Daly.

The Helena Independent was owned and edited by John S. M. Neill, and was a considerable force in the Democratic party. Neill supported Clark vociferously as did the Miner and there was much rumor to the effect that the Independent was heavily subsidized by Clark.

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The Daly files in the State Historical Library and the Butte Public Library are both very scanty. No letters which Daly himself wrote appear in either place. There are a few letters which refer to him but no vital information is contained therein. The Hauser File is richer, containing several letters which Daly wrote to Hauser as well as several which Hauser wrote concerning Daly. The Clark File is barren as far as any enlightening information about Daly is concerned. Notes to the Author in Letter Form is composed of voluminous notes sent to the author by Mr. Herbert Peet of Seattle. Mr. Peet, who was for some years the

editor of the Great Falls Tribune, has for many years been a close student of the period of Montana history extending from 1864 to 1890. Mr. Peet is at present in the process of converting his notes to book form. The material which Mr. Peet sent to the author was carefully documented. It contained excerpts from newspapers, letters which old timers had written Mr. Peet and quotations from such contemporary publications as the Engineer and Mining Journal and Copper Review. Particularly with regard to the election of 1888, Mr. Peet's study represents the only adequate research which has been done.

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The articles by Connolly appearing in McClure's Magazine were the basis of a subsequent book by Connolly, The Devil Learns to Vote, New York: Covici-Friede, 1938. This book was merely a recapitulation of the articles. Connolly's articles are very prejudiced in the favor of Daly and very hostile to Clark. Although he was an observer of many of the events of which he writes, his work is not always reliable since he sacrifices,

in many instances, fact for dramatic effect.

The Engineering and Mining Journal was a New York publication which maintained correspondents at Butte who sent weekly newsletters and telegraphed important events. In addition, the Journal gathered New York and Boston news; hence it became the repository of much documentary material. It was particularly useful in the preparation of this study in connection with the formation and functioning of the French copper syndicate.

Heinze's Political Situation in Montana, 1900-1902 is a collection of five Heinze speeches made during the month of October, 1900. In these speeches Heinze bitterly attacks Standard Oil, H. H. Rogers and James Stillman as well as such lesser lights as John R. Toole. It is very likely that these speeches did much to bring about the election of a pro-Clark legislature in the fall of 1900.

Lawson's Frenzied Finance: The Crime of Amalgamated is exculpatory in nature being Lawson's attempt to explain his own part in the Amalgamated stock slump of 1900. While the book is highly dramatic in form and while Lawson's version of the whole story of Amalgamated's formation and activities is doubtless colored and in some instances unreliable, the overall picture which Lawson paints, when he is not grinding his own axe, is interesting and of value. Lawson was on the inside and he was the key man in the whole comprehensive plan for "Coppers".

Lindsay's Amazing Experiences of a Judge in spite of the fact that Lindsay was Marcus Daly's private secretary for some time, contains very little of value. It is full of the usual retold tales and anecdotes.

Mangan's The Clarks: An American Phenomenon and his earlier work, The Clarks of Montana are both so filled with bitter recriminations and obvious personal hostility to Clark that they cannot be considered reliable. But Mangan went to Yale with W. A. Clark, Jr. and was for a number of years the confidential agent of the family, therefore his appraisal of Clark cannot be totally ignored.

Murphy's Comical History of Montana is similar to Mangan's work in that it is characterized by much invective and personal bitterness. Murphy is given to making broad and categorical statements of condemnation which he makes no effort to substantiate. But as a contemporary account by a man of intelligence, Murphy's book cannot be ignored.

E.) Personal Interviews:

Mr. Ed Donlin, Missoula.

Mr. Will Cave, Missoula.

Miss Florence Catlin, Anaconda.

Mrs. John Clifton, Spokane.

Mr. Matt Eggar, Hamilton.

Mr. Al Fisher, Butte.
 Mr. Alexander Leggat, Butte,
 Mr. Norman Holter, Helena.
 Mrs. T. J. Murray, Butte.
 Mr. William Murphy, Missoula.
 Mrs. Anne McDonnell, Helena.
 Mr. Robert O'Hara, Hamilton.
 Miss Molly O'Hara, Butte.
 Mr. George Porter, Helena.
 Mr. Wellington Rankin, Helena.
 Mrs. Lucinda B. Scott, Helena.
 Mrs. George Wellcome, Anaconda.
 Mrs. Edgar Wild, Missoula.
 Mr. C. Owen Smithers, Butte.
 Miss Charlotte Russel, Missoula.

All of the above named individuals have contributed in some measure to this study. The three who gave the author the most detailed and pertinent information, however, were: Mr. William Scallon, once resident counsel for the Amalgamated Copper Company in Montana, Mr. Robert O'Hara, still counsel for the family as far as their holdings in Montana are concerned and Mrs. George Wellcome who lived next to the Daly's in Anaconda and who knew them well. Mrs. Wellcome is the daughter of Morgan Evans, who was Marcus Daly's close friend and confidential agent on many occasions, and she has a clear memory of the events which took place as early as the 1880's.

II. Secondary Accounts:

A.) Unpublished Material:

Coon, Shirley Jay, The Economic Development of Missoula, Montana, unpublished Ph.D. dissertation, University of Chicago, 1926.

Farrington, Clayton, The Political Life of William Andrews Clark, unpublished M A thesis, University of Montana, 1942.

Foor, Forest Leroy, The Senatorial Aspirations of William A. Clark, Unpublished Ph.D. dissertation, University of California, 1941.

McNelis, Sarah, The Life of F. Augustus Heinze, unpublished M A thesis, University of Montana, 1947.

Foor's work on Clark and Coon's work on the economic development of Missoula are both excellently done. Foor in particular has done a definitive piece of work. His statements are carefully documented and he has unearthed a good deal of new material.

Farrington's work on Clark, while lengthy, is based too exclusively on Connolly's articles. He accepts a good deal of what Connolly has to say without question. Farrington's principal sources were Connolly and the Report of the Committee on Privileges and Elections. While his condensation of the Committee's investigation is well done, his reliance on too few sources damages the work as a whole.

McNelis', Life of Heinze contains a substantial amount of new material on Heinze and is the most complete work on Heinze which has yet come forth. The work is a little too partisan to be entirely satisfactory.

B.) Books and Periodicals:

"Anaconda Standard", an unsigned article in Time Magazine, July 27, 1931.

Bancroft, Hubert Howe, The History of Washington, Idaho and Montana, 1845-1889, vol 26 in the Pacific States of North America series, 31 vols., San Francisco: The History Company, 1890.

Copper Camp, New York: W. P. A. Writers Program, Hastings House, 1938.

Daly, Hugh, The Biography of Marcus Daly. (pamphlet) Butte: The Butte Independent, 1935.

Freeman, Harry C., Butte Above and Below Ground, Chicago: The Henry C. Shepard Company, 1900.

Glasscock, Carl Burgess, The War of the Copper Kings, New York: The Eobs-Merrill Company, 1935.

Hibbard, Benjamin Horace, History of the Public Land Policy, New York: MacMillan Company, 1924.

Hill, Robert Tudor, The Public Domain and Democracy, New York: Columbia University Press, 1910.

- Howard, Joseph Kinsey, Montana: High, Wide and Handsome, New Haven: Yale University Press, 1943.
- Knapp, Henry R., "William Andrews Clark" in Cosmopolitan February, 1903, 475.
- Lauk, W. Jett, The Causes of the Panic of 1893, New York: Houghton-Mifflin Company, 1907.
- Leeson, Michael A., (ed.) History of Montana, 1739-1885, Chicago: Warner Beers and Company, 1885.
- _____, (ed.) Progressive Men of Montana, Chicago: A. W. Bowen and Company, 1902.
- Montana: A State Guide Book, New York: The Viking Press, 1939.
- Murphy, Clyde F., The Glittering Hill, New York: E. P. Dutton and Company, 1944.
- Older, Mr. and Mrs. Freemont, The Life of George Hearst: California Pioneer, San Francisco, 1932.
- Phillips, Paul C., "William Andrews Clark" in Dictionary of American Biography, Vol. IV, New York: Charles Scribner's Sons, 1930, 145.
- _____, "Marcus Daly" in Dictionary of American Biography, Vol. V, New York: Charles Scribner's Sons, 1930, 45.
- Raymer, Robert George, History of Montana, 3 vols., Chicago: The Lewis Publishing Company, 1930.
- Roberts, Warren Aldrich, State Taxation of Metallic Deposits, Cambridge: Harvard University Press, 1944.
- Robie, Edward H., "Copper" in The Marketing of Metals and Minerals, New York: McGraw Hill, 1925.
- Sanders, Helen F., A History of Montana, 3 Vols., Chicago: The Lewis Publishing Company, 1913.
- Stout, Tom, (ed.) Montana: Its Story and Biography, 3 Vols., New York: American Historical Society, 1921.
- The Story of Butte, Butte: The Standard Manufacturing and Printing Company, 1913.
- Wellman, Francis L., Luck and Opportunity, New York: MacMillan Company, 1938.

Bancroft's History of Washington, Idaho and Montana, while accurate, does not consider events in Montana with which this study has been concerned in sufficient detail to be of appreciable value.

Daly's Biography of Marcus Daly (Hugh Daly is no relation) is a pamphlet of 35 pages dedicated to the eulogizing of Marcus Daly and the Irish in general. It is not reliable.

Perhaps the most interesting and most reliable (for its type) account of the period in question is Glasscock's War of the Copper Kings. Though Glasscock has borrowed from Connolly, he has, in addition, gone very carefully through the newspaper files of the day and interviewed many old timers. The book suffers somewhat from the ailments common to all such works which are dramatized for the consumption of the general public, but it is more objective than Connolly's work and more cautious.

Such books as Hibbard's History of the Public Land Policy, Hill's The Public Domain and Democracy, Lauk's The Causes of the Panic of 1893 are scholarly works, thoroughly documented which have been invaluable as sources of information concerning timber depredations, and the general background of the, problems attending railroad land grants, etc. Robert's State Taxation of Metallic Deposits contains a well done chapter on the history of the mine taxation problem in Montana.

Such "mug books" as Leeson's History of Montana, Sander's History of Montana, Stout's Montana, Its Story and Biography and Raymer's History of Montana have been useful only for general background purposes. These books concern themselves with surface matters and statistical reports obtained largely from various city directories. They contain biographical sketches of a eulogistic nature. Leeson's work is a possible exception in that it was published in 1885 and contains writings by and interviews with old-timers.

Paul C. Phillips' sketches of Marcus Daly and W. A. Clark in the Dictionary of American Biography are reliable but too brief to be of great value. Phillips appended a note to his sketch of Daly pointing out that the sources concerning the life of Daly are exceptionally poor.

Mr. and Mrs. Fremont Older's Life of George Hearst was written at the direction of William Randolph Hearst and one thousand copies were privately printed by William Henry Nash of San Francisco. Copy number 77 of this book may be had in the Anaconda Public Library. About all the book has to recommend it is the fact that it is beautifully bound and printed. The Olders do not evidence a passable familiarity with events in Montana or with the life of Marcus Daly.

Murphy's The Glittering Hill is a fictional account in which Marcus Daly is one of the principal characters. The book so essentially distorts Daly, Heinze and the other characters on which it is based that they emerge from its semi-pornographic context as far removed from actuality as fictional characters can ever get.