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North Dakota Republicans and the "Revolt" of the Farmers, 1889

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NORTH DAKOTA REPUBLICANS AND THE "REVOLT" OF THE FARMERS, 1889

by
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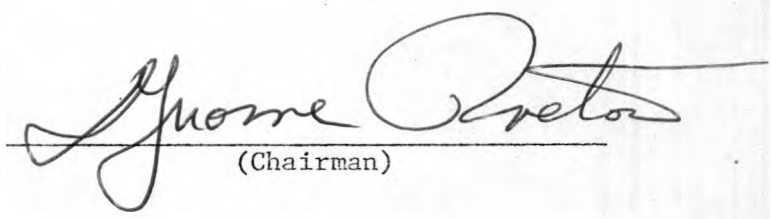

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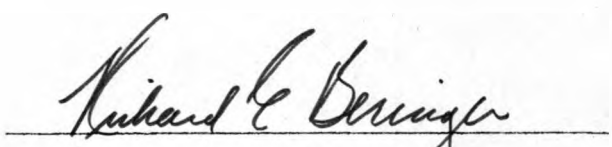

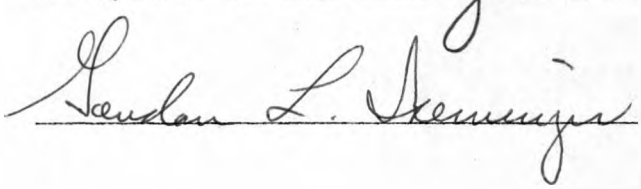

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PREFACE

The Populist movement in the United States has intrigued historians and students for eight decades, and satisfactory analysis of the movement still appear tenuous to many who study it. The movement in the Midwest and South has been highly dramatised and analysed, sometimes in reaction to provoking questions posed by prominent historians, and at other times in reaction to contemporary social movements such as progressivism, socialism, or McCarthyism.

The exact time at which the movement began in North Dakota has not been adequately determined, although Populists gained temporary power there in 1892. Accurately dating the start of the movement would aid in determining the time at which farmers became class conscious and perceived their class opposing the industrial class. Searching for the beginnings of the movement in North Dakota, Howard R. Lamar found that the farmers began their "revolt" against the entrenched powers in 1889, the year North Dakota became a state. This antedated by a year the formation of an independent party in June of 1890 in North Dakota. A re-examination of politics in North Dakota during its first year indicates Lamar overstated his case.

In his book, Dakota Territory 1861-1889 A Study of Frontier Politics (New Haven: Yale University Press, 1956), Lamar described politics in the territory in 1889 as a conflict between the farmers and the statehood forces, who were men of the oligarchy that had

ruled the territory for years:

> South Dakota, the area where the entire impulse for statehood and division had centered, came into the Union preoccupied with other issues. Drought, depression of farm prices, high interest rates, mortgage foreclosures, and discrimination by railroads had provoked the farming population of these rich prairie lands to furious activity. Farmers' Alliance conventions, which had been meeting in the Territory annually for years, suddenly became political conventions, and the horny-handed farmers, so recently held in contempt by the statehood men, abruptly emerged as an irrepressible political power. . . . After a decade of struggle with their enemy in Washington, that is, the federal government, the statehood men, and the oligarchy discovered a new and more dangerous opponent in their own backyard.(266)

He then explained that the farmers revolted to wrest power for the first time from the ruling oligarchy.(273, 276) The Farmers' Alliance, he wrote, began its "political debut" in the last territorial legislature in the winter of 1889,(277) and the Alliance completely captured the North Dakota constitutional convention because of "hostility to absentee government, boss rule, and corruption."(267, 281) For Lamar, 1889 marked the beginning of the "revolt" of the farmer that soon turned into the Populist movement in North Dakota.

A study of the source material for the years of 1888 to 1890, however, indicated that the Republican Party was unusually strong in the state with party leaders, who were usually associated with the statehood movement and the political machine, well supported by other party members and the voters. The apparent paradox in Lamar's assertion that "horny-handed" farmers urging reforms successfully triumphed over a popular conservative power group led me to re-examine the bases of his "revolt" thesis. The evidence suggested

a somewhat different conclusion from the one postulated by Lamar. This thesis, then, is an attempt to reassess those political events in the last few months of Dakota territorial history and the first few months of North Dakota history to determine the magnitude of the farmers' "revolt," who the "farmers" were, and how well they succeeded.

In the following exposition primary emphasis is placed on the factions in the Republican Party since the Democratic Party in the state was a minor force. A secondary emphasis is placed on the theme of the influence on North Dakota politics of vast areas of free and cheap land, since the sources indicated this influence was considerable. A tertiary emphasis is placed on the first North Dakota constitutional convention, and particularly the issues of permanently locating the state capital and controlling the railroads. Although the convention has not been extensively described since R. M. Black published his article in 1910, I have left the task of analysing the complete convention to others and concentrated on the two main issues.

Because of the scarcity of personal accounts by the participants in that first exciting year of North Dakota politics, I have relied primarily on the writings of a few researchers, state and federal documents, and newspaper accounts of the events. The Journal and Debates of the constitutional convention were especially useful. The Daily Argus, although biased, covered political events more thoroughly than any other newspaper.

Many people have rendered invaluable aid to make this project possible. I particularly appreciate the patience, guidance, and suggestions of Dr. D. Jerome Tweton and Dr. Richard E. Beringer; their constant encouragement boosted my frequently sagging enthusiasm. A special thanks is extended to Dr. Gordon L. Iseminger for his pertinent criticisms and inspirational teaching. Mr. Daniel F. Rylance, Curator of the Orin G. Libby Manuscript Collection, gave constant support and many valuable suggestions. Mr. Frank E. Vyzralik, Archivist of the State Historical Society of North Dakota, and Dr. William G. Reid, Curator at the North Dakota Institute For Regional Studies, and their staffs rendered valuable aid in my research. Finally, I thank my wife Janice for her patience and moral support through the many weeks of this study.

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ABSTRACT

This thesis responds to Professor Howard R. Lamar's assertion that "farmers" dominated the last territorial legislature, the North Dakota constitutional convention, and the first administration of the state of North Dakota. A closer dating of the stage in the development of Populism in North Dakota at which the farmers in state politics developed a united, conscious movement to achieve Populist goals is needed.

An analysis of new sources suggests different conclusions from those implied by Professor Lamar in his book Dakota Territory 1861-1889 A Study of Frontier Politics. First, the farmers as a class did not form a united faction in the last territorial legislature, nor the constitutional convention, against their opponents representing the oligarchy and the railroad interests. Secondly, the farmers did not "dominate" the North Dakota constitutional convention of 1889. The "farmer" politicians did coalesce into a united group against the political machine during the first Republican state convention in August, 1889. The major factor in that coalescence, however, appeared to be opposition to the machine and not Populist ideology. Consequently, Populist political action occurred at the state level of government after the summer of 1890.

CHAPTER I

THE FILING: DAKOTANS CLAIM STATEHOOD

> The Conservative is as necessary as the Radical. The Conservative keeps the Reformer from going too fast, and plucking the fruit before it is ripe.
>
> --Elbert Hubbard, Notebook, 201-202

Conservative Republicans frequenting the dim, smoky rooms of the Sheridan Hotel in Bismarck, Dakota Territory, in the fall of 1888 pumped friendly hands and boasted of certain victory in the coming election. They believed Dakotans were tiring of Grover Cleveland's "democracy," and the Republicans hoped Benjamin Harrison would lead them to victory, patronage, power, and possible statehood in November. They talked about their political assets: the settlers angered by Cleveland's appointees to the territory, the Republican-oriented political machine, the growing Farmers' Alliance, and the many farmers who always voted Republican. The denizens of the hotel glowed with optimism at their prospects and organized to regain the territorial government from their opponents. These conservatives sneered with disdain at the mugwump reformers snapping for office on the fringes of the Republican Party.

Dakota Republicans found that the four-year reign of the Cleveland administration offered several campaign issues for 1888 and 1889. Long years in territorial status for Dakota and two of

Cleveland's appointees formed particularly useful issues. Presidential appointees to the governorship, courts, and lesser offices governed the territory after 1861 along with elected legislators and local officials. Most of them came from other states. Consequently, during the turmoil of the Reconstruction era their political opponents in the territory frequently compared them to officials sent into the South and labeled them "carpet-baggers." Although many of them came from, or stayed in, the territory, people tended to transfer the stigma to all administration appointees. The effects were such, in the words of one historian, that when statehood loomed near the "ordinary territorial carpet-bagger . . . was not the least of the considerations that turned western electorates to a more complete self-government."[1]

President Cleveland's promise to appoint officials who resided in the territory to office after the election of 1884[2] did little to dissuade Republicans from pursuing every advantage the Democrats offered. Arthur C. Mellette, the territorial chairman of the Republican Party, attacked the "infamous" Democrats, and others worked with success to unify the Republicans at the 1886 territorial convention.[3] Two of the new President's appointees quickly gave the

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[1]Earl S. Pomeroy, "Carpet-baggers in the Territories 1861-1890," The Historian, II (Winter, 1939), 61.

[2]George W. Kingsbury, History of Dakota Territory (Chicago: The S. J. Clarke Publishing Company, 1915), II, 1413.

[3]Ibid., 1442, 1446.

Republicans the opportunity they needed to arouse opposition to the Democrats.

President Grover Cleveland appointed William Andrew Jackson Sparks, an obscure Illinois politician, to be Commissioner of the Public Land Office in Washington. Sparks was a self-educated orphan who had read law and dabbled in politics before the Civil War. President Pierce had rewarded him with the post of Receiver in an Illinois land office, and by 1856 he had become a presidential elector. Picking up the title of "General" during the war, he was elected to Congress in the resurgence of the Democrats in 1874. There he remained until 1883, serving on the Military Committee of the House for a few years and the Committee on Expenditure in the War Department.[4]

Shortly after assuming command of the Land Office, "General" Sparks concluded that gross mismanagement and despoilation of the public domain was taking place. The "vast machinery of the land department appears to have been devoted to the chief result of conveying the title of the United States to public lands upon fraudulent entries under strained constructions of imperfect public land laws and upon illegal claims under public and private grants" he reported to the President.[5] Among various irregularities he

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[4]New York Times, March 25, 1885, 3. The authenticity of Sparks's title is dubious. His military service is not recorded in Francis B. Heitman's Historical Register and Dictionary of the United States Army (Washington: Government Printing Office, 1903), nor the Dictionary of American Biography.

[5]U. S., Congress, House, Report of the Secretary of the Interior, Vol. I, 49th Cong., 1 sess., House, Exec. Doc. 1, Serial 2378 (Washington: Government Printing Office, 1885), 155-156.

discovered were lax surveying, acceptance of township plats on faith, and, on the west coast, survey contracts sublet contrary to law. In addition, many survey returns had been paid for but never completed, and investigators who had been paid to examine surveys were "conspicuously unfaithful."[6] One English firm, he related, had procured 100,000 acres of redwood timberland in California, worth $100 an acre, for $3 an acre.[7]

Sparks singlehandedly began to reform the Land Office. He revoked illegal contracts, refused to approve irregular accounts, and issued new instructions. His most famous instruction was his "April letter"; on April 3, 1885, Sparks issued a ukase suspending final action on all entries of the public land in twelve states, except to "actual" settlement. "Constructive" occupation of claims became illegal.[8] This immediately provoked a shower of complaints and abuse on the Land Office. One Nebraskan charged that Sparks had caused "a wonderful amount of suffering" to settlers. Others claimed that his ruling prevented the selling and mortgaging of their homesteads and preemption claims.[9] The ruling especially struck at those who filed homestead claims, did minor improvement, and then attempted

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[6] Ibid., 164.

[7] Ibid., 167.

[8] U. S., Congress, House, Report of the Secretary of the Interior, 49th Cong., 2 sess., House, Vol. II, Exec. Doc. 1, Part 5, Serial 2468 (Washington: Government Printing Office, 1886), 43.

[9] Ibid., 45.

to sell with rising land prices. Sparks's actions also affected speculators, loan agents, lawyers who depended on land transactions for much of their income, and newspapermen who were working to attract settlers to the territory. Although Sparks modified his rule on December 3, 1885, to accept claims that strictly complied with the law, he continued his reforms.[10] In 1885-1886, he canceled 1,168 fraudulent land entries and restored the land to settlement.[11]

The Commissioner did not overlook the settlers in Dakota during his attacks. He charged Dakotans with living in town and erecting flimsy houses on claims, breaking a few acres, visiting the claim occasionally, and returning to their businesses and houses in town.[12] In one year United States Attorneys instituted seventy-one criminal proceedings against fraudulent practicers in Dakota, second only to New Mexico, where two hundred seventy-seven proceedings were instituted.[13] Although Sparks's attacks were true, they nevertheless were not easy to take.

General Sparks launched his major campaign against railroad control of land grants, a move of particular importance to Dakota Republicans who were often associated politically with the railroads. The railroad companies could withdraw land from the public domain according to their contracts under the land grant laws. If some of

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[10] Ibid., 49.

[11] Ibid., 79.

[12] Ibid., 81.

[13] Ibid., 97.

the land was settled before the railroads selected their grants they could select indemnity land in lieu of the settled portions. Problems arose between the railroads and the Land Office, however, when the companies proposed a route, withdrew their granted and indemnity lands, then changed their routes and withdrew more land. In the confusion of paperwork that attended the process railroads frequently owned hundreds of thousands of acres of land that were illegally withdrawn from the public lands. Sparks used his legal power to revert much of this land back to the government. His act precipitated numerous law suits and worked hardships on many settlers who had bought land from the railroads. Each reform which Sparks attempted while in the Land Office seemed to arouse more hate and discontent than enthusiasm from those affected by his crusade.[14]

Zeal, righteousness, and inflexibility are not traits that generally endear the holder to his coworkers and soon the General offended influential Cabinet members. In 1887 he opposed Attorney General A. H. Garland and Secretary of the Interior Lucius Q. C. Lamar, his own superior, in supporting the claim of Guilford Miller, a homesteader in Washington Territory, against the Northern Pacific Railroad. Since Garland and Lamar believed that the railroad had a legal claim to the land the case went to the President for a decision. Cleveland decided for Miller and won the support of many westerners seeking cheap public land when his executive order removed thousands

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[14]The widespread dissatisfaction with the Commissioner's land reforms is evident in the reports of the Secretary of the Interior and the Commissioner of the Public Land Office for the years 1885, 1886, and 1887.

of acres of indemnity lands from the railroads and restored them to settlement.[15] The decision did little to mollify the losers in the case.

The implications of Sparks's reforms for Republicans in Dakota may be understood in terms of their effects on the settlers and railroads. People who had purchased indemnity land in good faith from the railroads could not get title to their land, and the Land Office started to process claims of other prospective owners to the land. Some enterprising men filed claims on land already improved by farmers. These apparent injustices undoubtedly won few enthusiastic supporters for the Democrats. The newspapers which were indebted to the railroads in Dakota broadcast far and wide how Sparks's misrule victimised the settlers. The railroad companies felt that they had been unjustly deprived of land from which to obtain much needed revenue for futher construction and operating expenses. They further argued that the policies of Sparks discouraged settlers from coming west and taking up public and railroad land to the detriment of railroads and territories seeking growth and statehood. Probably few settlers, railroad officials, or politicians, mourned when Lamar forced Sparks to resign in 1887.

The second appointment of Cleveland's that affected politics in the territory was the new governor, Louis Kossuth Church. Church had been appointed by the President in January of 1887 to replace the

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[15]Allan Nevins, Grover Cleveland, A Study in Courage (New York: Dodd, Mead & Company, 1932), 14.

popular Gilbert A. Pierce. Church's confirmation had been delayed in the Senate by the Committee on Territories under the chairmanship of Benjamin Harrison, because of Harrison's absence and rumors that Church was a known drinker nominated for a territory that was strongly for prohibition.[16] Church also made the mistake in 1887 of calling for a single state of Dakota when Dakotans had long been advocating division. This helped class him with the hated ex-governor Nehemiah G. Ordway who had introduced the idea of one state to help his own chances for a seat in the United States Senate.[17] The arguments of Church, who used his own state of New York as an example, only gave added impetus to the movement for division.[18]

Church got off to a bad start with the incident of the Dakota Hospital for the Insane at Yankton. Because the hospital was overcrowded and delapidated, the legislature had appropriated money to construct two additional wings. Church refused to turn the funds over to the trustees, whom he had suspended and sought to replace with Democrats. He did replace two trustees who resigned, but three others refused to recognize his suspension order.[19] The case of the recalcitrant trustees went before the court on a quo warranto proceeding, and Judge Bartlett Tripp found that Church was

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[16]Kingsbury, History of Dakota, 1467-1468.

[17]Ibid., 1475.

[18]Ibid., 1476.

[19]Ibid., 1477-1485.

authorized to remove gubernatorial appointees and appoint successors. The newspaper notoriety and controversy over the matter put Church on the defensive and placed him in opposition to a group of respected trustees. Eventually all the old board resigned, but the incident called his integrity into question, and he was afterward regarded with suspicion.[20]

With the appointments of Sparks and Church, Cleveland contributed significantly to Republican support among the voters of Dakota Territory. The antics of Sparks touched the small farmers sufficiently to motivate some to follow the Republican lead. In the months ahead party leaders insured the voters did not forget him. They also displayed notable skill at rendering Church ineffective.

Dakota Republicans held a second asset in 1888 in the form of an effective political machine headed by the popular ex-sheriff of Burleigh County, Alexander McKenzie. The machine consisted of an informal group of men, well known in Dakota and Washington circles, who were public spirited and interested in building up the territory and their own futures. Among their varied activities they raised money to construct the capitol building at Bismarck, arbitrated between the railroads and the farmers, gave to charities, and lobbied for Dakotans' interests in Washington. They started newspapers to inform the people of Dakota affairs, saw that their loyal followers were rewarded with offices or jobs, and generally guided events to their advantage.

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[20] Ibid., 1486-1488.

The charisma of McKenzie seldom failed to impress those whom he met. Physically, he appeared tall, powerful, handsome, youthful, and vigorous. One writer described him from a rare published picture as possessing a

> lion-like head with bushy, prominent eye-brows and a long, full, Roman nose. His sideburns were cut short, and the hair receded slightly along the temples, although his hair was exceedingly heavy. His high forehead, strong dark eyes and firm chin were set off by a heavy mustache. He had a forceful, strong, well-fed appearance.[21]

Contemporaries described his character with a variety of adjectives, depending on their relation to him. He apparently elicited reactions from people with whom he dealt ranging from awe and fear to admiration and respect. McKenzie studiously avoided publicity and remained little known to most Dakotans.

The value of the machine to Republicans lay in the connections of its members with prominent capitalists and important men in Washington. McKenzie remained the Republican national committeeman for years and worked closely with the Northern Pacific Railroad and eastern politicians. Machine members directly affected the ordinary citizen very little, although their indirect effect through their influence on railroads, government, and land policy was considerable. Consequently, their enemies were more numerous at the top of the political ladder than at the bottom. The ordinary farmer

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[21]Kenneth J. Carey, "Alexander McKenzie, Boss of North Dakota" (unpublished M.A. thesis, University of North Dakota, 1949), 25-26. This is one of the best overall accounts of McKenzie's life.

felt more concern for the weather, farm prices, and the problems of life than the potential evils of a political machine.

The Republican Party found a third element of strength in the Farmers' Alliance. Like the Patrons of Husbandry, or Grangers, before it, the Alliance was a semi-secret organization founded to better the education and social life of the rural population. Like the Grange, it also inevitably turned to political action to better the status and economic conditions of its members. While the Granger movement had been weak and ineffectual in the territory, by 1888 the Alliance had became a formidable organization.[22]

The Dakota Alliance was part of the Northern Alliance organised by Milton George and a few men in Cook County, Illinois, in 1880.[23] Alliance objectives included protection of farmers against class legislation and "encroachments of concentrated capital," "the tyranny of monoply," and opposition to politicians not "in sympathy with the farmers' interests."[24]

The Territorial Alliance grew from about 60 Alliances in 1884 to 744 by December 1888. At the Watertown convention of 1886

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[22]The standard texts on these movements are Solon Justus Buck, The Granger Movement . . . 1870-1880 (Harvard University Press, 1913) and John D. Hicks, The Populist Revolt A History of the Farmers' Alliance and the People's Party (University of Press, 1931).

[23]J. E. Bryan, The Farmers' Alliance: Its Origin, Progress and Purposes (Fayetteville, Ark.: n. p., 1891), 57. Library of American Civilization fische 11745.

[24]Ibid., 45.

the organization elected Henry L. Loucks president. His vigorous leadership and skillful oratory, coupled with wide-spread discontent, helped promote the organization to its greatest growth by the late 1880s.[25]

Loucks held independent political beliefs and supported strong opposition to monopolies and corporations in keeping with his concepts of Alliance aims. He and his few followers sometimes found themselves opposed by Republicans more sympathetic to the railroads and grain monopolies. The Alliance contained a strong element of conservative Republicans who sought to achieve Alliance goals through the party. Conservatives considered the Loucks faction to be a radical minority of the Alliance. Because leading Alliance men were frequently leading Republicans, the party generally prospered in the strong Alliance areas of the territory.

The scattered rural population did not represent a political asset to the Republican party to the same degree party unity, antipathy to Democrats, a political machine, or an Alliance element represented. Since 72 percent of Dakotans were engaged in agriculture,[26] however, politicians paid particular attention to the problems of the voting farmers.

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[25]Glenn L. Brudvig, "The Farmers' Alliance and Populist Movement in North Dakota, 1884-1896" (unpublished M.A. thesis, University of North Dakota, 1956), 44, 47, 48-52.

[26]U. S., Department of the Interior, Census Office, Report of the Population of the United States in the Eleventh U. S. Census, 1890, Part II (Washington: Government Printing Office, 1897), cxi.

Dakota farmers struggled with the geographic and economic conditions of the 1880s, succeeding or failing in accordance with their skill and the blessings of Providence. The soil generally graded from rich loam in the Red River valley to alkali in the western lands. The rainfall varied from sufficient in the east to deficient in the west. The importance of, and doubt about, the moisture was expressed by a Churchs Ferry farmer, Lewis Pond, in 1899, when he declared that trust in the Lord for "seasonable rain and sunshine" was still essential to farming.[27] Despite the skill and technology the experienced farmer could bring to the land, luck and prayer were very important factors.

Farmers generally lived lonely lives on the reachless expanse of the prairie, frequently far from their nearest neighbors. Even simple contact with friends, such as a letter, was often a big event.[28] The farmers recognized such natural hazards of their occupation and some managed to adapt to it.[29]

Weather was inevitably an important element in the peoples' lives. Farmers needed moisture at the proper time for their crops. Land speculators and immigration agents had to assure potential

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[27]Lewis Pond, "Our Plans For the Future," Farmers Institute Annual, 1900 (Fargo, N. D.: Press of Brown & Gage, 1900), 58.

[28]Martha Thal, "Early Days, The Story of Sarah Thal," in Pioneer Stories Written By People of Nelson County, North Dakota (Lakota, N. D.: American Print, n. d.), 12.

[29]Ibid., 16.

settlers that enough water was present in North Dakota to entice them there to farm. Public officials watched the skies because bad weather meant poor crops; poor crops meant poor farmers; poor farmers meant discontent; and discontent meant problems.

Rain and snow furnished sufficient moisture for farming in Dakota Territory until the middle 1880s, when annual rainfall began to decrease gradually from year to year throughout the area. Farmers did not become alarmed because a widely accepted theory held that rain followed the plow, and they expected the annual rain to increase as new lands were settled and broken to the west. Too, they generally felt that the subsoil of clay in Dakota retained moisture from year to year and evened out dry spells and wet spells. By 1888, however, farmers began to notice that small ponds throughout the north were drying up and the expected supply of water gradually diminishing.[30]

Weather watchers observed over a period of years that at Bismarck, which had a mean annual precipitation of 18.90 inches, precipitation fell from a temporary high of 23.36 inches in 1884 to 16.51 inches in 1888.[31] Wheat production, the main cereal crop in the area, began to suffer because of the creeping drought conditions.

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[30]U. S., Congress, Senate, Certain Climatic Features of the Two Dakotas, 52d Cong., 1 sess., Senate, Exec. Doc. 157, Serial 2893 (Washington: Government Printing Office, 1893), 25-26.

[31]Ibid., 47; U. S., War Department, Signal Office, Monthly Weather Review, XVIII (January, 1889), 26.

While the figures were not reliable, and the weather did not equally affect all areas of the territory, wheat production in some counties dropped as much as 50 percent in some cases.[32] Weather conditions did alert some people to the need for irrigation. While the farmers suffered in 1888, the worst was yet to come.

Certainly, farming on the Great Plains was not for diletantes. A pamphlet for potential settlers advised them that "pluck, energy, perseverance and economical habits" were more important than money, but even money was necessary. The Commissioner of Agriculture calculated that opening a 160 acre farm would cost a settler about $1,210.00.[33] In the poor economic conditions of the 1880s and 1890s the poor and inexperienced farmers found little encouragement to migrate to Dakota. The experienced, and lucky, farmers found returns good and farms with improvements were frequently paid for in a few years.

Good opportunities and liberal land laws lured settlers to Dakota Territory, and they flocked in. The population grew from 14,181 in 1870 to 135,177 by 1880, then jumped to 415,610 within

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[32]North Dakota, First Report of the Commissioner of Agriculture and Labor to the Governor of North Dakota for the Year Ending October 31, 1890 (Bismarck, N. D.: Tribune, State Printers and Binders, 1890), 72.

[33]North Dakota, State Commissioner of Agriculture and Labor, North Dakota, A Few Facts Concerning Its Resources and Advantages (Bismarck, N. D.: Tribune, State Printers and Binders, 1892), 70.

the next five years.[34] Land companies, railroad companies, and local boomers encouraged immigration by offering additional services and enticements to new settlers. Land prices were low; returns were promising; and welcomes were hearty and extensive. Few of the settlers were emigrants; most came from the adjacent states to the east. They soon found that crops were not the only thing growing on Dakota farms.

After a trip to the Klondike gold fields in 1897, a gold miner wryly observed that most of the gold was not taken by the miners, but by the people who mined the miners. A Dakota farmer could well have made a similar observation in 1888. Mortgages to buy and improve claims were common. In 1888 Dakotans made 21,444 mortgages on 13,646,501 acres of land.[35] Newspapers and periodicals warned the new settler against falling into the trap of mortgaging their property. The editor of the Northwest Magazine told readers that a mortgage was "a double and twisted Anaconda and Boa Constrictor all in one, and five per cent a month has enough strangling power to crush a Vanderbilt or Rothschild."[36] Still, the reality of

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[34]Report of Governor Louis K. Church to William F. Villas, Secretary of the Interior, October 10, 1888 in U. S., Congress, House, Report of the Secretary of the Interior, Vol. III, 50th Cong., 2 sess., Exec. Doc. 1, Serial 2638 (Washington: Government Printing Office, 1888), 701.

[35]U. S., Department of the Interior, Census Office, "Special Investigations in 102 Counties," in Report on Real Estate Mortgages in the United States at the Eleventh Census: 1890 (Washington: Government Printing Office, 1895), 321-322. In North Dakota, 8469 mortgages were made on 5,911,817 acres, while in South Dakota, 12,975 mortgages were made on 7,734,684 acres.

[36]E. V. Smalley, "The Boa Constrictor Mortgage," Northwest Magazine, VI (January, 1888), 10.

mortgages, lawyer fees, and filing fees were tangible things to which farmers could point in later years as the sources of their discontent.

Dakotans who were engaged in work other than farming were reasonably stable and content. Wages were good for the times. Regular farm laborers earned $20 to $25 a month, day laborers received $1.50 a day, and stone masons about $4.50 a day. Teachers earned about $35 a month.[37] Labor strife, prevalent in the eastern states, seldom touched the territory. The few strikes that occurred were primarily against steamboat concerns and the Black Hills mines.[38]

The farmers and workers in the territory faced life with determination and perseverance. They directed their activities toward battling the prairie environment and enjoying the few pleasures they found. Although they would gather in crowds to hear an occasional political speaker, there were no indications that the ordinary farmer participated in overt, organized political activity. They concerned themselves more with the rigors of homesteading than abstract politics in far off Bismarck.[39] While the farmers fought

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[37]Report of Governor Louis K. Church to William F. Villas, Report of the Secretary of the Interior (1888), 708.

[38]U. S., Congress, House, Report of the Secretary of the Interior, Vol. V, 50th Cong., 1 sess., Exec. Doc. 1, Part 5, Serial 2546 (Washington: Government Printing Office, 1887), 78-87.

[39]Approximately 70 percent of eligible Dakotans voted for Delegate to Congress in 1884 and about 75 percent voted in 1888. These votes compare favorably to a nationwide turnout of approximately 67 percent for the Presidential election of 1888. Dakotans appeared to reflect a degree of political activity within the expected range of turnout fluctuations.

the geographical environment, the politicians struggled with the political one.

A change of the territory to one or more states promised Dakota politicians an opportunity to mold the structure of government to suit their own needs. Those ranged from the need to have more influence on the selection of the executive officer to the need to control the economy of the area. Consequently, they moved to gain their independence from Washington.

The idea of statehood for Dakota had appealed to some people almost from its beginnings as a territory, and it held the fascination of full citizenship that even a paternal government in Washington could not allay. Memorials from Dakota legislatures began to flow to Washington in 1871, and the issue of statehood became almost a perennial one before Congress.[40]

The question of whether the territory should enter as one or two states became a devisive issue both in Dakota and in Washington. An early bid by Senator Alexander Ramsey of Minnesota to create a smaller state of Pembina was rejected in 1874 after Senator William M. Stewart of Nevada argued that good land in Dakota was insufficient for more than one state.[41] Southern Dakotans considered the northern

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[40]R. M. Black, "History of the State Constitutional Convention of 1889," Collections of the State Historical Society of North Dakota, Vol. III (Bismarck, N. D.: Tribune, State Printers and Binders, 1910), 111ff.

[41]Ibid., 111-112.

part of the territory to be a desolate wasteland and urged statehood for the southern half.[42]

Weary of congressional delay on the issue, 188 Dakota delegates assembled at a convention at Huron in June 1883 and called for division of the territory and a convention to draft a state constitution. A constitution was drafted later at a convention at Sioux Falls in September and adopted by a popular vote of two to one but was ignored by Congress.[43] The next year Benjamin Harrison, chairman of the Senate Committee on Territories, submitted the result of the Sioux Falls convention to Congress and urged statehood for the southern part and territorial status for the north, but this effort also bogged down.[44] A like move in 1885 failed. Frequent rebuffs, however, did not discourage proponents of statehood and the efforts continued.

After 1884 the principal opposition to statehood centered in the Democratic members of Congress because Dakota had traditionally been overwhelmingly Republican and to admit it as a state would insure two Republican senators in Congress. Finally in January, 1888, Congressman William Springer, the Democratic chairman of the House Committee on Territories, introduced a bill to admit the territories of Dakota, Washington, Montana, and New Mexico to statehood.[45]

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[42]Burleigh F. Spalding, "Constitutional Convention, 1889" North Dakota History, XXXI (July, 1964), 151.

[43]Black, "History," 115.

[44]Ibid., 115-116.

[45]Ibid., 120.

Contrary to the wishes of Republicans, the bill represented an apparent compromise by the Democrats and called for one state for Dakota Territory. Conventions, memorials, and personal pleadings could not sway Springer and the Democrats to support division for Dakota. Appeals for statehood had been before Congress for so many years that newspapers nationwide followed each attempt. The obstinacy of Springer and the Democrats gave the Republicans an added national issue for the campaign of 1888.

Benjamin Harrison was a well known champion for admission of the territories. Speaking on March 20 to members of the Marquette Club in Chicago, he compared the plight of Dakotans to Republicans in the South and pointed out that they too were disfranchised "solely because the prevailing sentiment of Dakota is Republican." Later, in his letter accepting the nomination for president, he warned that excluding the eligible territories clamoring for admission, because of political preference, could "well excite their indignant protests."[46] During the campaign he continuously reiterated his stand despite objections by eastern papers that a sparsely settled state like North Dakota would have as many senators as New York with its millions of people. The presidential nominee's stand encouraged Dakotans to press harder for statehood.

The Republicans in Dakota achieved a high state of organization and efficiency in 1888, much like the national organization

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[46]Charles Hughes, comp., Speeches of Benjamin Harrison (New York: United States Book Company, 1892), 24, 113.

under the guidance of Senator Matt Quay. Ex-governor Pierce spoke around the state and claimed that South Dakota would soon be a state after which property would rise 15 to 25 percent in value--if Harrison were elected. Conversely, a vote for Cleveland would cause the voter's property to depreciate. He reminded Dakotans that the Public Land Office was operating under the same policies instituted by Commissioner Sparks, policies that had cost settlers dearly. Although Sparks was gone, his "tactics" were still being used.[47]

Contemporary observers attributed Harrison's victory over Cleveland in 1888 to a number of factors of which the issue of the proposed new states and the fiasco in the Land Office were prominent. In the North American Review, Walker Blaine identified the main issue as the protective tariff but also likened the denial of admission of the Dakotas by the Democrats to "a manner so arbitrary and so unjustifiable as to involuntarily recall the course of the same with reference to the admission of Kansas."[48] Dakotans also closely followed the tariff issue because Republicans reasoned that the tariff would build industry and mean better prices for farmers. In the territory, the election also went well for Dakota Republicans who won all but five of the seats in the House and Council.[49]

Encouraged by Harrison's victory, Grand Forks and Jamestown boosters issued calls for a mass statehood convention to meet in

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[47]Jamestown Weekly Alert, November 1, 1888, 4, 6.

[48]"Why Harrison was Elected," North American Review, CCCLXXV (December, 1888), 690.

[49]Jamestown Weekly Alert, November 15, 1888, 5.

Jamestown on December 5, a few days before the annual territorial Alliance convention on the 11th.

The convention assembled at 2:15 on December 5. The Grand Forks committee conceded the honor of opening the meeting to the Jamestown committee, and after the opening rounds, ex-governor Pierce was elected chairman of the convention. The key debates, both among the delegates and among the people, were whether such a mass meeting would help or hurt the statehood movement. The "conservative" delegates urged a plan to have the legislature call a constitutional convention for North Dakota and prepare for statehood. The "radical" delegates planned for the mass convention to call the constitutional convention. The conservatives argued a call by the legislature would give the process more "legitimacy"; the radicals held that a mass convention would better indicate the wishes of the people toward statehood. The convention adopted six resolutions, which called for the division of Dakota on the Seventh Standard Parallel and immediate admission; favored North Dakota as a name for the northern part; petitioned the 50th Congress to provide for admission, or else press Harrison to call a special session of Congress; asked the territorial legislature to provide for a constitutional convention at the earliest moment; and urged South Dakota, Montana, and Washington to cooperate with North Dakota for early admission.[50]

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[50] Ibid., December 6, 1888, 1, 7; Bismarck Tribune, December 6, 1888, 1.

The convention attracted attention, and the conservatives substantially controlled its direction. The editor of the Jamestown Weekly Alert called it the first united political act of North Dakota. It was momentous enough to attract eastern reporters such as the celebrated James Creelman of the New York Herald. The membership contained prominent conservatives and machine men--the core of the statehood movement--such as Smith Stimmel of the Alliance, G. A. Pierce, R. N. Stevens, L. R. Casey, and Jud Lamoure.[51] These men would be in the vanguard of politicians forming the new state during the following months.

Shortly after the mass convention, 150 Alliance delegates assembled in the Jamestown courthouse, and President Loucks gaveled them to order. He quickly dispensed with pending business and, speaking to the attentive delegates, "roasted" certain newspapers for their critical attitude toward the Alliance. He recommended that the Alliance support government ownership of railroads and telegraph lines and that government controlled coal lands be mined on royalty. Frequent applause indicated that the delegates supported his views. The annual report by Secretary Soderberg showed the strength of the Alliance to be 744 local Alliances, with 278 having been formed during the year.[52]

The meeting included prominent local men of the territory such as F. B. Fancher, George H. Walsh, Smith Stimmel, Walter Muir,

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[51] Jamestown Weekly Alert, December 13, 1888, 1, 5.

[52] Ibid., 1.

J. K. Engberg, and the national Alliance Lecturer, A. D. Chase. A journalist described some as "sharp, shrewd men." Regardless of the social and economic status of its members, the Alliance claimed it had tem members in the Council and enough legislators pledged to its aims to pass any measure over the governor's veto.

The committee on legislation presented a long list of recommended changes to the laws of the territory. The next day the convention adopted resolutions condemning trusts in manufacturing, transportation, and coal; asking the legislature to pass a usury law; and calling upon "the people, especially the farmers" to unite in framing a constitution to control corporations or institutions that might use the right of eminent domain. They further called for the Australian ballot, lease of coal lands instead of sale, and speedy admission of North Dakota. Porter J. McCumber's railroad bill imposing stringent controls on the railroads was recommended for legislative action.[53] The convention then consigned these ideal demands to its representatives in the reality of the territorial legislature.

By this time, the resistance of Democrats in Congress against admitting the territories began to thaw. A caucus led by Dakota Delegate O. S. Gifford and Congressman S. S. "Sunset" Cox, of New York, a bitter opponent of Springer, provided the heat. Cox assured E. P. Wells that party leaders would no longer bar admission and urged statehood leaders to use "every influence . . . to consumate

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[53] Ibid., December 20, 1888, 1.

your relief from outside government . . . ." Gifford lauded North Dakotans for the timeliness of the mass convention.[54] Cities throughout the territory held meetings and called for statehood.

Christmas day of 1888 was a cheery one for most Dakotans, especially to those hoping for immediate statehood. Proprietors decorated stores, carolers roamed the streets bringing cheer to all, and people decorated their trees. One traditional element of Dakota Christmases was missing, perhaps a portent of weather to come--there was no snow.

The last territorial legislature convened in a confident mood at Bismarck on January 8, 1889. Caucuses had already determined the session would be orderly and active. Business followed quickly on the second day. The House adopted "Rule fifty-six" to permit members of the Farmers' Alliance to call up a bill "at any time, out of its regular order, for any purpose, by a majority vote of the House."[55] The House later amended the rule, meant to insure Alliance bills would not be "lost" during the session, to exclude reference to the Alliance. Thomas Elliot introduced an act to provide for a North Dakota constitutional convention. Legislators unanimously adopted a resolution asking Congress to admit North Dakota as a state "without further unnecessary delay."[56] Although legislators failed

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[54]Ibid., 1, 4.

[55]Dakota Territory, Journal of the House of the Eighteenth Session of the Legislative Assembly, January, 1889 (Bismarck, Dak.: Tribune, Printers and Binders, 1889), 9, 69.

[56]Ibid., 36-37.

to develop farmer and anti-farmer combinations, they quickly developed an anti-governor organization.

Republican legislators, anticipating problems from Governor Church, met in the Cinch Room of the Sheridan Hotel on January 14 to organize opposition to his expected vetoes.[57] The initial conflict started five days later when the Council overrode his veto on a bill to investigate the Yankton Hospital for the Insane. "His Vetoship" turned back thirty-four bills during the session but twenty were passed over his veto.[58] The antagonism grew so blatant that on February 7 Elliot proposed creating a five man "Veto Committee" to which Church's messages could be referred. No action was taken on it.[59]

The legislature did not take "Louis the Little's" vetoes seriously. On Saturday, two days later, the governor sent a "voluntary" message to the House defending his veto of a bill to repeal his income from notary appointments. One legislator moved to file the message in the governor's wastebasket, but the group voted to table it.[60] When the Executive Committee later took a resolution to the governor's office for his signature at five o'clock they found him gone and the office locked. The next bill was simply filed in

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[57]Bismarck Tribune, January 16, 1889, 5.

[58]The Daily Argus, March 12, 1889, 3; see index of Dakota Territory, Laws Passed at the Eighteenth Session of the Legislative Assembly (Grand Forks, N. D.: W. R. Bierly, Public Printer, 1889), 179-180.

[59]Dakota Territory, Journal of the House . . . 1889, 401.

[60]Ibid., 440; Fargo Sunday Argus, February 10, 1889, 1.

the Secretary of State's office.[61] On the following Monday a Council member submitted a resolution asking Harrison to remove Church for his alleged contempt, but cooler heads prevailed and the resolution was tabled. The next month President Harrison appointed Arthur C. Mellette governor and the conflict ended.

The Republican oligarchy and the Alliance achieved only part of their goals during that last session. The Republicans failed to suppress Church, but they seriously weakened objectionable Alliance bills such as the one giving the railroad commissioners additional powers. They defeated the womens' sufferage bill, and "misplaced" the Australian ballot bill on the last day of the session.[62]

Alliance leaders recognized their legislators were poorly organized, worked individually, and faced determined opponents. Both A. D. Chase and H. L. Loucks insisted that the legislature was a Republican one, and not a farmers' legislature, because of the Alliance practice of obtaining needed legislation through existing political parties.[63] The partisan and personal interests of the legislators generally prevailed over their sentiments for the agrarians, indicating the weakness of that Alliance practice.

In the meantime Springer's omnibus bill passed both houses of Congress on February 22, 1889, amidst much jubilation and fanfare.

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[61]Dakota Territory, Journal of the House . . . 1889, 443-444.

[62]The Dakota Ruralist, II (April 20, 1889), 4, 5.

[63]Ibid., (January 26, 1889), 2; (February 23, 1889), 7; (March 16, 1889), 1.

Out of deference to the members and sentiment Cleveland signed it on the same day, Washington's birthday.[64] Dakotans in Washington were ecstatic and hurriedly telegraphed the news home.

The Enabling Act provided for division of the territory on the 7th Standard Parallel. North Dakota was to elect delegates to a constitutional convention to meet at Bismarck on July 4, 1889. Voters would select seventy-five delegates. Each voter would vote on two of three names to allow the Democrats to gain one-third of the delegates. The nominees were so scattered in the state, however, that the Republicans elected more than two-thirds.[65] Two months later a writer for the Bismarck Tribune described the scene of voters "going to the polls in sleighs" on May 14 as a "novelty never to be forgotten by those who participated."[66] The sustained efforts of Pierce, Allen, McKenzie, and their co-workers paid off at last with early statehood.

Members of the Alliance also planned for the coming event. For over a year leaders of the organization had discussed its role in the proposed new state, and they now called for delegates to meet in Fargo on June 24 to make further plans.

President Loucks hammered at the opponents of the Alliance in his speeches at the Fargo convention. He struck at national

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[64]Black, "History," 122.

[65]Ibid., 125-126.

[66]Quoted in Black, "History," 126.

banks and called for the government to issue money directly to the people. He charged the people to quit requesting and start demanding that the railroad corporations give up controlling the government. A reporter recorded the stir Loucks created in the audience when he exclaimed that if the evils of railroads were not remedied by the farmers through politicians then the evils would be "rectified by dynamite and the bullet in less than ten years." Loucks called on the farmers to obtain most of the offices in the new state, especially in order to control the "vicious veto power."[67]

Conservative resolutions, protests against promoting anarchism by the Alliance, and prohibition of political discussions within the meetings failed. One exuberient enthusiast wanted to get a rope and hang the protestor who disagreed with Loucks, but the leaders restored calm and tempers cooled. Fred Fancher read the platform and resolutions calling for government control of public utilities, prohibition, the Australian ballot, womens' sufferage, and other demands. After the meeting adjourned the editor of the Fargo Daily Argus judged that North Dakotans would not tolerate the "South Dakota anarchists" with their "Haymarket Square doctrines." The conservative M. N. Johnson of Lakota disagreed with Louck's condemnation of the national banks and helped form the Scandinavian Union of North Dakota, a political faction protesting against alleged discrimination against Scandinavians in politics.[68]

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[67]The Daily Argus, June 27, 1889, 5.

[68]Ibid., June 28, 1889, 5; June 29, 1889, 5; The Daily Herald, June 28, 1889, 5; June 29, 1889, 2.

The Dakota Republican party exhibited reasonable stability in the early months of 1889. There were few outward indications of serious factionalism between the members, although members of the oligarchy occasionally jeered at the "farmers" and Alliance men occasionally slurred the "gang." Throughout the election campaign of 1888 and the early months of 1889 party members worked in unison. Conservatives, moderates, liberals: all put the party first.

The increase of Alliance membership in 1888 caused a corresponding increase of interest by politicians in aligning with the organization. That the Alliance shunned independent political action and pursued its goals through established parties allowed politicians to avow Alliance principles, yet ignore the principles when necessitated by the reality of politics. Partisan spirit of legislators, and poor organization lessened the impact of the "political debut" of the Alliance in the 18th legislature. Consequently, by June few of the delegates preparing for the constitutional convention anticipated the polarization of forces that would occur in that momentous meeting.

CHAPTER II

THE PROVING UP: THE CONSTITUTIONAL AND REPUBLICAN STATE CONVENTIONS

The the farmers began to stir around,
To see what they could do;
They formed themselves into a ring,
To do some voting too.
--D. T. Cline, "We Hold the Winning Hand,"
More Farmers' Alliance Songs of the 1890's
Federal Writers' Project in Nebraska, 1939.

Jubilant crowds roamed the Bismarck sidewalks searching for positions from which to observe the big July 4 parade to start at eleven o'clock. On the closed shops bunting and decorations flapped lazily in the warm morning breeze. People filled the city, and trains brought more to swell the throng. The day was not only a great national holiday, but also marked the opening of the long awaited constitutional convention that would be another step toward statehood for North Dakota. Impatient with the lack of progress in the last legislature, better organized, and better led, Alliance delegates welcomed this new opportunity to forward their program and defeat the old oligarchy. Pending issues between the two forces--control of the railroads, changes in the government, and a contest for the executive offices--promised to fill the two months with exciting political events.

The general characteristics of the delegation, however, gave the "Old Gang" more reasons to rejoice than the Alliance men.

Fifty-six of the delegates claimed they were Republicans. Eighteen of the 25 lawyers and 22 of the 29 farmers indicated they were Republicans. The lawyers had more experience in committee work, parliamentary manuevering, and public speaking than the farmers. Those Alliance supporters who viewed gaining office as a struggle of youth against age found little solace in the fact that the group averaged 39.7 years of age with 59 percent in their thirties. Too, those born in the United States outnumbered those born in Canada and Europe 52 to 23, a matter offering little optimism to the Scandinavians. While the crowd awaited the parade and the reformers formed their "ring," the political factions began to organize for business.

The Republicans remained undecided on a nominee for chairman of the convention despite the good showing at a caucus the night before of H. F. Miller of Cass County. The position also was actively sought by Martin N. Johnson and Fred B. Fancher, both Alliance men with strength among party leaders. Once a professor at a military school, Johnson became a lawyer and left Wisconsin and became the District Attorney of Nelson County in Dakota Territory. Fancher, President of the Alliance Hail Association, left New York to become a fire insurance underwriter in Chicago, then a farmer in Stutsman County. Johnson's activities in organizing the Scandinavian League, however, damaged his chances since he appeared a "mugwump" to some Republicans. By late morning half of the delegates supported Fancher and his nomination looked assured.[1]

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[1]The Daily Argus, July 5, 1889, 4.

Meanwhile, the great celebration began with a noisy forty-two gun salute and thousands saw the parade get under way. Major William H. Powell, as Chief Marshall, led the first division of troops from forts Yates and Lincoln, followed by the territorial officers and the 12th Infantry band. The second division sported another military band, the governor's guards, and Indians--including Chiefs Sitting Bull, Gaul, and Rain-in-the-face--accompanied by Major James McLaughlin from the Standing Rock reservation. In the afternoon the people flocked to the picnic grounds for baseball games, horse racing, and a display of fireworks in the evening.[2]

At noon the delegates assembled in the hall of the House of Representatives. After a brief speech by the Secretary of the Territory, calling for peace and justice between the railroads and the farmers, the group elected Fancher as temporary chairman. A few items of business were conducted, and the meeting adjourned until the next day.[3]

By ten o'clock that night, after much work by Pierce, Fancher was selected by the Republicans as nominee for President of the convention.[4] The next day Republicans elected him permanent President over the Democratic nominee, Judge John E. Carland, by a 54 to 15 vote. An Argus reporter interpreted Fancher's election as a

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[2]Ibid., 4.

[3]North Dakota, Official Report of the Proceedings and Debates of the First Constitutional Convention of North Dakota, . . . July 4th to August 17th, 1889 (Bismarck, N. D.: Tribune, State Printers and Binders, 1889), 19-21; The Daily Argus, July 5, 1889, 4.

[4]North Dakota, Debates, 25-26.

great boost for Pierce for a seat in the United States Senate in October.[5] His election also indicated the close relationship of the Alliance with the conservative element of the Republican Party which was heavily influenced by the railroad corporations. Pierce maintained friendly relations with Alexander McKenzie, the acknowledged head of the railroad combine, who classed him as one of "the boys." Pierce further indicated his alignment with the railroad interests by his outspoken assault on Sparks. Neither Fancher nor Pierce displayed the radicalism toward change called for by Loucks of the Alliance. On the surface, however, Fancher's election appeared to be a triumph for the Alliance since he was a vice president of that organization.

The failure of the machine candidate, Miller, who had the support of Colonel W. E. Dodge of the St. Paul, Minneapolis, and Manitoba Railroad, to gain the presidency was almost as important as Fancher's success. This left him free to work behind the scenes in the interests of the railroads in a manner which he could not do as President of the convention.

V. S. Stone, a friend of Dodge's, also worked to have Miller elected. A reporter later overheard Stone lament that Fancher's election was a menace to potential capital coming to the territory and to railroads building more lines in the area.[6] These bits of

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[5] The Daily Argus, July 6, 1889, 4.

[6] Ibid.

information implied that both eastern and western railroad groups were interested in the outcome of the convention.

Within the week Fancher appointed committees to screen the proposed articles for the constitution. Each proposed article received a number and was known as a "File." The committees were then to submit the articles to the delegates assembled as a Committee of the Whole for adoption or revision. Fancher selected nine lawyers and eight farmers for chairmen among the twenty-three he appointed. Twelve of the chairmen were radicals[7] and would later vote against the constitution. Two were lawyers and well known representatives of the machine. While R. N. Stevens, one of the machine delegates, was given the seemingly minor committee on the Preamble and Bill of Rights, H. F. Miller, the other machine man, was appointed to head the committee on Public Institutions and Buildings. Both were destined to play important roles in the convention. Miller turned down Fancher's first offer of the chairmanship of the committee on Revision and Adjustment.[8] His request for the committee on Public Institutions did not appear significant at the time. In deference to the Scandinavian element, Johnson, Slotten, and Haugen were also appointed to chairmanships.

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[7]The term "radical" used here will designate the small group that generally opposed the majority of conservatives and moderates. Burleigh F. Spalding designated this group the "Populist element." He considered himself to be a "middle-of-the-roader."

[8]The Daily Argus, July 15, 1889, 4.

During the convention several files were submitted to incorporate Alliance demands proposed at the June convention. The Australian ballot was discussed but only a minority favored it. Erastus A. Williams, a moderate, offered an acceptable substitute that maintained the secrecy of the ballot with adoption left to the legislature.[9] Committees tabled or reported unfavorably some files favored by the Alliance, such as direct election of United States senators and a provision for courts of arbitration. They altered other files beyond recognition, such as one allowing mortgage taxation. The convention adopted a few Alliance files, such as one on prohibition and another providing for the election of most of the state officers.

The dilution of the Alliance program implied that support for the organization, although substantial, again lacked adequate organization. The make-up of the committees was such that Alliance files were generally altered or tabled. What transpired in the committees remained unrecorded. The committees that stifled Alliance files were those on Revenue and Taxation, Legislative Department, Executive, Preamble and Bill of Rights, and Corporations other than Municipal. The first and last named, under Joseph L. Colton and Martin N. Johnson, were the only two of the five chaired by radicals. The other three were chaired by the moderates and machine men, W. H. Rowe, E. A. Williams, and R. N. Stevens. While three of the five were staunch

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[9]North Dakota, Debates, 567.

Alliance men, Rowe and Stevens supported the machine. Three of them were lawyers, and two were merchants. Had Fancher appointed a preponderance of Alliance sympathizers to key committees, it is unlikely the organization's demands would have faired so badly. Since Fancher constructed the committees, the outcome of the program rested with him.

The one area in which the convention expected considerable action concerned controlling and taxing the railroads. For twenty years Grangers, Alliance men, and other groups struggled to control the rating structure of the railroad corporations and obtain equitable rates for transporting their grain. These groups generally failed because of adverse court rulings, indifferent legislatures, logical and forceful arguments by the corporations that farmers were getting good rates and services, and widespread belief that railroads were needed to build up the nation. For years the railroads in the territory paid a tax on their gross earnings, although many Dakotans considered this insufficient because of the millions of acres of land owned by therailroads, both as right-of-way and in grants which were untaxed. Consequently, Alliance demands for equal and just taxation of all property surprised no one. Alliance delegates intended to insure that the constitution provided for this.

On July 13 M. N. Johnson submitted File No. 4 containing provisions closely controlling railroads and other corporations (even to the seizing of their rolling stock as personal property for

execution and sale if delinquent in taxes).[10] Three days later Coulton submitted another making the Lieutenant Governor, Secretary of State, and State Auditor a special board of assessors to evaluate all railroad property in the state and to determine the assessment per mile of railway for each company.[11] In retaliation someone who knew that Coulton owned coal mines turned in a file designating these same officers to assess native coal mined in the state and the machinery of the mines.[12] Delegates submitted seven other files which called for the control of corporations and the taxation of railroad lands. Colton's committee on Revenue and Taxation combined twelve files on taxation into File No. 132 and reported it to the convention.[13]

On August 6 two important events created an angry buzz among the delegates. The committee on Public Institutions and Buildings generated the first by offering a majority report permanently locating the institutions in the state.[14] The second followed in the evening when the convention considered File No. 132 on taxation despite efforts by the conservatives to turn the debate to the public

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[10]North Dakota, Journal of the Constitutional Convention for North Dakota, . . . July 4 to August 17, 1889 (Bismarck, N. D.: Tribune, State Printers, 1889), 22.

[11]Ibid., 38-39.

[12]The Daily Argus, July 18, 1889, 4.

[13]North Dakota, Journal, 149.

[14]Ibid., 190; North Dakota, Debates, 478.

institutions. The delegates' reactions to the majority report during the following days directly affected the final outcome of the railroad taxation issue.

The item in the Public Institutions committee's report fixing the capital at Bismarck created the greatest controversy. The capital had been moved from Yankton to Bismarck in 1883 through suspected secret machinations of Governor Ordway and Alexander McKenzie by the use of a nine man location commission, whose task remained secret until they were on their trip around the state to select a location. Passions ran high in the territory over the incident. Howard R. Lamar credited the capital moval with precipitating the statehood movement and the farmers' "revolt." Further, he wrote, the removal appeared to be the origin of McKenzie's reign as political boss of North Dakota and prompted a series of indictments against Ordway for corrupt practices.[15]

The issue was reopened during the legislative session of 1887 but it was finally agreed to leave the capital at Bismarck. The decision did not close the issue by any means. McKenzie speculated in land around Bismarck and worked closely with the Northern Pacific Railroad men who had aided in locating the capital there. McKenzie knew that any legislature opposed to him could as easily remove the capital to Jamestown, Fargo, or Grand Forks. Consequently, his interests and those of the Northern Pacific lay in locating the capital permanently at Bismarck.

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[15]Howard R. Lamar, Dakota Territory 1861-1889, A Study of Frontier Politics (New Haven: Yale University Press, 1956), 208ff.

As early as December, 1888, McKenzie received intelligence of another scheme to remove the capital. His informant wrote that "Major" A. W. Edwards, the robust editor of the Fargo Argus, and "McCormack," of Grand Forks, were conspiring to start a removal movement after Congress divided the territory. Their strategy was first to support Jamestown, and then to combine the support of Grand Forks, Fargo, and the cities on the Manitoba road to grab the capital for Fargo or Grand Forks. Their alleged motive was to strike back at McKenzie.[16] Of course the opportune time for such a manuever would be during the constitutional convention after an admission bill passed Congress. Apparently the news led McKenzie to lay his plans.

Before the campaign for delegates, McKenzie and Ordway conferred together over the matter. They seemed to have sought the advice of Senator George E. Spencer, of New York, a man destined to gain great notoriety in North Dakota seven months later. What Spencer advised remains unknown, but Ordway and McKenzie decided to follow his plan.[17]

Satisfied with the new strategy, McKenzie wrote a friend that the political situation looked good for Bismarck's interests. Although real estate was moving slowly in May, he expected business to pick up "after the adoption of the Constitution to be formulated by

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[16]J. M. Edgerley to Alexander McKenzie, December 13, 1888, Alexander McKenzie Papers, State Historical Society of North Dakota.

[17]Alexander McKenzie to George E. Spencer, May 11, 1889, Ibid.

the coming convention."[18] He confided to another friend that the admission of North Dakota should raise the value of real estate in every town and particularly help him because of Bismarck's advantages.[19]

By the end of May McKenzie and Ordway confidently believed that their plan would succeed. Delegates to the convention had been elected and canvassed about their attitudes toward Bismarck as the capital. A few delegates opposed the plan, but the rest were friendly to the idea. By then McKenzie could assure an eastern acquaintence that "the prospects are two to one, that we will locate the Capital in the Constitution fixing it permanently at Bismarck."[20]

The specific parts which McKenzie and the railroad played in the election of the delegates is presently unknown. William E. Purcell later noted that the questions of the capital and institutions were not raised during the May elections. Richard Bennett stated that he was not approached on the issues until he was already in Bismarck in July.[21] The modus operandus of McKenzie was to pay off his accomplices in a scheme only after its execution. Since he had no doubts about the outcome of this particular plan weeks before July 4, it is unknown who supported the idea regardless and who later needed "persuasion." The Northern Pacific indicated its interest in

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[18]Alexander McKenzie to Elisha Perkins, May 11, 1889, Ibid.

[19]Alexander McKenzie to J. J. Harlenburger, May 17, 1889, Ibid.

[20]Alexander McKenzie to William Dugdale, May 17, 1889, Ibid.

[21]North Dakota, Debates, 482, 629.

the convention by parking special cars on the siding opposite the Sheridan Hotel to be used by its officers and lawyers.[22]

Forewarned, opponents of McKenzie lost little time introducing their own proposals for locating the capital. On July 13, Curtis P. Parsons introduced File No. 6, providing for the voters locating the capital at the general election, and prohibiting further relocation except by two-thirds vote of the electors. Four days later, J. H. Mathews offered File No. 79 containing similar provisions. These were sent to the Committee on Public Institutions and Buildings. On August 6 the committee reported back an amended File No. 79 as a majority report by H. F. Miller, the chairman.

The majority report designated Bismarck as the permanent capital location, and permanently located seven other institutions already established plus five that were not even constructed.[23] Apparently the mastermind behind this parceling out of the institutions was Burleigh F. Spalding. While he had not originated the idea of locating the capital, he took credit for the features of the article and the plan to push it through the convention.[24] That he had been one of the original commissioners to locate the capital in 1883 added contempt to the report. Despite efforts by its proponents to take up the file for discussion that evening of the 6th, 39 voted to

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[22]Spalding, "Constitutional Convention," 157-158.

[23]North Dakota, Journal, 190-191.

[24]Spalding, "Constitutional Convention," 154.

debate the article on taxation and await the minority report on the location of the institutions.

The next afternoon the minority submitted its report providing for permanent location of the capital by popular election as incorporated in Parson's file. The report provided for the legislature to locate the penitentiary, the colleges, and other public institutions, but no more than one per session.

L. D. Bartlett tried to amend the majority report, but failed by a vote of 31 to 43. Recognizing the strength of the opposition he issued a warning to the majority:

> I ask in all fairness that you adopt this section, and that this matter be submitted separately, that the people may have, if they wish to locate these institutions, that they may have a right to do so.[sic] Refuse this section and you compel at last [sic] thirty members that sit in this Convention to-day to refuse to sign your Constitution--you compel at least thirty who have sat here from the Fourth of July until now, trying to do their duty, to go home and say to their people that they have been unable to accomplish it, and to ask their people to refuse to endorse their work. . . . Refuse this section--refuse to submit this matter separately, and you forever bar all compromise with the minority here.[25]

M. N. Johnson was even more adamant. "I shall be glad to vote for a motion to adjourn at this moment," he exclaimed, "rather than have this article pass. . . . I beg of you--I plead with you to give us one reason why we should vote for this article."[26] Others also spoke out against the proposed article, but from the tone of their protests they recognized that the cause was lost.

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[25]North Dakota, Debates, 478-479.

[26]Ibid., 480.

The real reasons for locating the institutions were identified by R. N. Stevens, McKenzie's henchman. "The only combination here," he asserted, "is a combination of cities of this Territory, where these institutions can be located to the best interest and the best advantage of the Territory." Evading the reason for locating the capital at Bismarck, he claimed it would help build up the western part of the state and raise the tax base there and relieve the tax burden of the east. He added ironically, "Shall we let it [the capital issue] become a source of corruption by the lobbyist of every Legislature to work upon, or shall we say--here the people have located and established the capital?"[27] More significant was his remark that it would also make a railroad center of Bismarck.

Bennett recognized that the railroads were behind the move of the majority, and he assured Stevens that he could get a witness among the delegates to prove it.[28] Stevens allegedly promised Bartlett only three days before that he would support the minority against the combination.[29] The delegates probably knew Stevens well enough not to depend on his support. Johnson tried to amend the section to have the capital located at Jamestown, but he could get only nineteen delegates to back his plan despite his pleas to Fancher and five delegates from the Jamestown area.[30]

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[27] Ibid., 485.

[28] Ibid., 486.

[29] Ibid., 488.

[30] North Dakota, Journal, 198; North Dakota, Debates, 492-493.

Before the vote on the main question six delegates explained their votes in support of Bismarck. Most said that it was in the best interest of the state, that it would keep the matter out of the hands of the legislature, and that Bismarck had a legitimate claim on the capital. Fancher merely said he was advancing the interests of his own county.[31] Apparently he felt that half a loaf was better than none and was satisfied to get the State Hospital for the Insane located at Jamestown. Forty-four delegates voted for the article and thirty voted against it.[32] The day's battle, however, proved to be only the opening skirmish in a long campaign. The next day the combatants adjourned until August 13, during which time the minority went home to enlist reinforcements.

When the convention convened on the 13th, delegates held twenty-six memorials condemning and approving the actions of the convention.[33] The Grand Forks Business Men's Association wrote Fancher that should the convention distribute the institutions

> and submit the "job" with, and as part of the Constitution, the people cannot look upon it other than as an application of gag law, to take from them rights and privileges under the penals of remaining in territorial bondage. We believe the territory will prefer that the birth of the new state be indefinitely postponed, rather that it be born under and by virtue of a Constitution reeking with jobbery. Grand Forks county has forty-five hundred votes, fifty public speakers and $25,000 to assist in

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[31]North Dakota, Debates, 495.

[32]North Dakota, Journal, 199.

[33]Black, "History," 148.

> maintaining the rights of the people and the fair fame of the new state.[34]

Reports came in that forty men burned the constitution in effigy at Milnor, North Dakota, and another group of irate citizens burned the delegates in effigy at Portland.[35] Such sentiment was by no means unanimous, however; approximately one-half of the memorials supported the location of the institutions.

The delegates felt the frustrations and political pressures of their constituents when debate resumed on the evening of the 16th. Therow W. Bean confessed that "I have seen more political trickery going on than I have ever seen before in all the political conventions that I have attended.[36] He further charged the minority with using the same tactics as the majority and stated the real question was whether Grand Forks or Bismarck would have the capital. Bennett vociferously objected to an allegation that Grand Forks delegates came to the convention to get the capital; they sought only to break up the combination attempting to make Bismarck the permanent seat of government. Bennett's objection was apparently itself objectionable to some listeners. While he spoke, someone in the balcony yelled "rats" at the anti-Bismarck radicals.[37] Continued debate revealed

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[34]North Dakota, Journal, 208.

[35]Ibid., 310.

[36]North Dakota, Debates, 629.

[37]Ibid., 629. The voice was later identified as that of Gerald Pierce, the son of Gilbert Pierce. This incident contributed to later suspicions that Pierce was one of the promoters behind the Bismarck deal. See Northwest Weekly News, September 14, 1889, 1.

the attempt of the Jamestown people to save the situation by combining with both elements for the capital, and the Bismarck leaders managed to keep some of their more reluctant followers in line with threats of relocating some institutions. When Article XIX on the institutions was called up for final adoption, efforts to amend the majority article were futile; the delegation adopted it by a 43 to 28 vote.[38]

The introduction of the majority report on the institutions during the morning of August 6 influenced the conduct of the delegates on the second big issue of taxing the railroads taken up at the evening session. After some haggling between the groups over taxing churches, the conservatives attempted to change the taxing of railroad property to taxing gross earnings. Lauder charged the conservtives with attempting to allow the railroads to escape just taxation by shifting the choice of taxing methods to the legislature, a body considered to be easily swayed by the railroads. He summed up the Alliance position well in his statement: "I don't want to tax the railroad any more than I am willing to be taxed myself--not a dollar, not a cent. But I demand that they pay just the same in proportion to their property as I do--just exactly the same."[39]

Wallace supported Lauder by arguing against two types of taxing, one for farmers and one for railroads. Albert S. Parsons, of Morton County, presented another view. "We have an affliction in

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[38]North Dakota, Journal, 332.

[39]North Dakota, Debates, 467.

this country that is a great deal worse than any scourge that ever visited the land--worse than cholera, yellow fever or small pox--and that is the scourge of corporations," he said, but added they were "necessary to the welfare and development of the country." Therefore he would not oppress them.[40] Speaking for the machine, Harvey Harris accused the radicals of launching a war on the railroads. The difficulty of the problem lay in reaching an equitable solution for both sides. The file was amended slightly and sent to the Committee on Revision.[41]

On August 16, railroad backers again attempted to modify the clause to allow the legislature to tax gross earnings. A motion to table the amendment lost on a close vote of 33 to 35, indicating the approximate strength of the two groups struggling over the measure. Bartlett sarcastically replied to members who believed the Northern Pacific might be exempt from taxation under its charter that "if the railroad company believes it is exempt from taxation . . . they are the most magnanimous corporation I ever knew to step up to the Treasurer of this State and pay $100,000 or $200,000. I never knew a souless corporation before that was so generous."[42]

Neither the conservatives nor the radicals could gain a decisive majority in the parliamentary manuevering on Article XI. Finally, the convention adopted an amended article in the afternoon

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[40] Ibid., 467-468.

[41] North Dakota, Journal, 194.

[42] North Dakota, Debates, 617.

when the conservative force dwindled to 24 delegates.[43] Undaunted, the conservatives called up section 180 of the article the next day, after the constitution was already engrossed. While a call of the house was bringing delinquent members in, Wallace, fed up with the conservatives, facetiously moved to amend the section to permit railroads to be assessed at a rate of only one-half that of individuals.[44] Equally jocular, a conservative offered him the floor to debate for six hours--starting at midnight. The conservatives forced through a final amendment permitting the legislature to tax gross earnings in lieu of property tax, and an amendment by Spalding was adopted to exempt land directly used by the railroad, such as right-of-ways, shops, and buildings, by a 43 to 23 vote.[45] In futile exasperation Turner suggested an amendment to exempt farmers from paying taxes on buildings and property used to cultivate their lands.

The reason for failure seems clear. An examination of the vote indicates the volatile issue of the public institutions location had much to do with the results. Before August 6 delegates exhibited no polarized groups in their voting pattern. Two definite groups developed after the introduction of the majority report. In the final vote to adopt the constitution on August 17, 23 delegates refused to accept it. Eighteen of the group voted against both the amended Section 180 and Article XIX.

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[43]North Dakota, Journal, 321.

[44]North Dakota, Debates, 650.

[45]North Dakota, Journal, 349-350.

The taxation and institution issues divided the 75 delegates into the two most obvious groups. The voting on other issues failed to clearly differentiate the "radical," or "Populist," element from the conservatives and moderates. A comparison of a few of characteristics of the radical and conservative-moderate group, as determined by the vote on the constitution, will suggest that the Alliance did not "dominate" the convention.

TABLE 1

COMPARISON OF CONSERVATIVE AND RADICAL DELEGATES[46]

Points of Comparison	52 Conservative Delegates (Average age 40)	23 Radical Delegates (Average age 39)	75 Convention Delegates (Average age 39)
Republican	40 (77%)	16 (70%)	56 (75%)
Democrat	12 (23%)	7 (30%)	19 (25%)
	52 (100%)	23 (100%)	75 (100%)
Farmers	17 (33%)	12 (52%)	29 (39%)
Lawyers	15 (29%)	10 (43%)	25 (33%)
Merchants	8 (15%)	1 (4%)	9 (12%)
Others	12 (23%)	0	12 (16%)
	52 (100%)	23 (99%)	75 (100%)

The above table indicates that neither party nor age were factors in the cohesion of the radical group. The non-partisan aspect is further supported by comparing the partisan vote of the radicals' home counties with all North Dakota counties in the election of Delegates to Congress in November, 1888. The home counties of the

[46]North Dakota, Debates, 3-4.

radicals gave 37 percent of the vote to the Democratic candidates, comparable to 37 percent for North Dakota as a whole.

The radical group contained a greater percentage of farmers and lawyers, the two largest occupational groups, than the conservative group. Except for Fancher, and Chaffee who was reputed to own 46 sections of land, fifteen conservative farmers held an estimated average of 785 acres each, compared to an estimated average of 217 acres for each radical farmer. Occupation appeared to be a significant factor.[47]

Geographical distribution appeared to be more important than other factors. Most radicals lived in the Red River valley, the most populated area. All were from counties served by the St. Paul, Minneapolis, and Manitoba Railroad--only the one from Cass County came from a county jointly served by the Manitoba and the Northern Pacific railroads.[48] This supports the hypothesis that the rival railroads may have been a factor in the conflict equal to the tax and institution issues.

As the Republicans gathered at the Sheridan Hotel at a reception given by the owner for all delegates, they could afford to chortle over the discomfiture of the opposition. To them, the convention was highly successful. A conservative instrument was drawn

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[47]Based on land holdings derived from biographical data in Compendium of History and Biography of North Dakota (Chicago: Geo. A. Ogle & Co., 1900); Clement A. Lounsberry, North Dakota History and People Outlines of American History (Chicago: The S. J. Clarke Publishing Company, 1917), Vols. II, III; and Platbook of Grand Forks, Walsh and Pembina Counties, North Dakota (n. p.: D. W. Ensign & Co., 1893). To each farmer for whom no data was available, 160 acres was allowed.

[48]See map below.

NORTH DAKOTA CONSTITUTIONAL CONVENTION, 1889

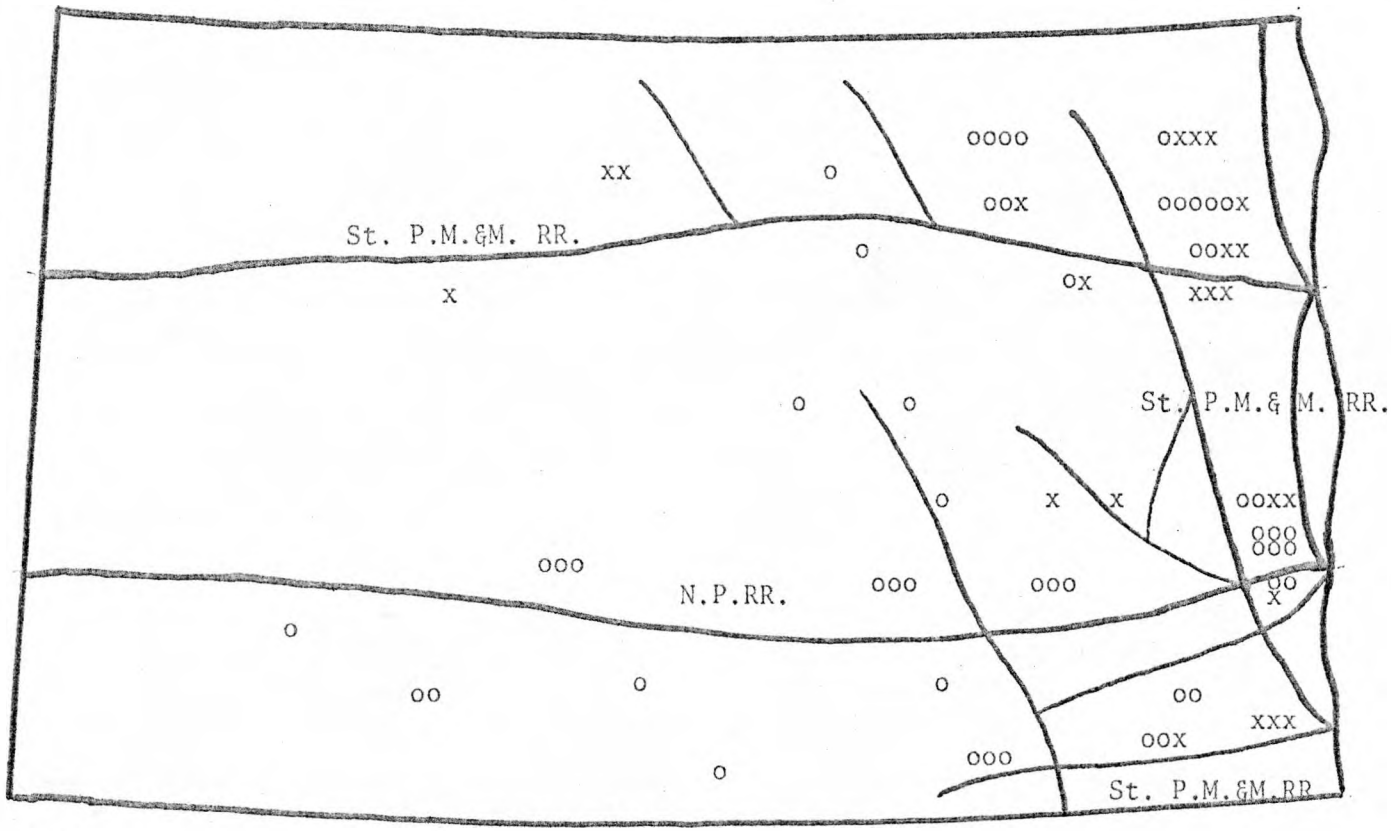

Fig. 1.--Geographical Distribution of Delegate Vote For and Against Constitution Related to Northern Pacific Railroad and St. Paul, Minneapolis, and Manitoba Railroad

o=For x=Against

up and most of the factions were accomodated in some way; the Alliance had gotten a restricted governor, a railroad commission, and a prohibition amendment. McKenzie and the Northern Pacific had secured the capital for Bismarck and avoided a land tax. The Chicago Tribune later described the constitution as "decidedly conservative in Spirit" in comparison to Montana's new constitution, and, although it had few novel features, it was slightly progressive.[49] Party members in different factions immediately started preparations for the first Republican state convention only a week away. Then the grand prizes of the year, candidacy for the public offices, would be awarded.

The Republican central committee of the territory had met during the organization of the constitutional convention and decided to hold the Republican convention in Fargo. The Alliance had requested a September date for the convention, to allow the farmers a better chance to participate, but General Harrison Allen and the committee chose August 21 instead. When the farmers protested, General Allen simply explained the party needed an early campaign. The farmers reluctantly acquiesced.[50]

Local Republicans congregated in Fargo on August 21, looked up old friends among the other delegates, pounded them on the back, and joyfully scrambled for places to lodge and eat in the city of 6,000 people. Supporters of aspirants to office quickly formed

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[49]Fargo Sunday Argus, September 8, 1889, 2.

[50]The Daily Argus, July 16, 1889, 4.

combinations to nominate their favorite condidate. Since prospective candidates were encouraged to run by the overwhelming party strength, the election would be a mere formality; the Republican nomination was tantamount to election. Everyone expected General Allen to be the leading contender for the governorship, and since he had the backing of Alex McKenzie and the railroad crowd he looked like a sure winner. Fancher and Alliance supporters, however, cast about for their own candidate for governor.

They chose "Honest" John Miller, the well-known Alliance man and part-owner of the Dwight Farm and Land Company. A conservative Republican, Miller gained political recognition during his service in the last territorial Council.[51] Although he had declined to run for office in the new state, Fancher and his backers promoted Miller's candidacy.

The Alliance men talked Miller's name around the convention hall. Others contacted him at his home and asked him to be a candidate.[52] He consented and at an evening caucus of Alliance men in the Odd Fellows Hall, Porter J. McCumber led the group to put Miller's name up for nomination. The Alliance group was determined to have the governorship, and with the promise of 127 delegates to back him,

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[51]William C. Hunter, "John Miller First Governor of North Dakota," North Dakota History, XXXIV (Winter, 1967), 34.

[52]Reminiscences of Mrs. John Miller, quoted in William C. Hunter, Ibid., 34; The Daily Argus, August 21, 1889, 5.

McCumber felt confident. To insure success Fancher was made chairman of the committee to appoint the temporary officer for the convention.[53]

Unknown to many of the delegates, the Alliance and Miller received a boost from an unexpected quarter: encouragement from Ex-Governor Nehemiah G. Ordway. Ordway, described as "a tall, white-bearded, handsome, pious, covetous old sinner, with an icy New Englandish look of astonishing rectitude,"[54] lobbied for the Northern Pacific in Washington but also aspired to be a United States Senator from North Dakota. Long a close friend of McKenzie, he hated General Allen. Fearing Miller would run for the Senate, Ordway personally urged him to run for governor despite the plans of McKenzie and Allen to keep Miller out of the race.[55] Ordway's act cost him McKenzie's support and may have influenced Miller to seek nomination.

By then, General Allen and the railroad "Gang" could already taste victory. They gathered assurances of 137 votes, when only 130 were needed for nomination, and sought still further support from the Alliance. They offered Fancher a place on the ticket. He refused it, although he intimated he would accept Lieutenant Governor with Miller or someone else.[56]

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[53]The Daily Argus, August 22, 1889, 5.

[54]Bruce Nelson, Land of the Dacotahs (Minneapolis: University of Minnesota Press, 1947), 129.

[55]New York Times, October 17, 1890, 9.

[56]The Daily Argus, August 22, 1889, 5.

The next day McCumber and his followers intensified their efforts to gain support for Miller. After another canvass of the delegates by McCumber fifteen Pembina men promised their votes to Miller. Miller then had 130 pledged votes, enough for nomination. The matter of the convention organization remained, but Miller's group easily captured the temporary organization without the need of the contested delegates.[57]

The two opposing factions battled furiously to control the permanent organization and neither gained a majority of the delegates. Allen tried to persuade Miller to withdraw for a more popular man, but Miller refused to desert those who had worked to nominate him. Fancher believed that Republican harmony depended on Miller's nomination. Allen recognized the futility of further argument and withdrew from the race. The McKenzie forces then put up the popular E. S. Tyler of Cass County to replace Allen.[58]

When the delegates assembled in the armory at two o'clock for permanent organization and selection of nominees, General Allen spoke to the packed crowd and urged party unity in the convention, suggesting that the party seek a broad platform. The Miller forces nominated John H. Cochrane for permanent chairman, and the Tyler forces offered E. A. Williams, who had supported the conservatives in the constitutional convention. On a preliminary roll call, Cochrane received 131 votes, but the key votes lay in the contested

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[57] Ibid., 4.

[58] Ibid.

delegates.[59] The voting indicated the northeastern counties which had been antagonistic to the location of the institutions were going to support Miller.

The next morning the credentials committee which Miller men controlled seated the contested delegates. Earlier efforts by McCumber assured Miller substantial support from among these delegates. As chairman of the Committee on Permanent Organization McCumber now switched to the popular M. N. Johnson as permanent chairman. The excited shouting of votes and confusion that followed made the counting impossible. William's delegates shouted that they had won, and the Johnson men knew that they had counted 131 votes for their man. The temporary chairman appointed W. F. Ball and George B. Winship to verify the count. Miller's men jumped and shouted when the judges declared Johnson won with 131 votes.[60]

McKenzie did not give up and the debates and manuevering that followed contained excitement equal to Johnson's election. McCumber sought to eject McKenzie and his crowd from the convention by enforcing the rule against lobbyists on the floor, but McKenzie pointed out that he and his men were delegates and they remained. McCumber placed Miller in nomination for governor and declared that the Alliance must have the governorship although the farmers should have the whole ticket because of their numbers in the state. The machine men recognized the apparent support for Miller and conceded his

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[59] Ibid., 5.

[60] Ibid., August 23, 1889, 5.

election.[61] Fancher received a nomination for Lieutenant Governor, but opposing Stutsman County delegates forced his withdrawal in favor of Alfred Dickey. Republicans jubilantly elected a slate of popular, well-known men and offered a broad platform containing the usual glittering generalities.[62]

Delegates returning to Grand Forks judged the convention to be a victory for the people and a defeat for the combinations and corporations. J. G. Hamilton boasted to the crowd gathered around the Herald office that Winship and the other young men defeated the old gang at Fargo. J. H. Matthews stepped onto the balcony holding a carpetbag aloft. He shouted that Ordway would soon leave the state just as he had arrived, "with a carpetbag. We had a hard fight and we conquered the enemy."[63]

The Democrats assembled in Fargo on August 30, almost unnoticed, for their first state party convention. After a brief speech by Congressman William Springer, W. N. Roach received a unanimous nomination to run for governor.[64]

Plans carefully prepared in the spring by the oligarchy and the Alliance fell short of perfect execution in the summer. A cursory inspection of the newspapers and the completed constitution might

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[61] Ibid.

[62] A reporter from the Chicago Tribune attested that the ticket represented the farmer, the Alliance, Scandinavians, businessmen, and lawyers. See The Daily Argus, September 2, 1889, 6. Alliance support is evident in The Dakota Ruralist, August 31, 1889, 5.

[63] The Daily Herald, August 24, 1889, 3.

[64] The Daily Argus, August 30, 1889, 5.

suggest the Alliance representatives exerted substantial influence on the constitutional convention, but their influence was more apparent than real. Many delegates who outwardly agreed with the farmers' aims again found personal, partisan, and local influences more swaying under the pressures of committee work and debate than the ideology of the Alliance. Fancher, President of the convention and an apparent symbol of Alliance power, fought off a severe cold that left him speechless for days. He returned from a short trip only to find his committees ruled by lawyers, merchants, and sympathizers of the railroads. The twenty-nine farmers in the convention outnumbered members in any other occupation, but they held a numerical superiority only in the committees on Education, County and Township Organization, and Temperance. McKenzie's small group appointed to the right places influenced the convention far more than the farmers.

The delegates guessed correctly that the issue of the capital location represented only one more incident between two rival railroads. They probably never knew that McKenzie possessed prior knowledge of the plan and only moved to protect his real estate investment.

After his victory in the constitutional convention, McKenzie bitterly accepted what he considered to be an unearned defeat in the Republican state convention. He admitted Miller's nomination to be his first political loss. Alluding to Ordway, he explained "I never was licked before; but it was not owing to mismanagement. We had to

deal with treachery and lies where they were least expected."[65] McKenzie's August setback would profoundly influence the first North Dakota legislature.

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[65]New York Times, October 17, 1890, 9.

CHAPTER III

THE PATENT: REPUBLICANS FORM THE NEW GOVERNMENT

Skilled to pull wires, he baffles
nature's hope
Who sure intended him to stretch a rope.

--James Russell Lowell, The Boss

The August sun retreating toward the equator in 1889 left McKenzie mopping his brow and reflecting on his political loss at the recent Republican convention. His failure to obtain a nomination for General Allen did not mean Miller and the Alliance had beaten the machine, but only made his future goals more difficult to reach. McKenzie made two plans for the first North Dakota legislature which was to meet in October. First, he intended to see that two United States Senators were elected who would be sympathetic to his interests. Second, he meant to push through a lottery bill, then being prepared, that he felt would aid North Dakota, the Northern Pacific railroad, and himself. With these ends in mind McKenzie threw his resources behind the Republican nominees in the September election campaign.

The Republicans centered their campaign on the issues of the land, the party, and the farmers. Speakers continually pointed to the history of the state under territorial government, and especially

the national reign of the Democrats, as though it were some sort of "Dark Age." They made the settling of the public domain a major issue and sought every opportunity to revive the settlers' emotions concerning the caprices of General Sparks.

Major Edwards of the Daily Argus meant to insure that readers had not forgotten Sparks. In August he printed in his paper a long sentimental tragedy supposedly resulting from Sparks's "April letter." Reputedly about 1883 one Catharina Bardill had homesteaded near La-Moure in the James River Valley. Being of meager means, each summer she went from door to door in the country selling books, corsets, and other niceties for ladies. In the cold winters she stayed in town and peddled her wares. She scraped together $200, erected a small shack, and dug a well on her 160 acres. One year before she could file for a patent on her homestead, Sparks demanded continuous residence for all homesteaders. Catharina gave up canvassing and stayed on her claim. One bitter winter day she trudged to a neighbor's house on an errand. Spying an approaching storm, she set out across the fields for home. She walked halfway home before the sudden swirling snow blotted out the path. Three days later searchers found her frozen body in the field. If this were not enough to make the readers misty-eyed, Edwards pointed out that only L. Q. C. Lamar's kindly intervention enabled Catharina's aged father to inherit the homestead. Catharina had only one witness to her filing date for the homestead, and Sparks required two witnesses. Lamar reversed the

Commissioner's ruling, legalized the claim, and allowed Catharina's father to inherit it.[1]

Republican speakers repeatedly emphasized the side effects of Spark's reforms. In a speech at LaMoure, Alfred Dickey blamed Sparks for retarding immigration to the territory. To prove this, he claimed that more patents had been cleared in a month at the Fargo land office than during the four years under Cleveland. He also described the restricting influences of "Division O."[2] In effect, the Republicans succeeded in calling on history for an example of Emerson's dictum that each reform is only a mask to cover a more terrible, unnamed reform.

The Republicans eagerly attempted to reach the farmers with the tariff issue, usually explaining it in a theoretical and complicated manner. Republicans explained that the tariff aided the manufacturers by increasing production. Increasing production increased the number of laborers. Laborers were consumers and did not produce food. Farmers, however, produced food for consumers and anything that increased consumers helped farmers. Therefore, increasing the tariff helped farmers.[3]

Both parties struck with the prominent issue of prohibition. While both parties favored prohibition, they differed on the manner

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[1]The Daily Argus, August 5, 1889, 4.

[2]The Daily Herald, September 21, 1889, 2. While his claim was not entirely accurate, Land Office reports show the increase was tremendous.

[3]Letter from "S" (probably the Republican, Satterthwaite) in The Daily Argus, September 20, 1889, 3.

of enforcement. The Democrats supported a high license fee, and the Republicans favored outright prohibition, preferably incorporated into the constitution. Since the prohibition group worked closely with the Alliance, the Republican party came closest to the aims of both those groups.[4] Republican newspapers condemned anti-prohibition forces that used scurrilous means to defeat the article. The saloon backers demonstrated their zeal by demolishing the office of the prohibitionist Times-Record in Valley City and circulating propaganda leaflets in other towns.[5] While the people were evenly divided on the issue, the Republican stance gave the party an aura of morality and conservatism.

Opponents of the article which located the institutions advised voters to reject the constitution at the general election. The Northwest News, a Democratic paper in Grand Forks, punctuated almost every article in September with the phrase "Vote it down!" The editor reiterated that he was not touting Grand Forks for the capital but supporting the people who had "no show . . . at Bismarck . . . against the boodlers except the muzzles of their Winchesters and that would be revolution. Vote it down!" The editor argued that some of the institutions would be unneeded for years. He reminded those voters who feared rejection of the constitution would delay statehood that the governor could reconvene the convention and amend the

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[4]The Dakota Ruralist, September 14, 1889, 4.

[5]The Daily Argus, August 29, 1889, 3; The Daily Herald, September 24, 1889, 2.

the constitution before November 15 without the necessity of reelecting officers.[6]

Republican writers and speakers appeared to avoid outspoken support of the new constitution during the campaign, indicating that within their knowledge of the people and opinion in the state they did not anticipate much opposition to the document. Party newspapers heaped the tradidional ridicule and abuse upon opposing candidates in keeping with the free-swinging exuberance of late nineteenth century politics, at the same time avoiding the constitutional issue. The editor of the Grand Forks Daily Herald raked the Larimore Pioneer for falsely depicting W. N. Roach, the land-speculating Democrat, as a "veritable horny handed Cincinnatus" who busily worked his fields while campaigning. With equal vigor the Northwest News periodically excoriated "Boodler Pierce" for engineering the institutions deal.[7] Despite their obvious slanting of political news, the press played an important role during the election. Newspapers were virtually the only form of communication available to educate the voters at the local level. About 85 percent of the newspapers supported the Republican party, and their "matter-of-fact" reporting generally overshadowed their sensationalism.[8] This partially explained the

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[6]The Northwest Weekly News, August 24, 1889, 1.

[7]The Daily Herald, September 25, 1889, 2; The Northwest Weekly News, August 17, 1889, 1.

[8]D. Jerome Tweton, "North Dakota in the 1890's; Its People, Politics and Press," North Dakota History, XXIV (April, 1957), 116, 118.

effectiveness of the Republicans during the campaign.

Leading candidates carried the party message directly to the people by stumping around the state. Following a well-publicised schedule, Miller, Pierce, Dickey, Johnson, and others explained the issues to gatherings in thirty-five towns during the last ten days of September.[9] The presence among the speakers of Miller, Smith Stimmel, Johnson, and other recognized Alliance men suggested the close association of the Republican party and the Alliance to the farmers.

At the close of the campaign Republican stalwarts gathered in the Fargo armory on September 27 following a traditional torch-light parade complete with bands. Even these enticements had failed to attract the anticipated crowd, and many torches were carried by frolicing youngsters. If the Alliance nominee for governor held any hatred for monopolies and corporations, he failed to make it evident in his campaign oratory. Miller led the speakers in emphasizing the need for the tariff and home markets for Dakota wheat. Europe was unable to absorb the one-third over-production of wheat, he declared, and protected manufacturing was needed to increase the consuming labor force. He emphasized the importance of the land theme when he explained that a direct ratio existed between the number of men employed in manufacturing and the value of the farmers' land in Dakota. He spoke strongly against the importation of Chinese

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[9]The Daily Argus, September 20, 1889, 6.

laborers which hurt the American working man. He concluded with a few choice references to Sparks, and other speakers railed against the "democratic importation" of officials into the territory under Cleveland, to the tune of hearty applause.[10]

The Democrats hit the tariff and land issues in their own rally at Fargo three days later. They favored a tariff for revenue only, and declared that the Republican emphasis on protection was driving the American merchant marine from the high seas. Concerning the land, they asserted that Democrats sought to insure that the public domain went to settlers and accused the Republicans of giving more of the land to corporations than to homesteaders.[11] In essence, the campaign for both parties centered on the tariff and the mechanics of distributing the public land.

The Republican party possessed two commanding advantages during the campaign: its candidates were better known, and its press coverage was wider spread. The prohibition and institution location issues required the voters to make subjective decisions based on their feelings toward liquor and McKenzie. The farmers probably understood the intricacies of the tariff about as well as Zulus understood the concept of the Trinity. Perhaps more Dakotans could easily decide the issue of the public lands since so many recalled personal experiences from the previous four years. The October 1 election did not clearly indicate the influence of the issues.

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[10] Ibid., September 28, 1889, 8.

[11] Ibid., October 1, 1889, 1.

Contrary to expectations of Republicans, the good weather on election day did not appear to bring out a large number of voters. The electors gave Miller a majority of 12,632 votes, almost equaling Roach's total. Only Towner County gave a majority to the Democrat. The vote for the Republican H. C. Hansborough more than doubled that for Daniel W. Marrata for the single congressional seat.[12] Voters elected only three Democrats to the state House and only six to the state Senate. Dakotans adopted prohibition by a narrow vote of 18,552 to 17,393, and the constitution 27,441 to 8,107. Grand Forks, Walsh, Nelson, and Steele County voters rejected the constitution, which Professor Elwyn B. Robinson later interpreted as opposition to the article locating the institutions.[13] Through cooperation, statehood proponents, Republican leaders, and Alliance men reached their targets at last.

President Harrison proclaimed North Dakota a state on November 2, 1889. Governor Miller and the other officers were immediately sworn in, and on the 19th the legislature convened to select the two United States Senators. The fight for the Senate affected North Dakota politics for months and directly contributed to the defeat of one Senator and the House member two years later.

Since the legislature convened principally to elect the Senators and party leaders were anxious to have them in Washington

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[12]North Dakota, 1911 Legislative Manual Blue Book (Bismarck: Tribune, State Printers and Binders, 1912), 218.

[13]History of North Dakota (Lincoln: University of Nebraska Press, 1966), 211.

when Congress met, the legislators moved at once to that task. At least ten candidates struggled for the two positions. A majority of the legislators favored Gilbert Pierce for one position, and on the second day he received 86 votes in the Senate and House to 12 for his Democratic opponent, M. L. McCormack.[14] The fight developed in the selection of the second senator.

The list of contenders for the second seat included Walter Muir, Martin Johnson, and Porter McCumber of the Alliance. Ordway, George Walsh, and lesser figures ably represented the Bismarck oligarchy. Ordway felt that he had earned the position because he had supported candidates in the campaign which he claimed had cost him $14,000. Johnson, after the Fargo convention, had asked for a spot in the Grand Forks land office as receiver or register.[15] When he was denied that job, he rented an office in Bismarck and set up his headquarters for the senatorship.

Johnson received a boost as the result of McKenzie's split with Ordway at the Republican convention. McKenzie returned from New York three days before the legislature met and spread the word that he had dropped Ordway. Ordway publicly denounced McKenzie and sought the backing of the Manitoba road. Col. W. E. Dodge, attorney for the Manitoba Railroad, took over Ordway's campaign.[16]

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[14]Clement A. Lounsberry, "The Senatorial Elections . . . Past and Present," The Record, II (January, 1897), 17.

[15]Ibid.

[16]New York Times, October 17, 1890, 9.

After Pierce's election, Johnson and Ordway became the principal candidates for the second spot, but Ordway's support began to dwindly. Alarmed at Johnson's growing strength, the "Gang" sought ways to defeat him. McKenzie and the group assembled in the Sheridan Hotel--occasionally called the "third House" of the legislature by amused journalists--and discussed tactics. W. E. Dodge warned the group that Johnson must be kept out of the Senate if it cost the company a hundred thousand dollars. E. P. Wells had already suggested Lyman R. Casey as an opponent to Johnson, but they felt Johnson might respond to money.

Casey had come from the east and settled in Foster County in 1882. He started an extensive farm and soon cultivated 5,000 acres. No doubt assisted by his wealthy family, he established the Casey-Carrington Land Company with himself as Secretary and General Manager. He avoided politics except for one appointment as County Commissioner of Foster County.[17] Perhaps the decision of the "Gang" to try to buy off Johnson indicated the limitation of their creativity of thought as well as their mistrust of Casey's influence.

Feeling that boodle solved most problems, they dispatched W. B. Kellogg, editor of the Jamestown Alert, to make a deal with Johnson at his headquarters. After friendly preliminaries, Kellogg informed Johnson that he could gain a quick $10,000 for himself and $500 for each of his followers if he would withdraw from the race.

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[17]The Daily Argus, November 22, 1889, 4; The Dickinson Press, November 30, 1889, 2.

Further, he said, Pierce and Casey would agree to it in writing. Johnson declined the offer and continued to gain supporters in Republican caucuses.[18] When his victory seemed certain, Dodge woke him at four o'clock in the morning and offered him eight votes, supposedly controlled by the Manitoba road, if he would support Thomas for a U. S. Judgeship.[19] Fearing a trap by the "combine" Johnson refused to bargain. He recognized, however, that the railroads controlled a third of the land in the state and offered to devote an equal fraction of his time and work to their "legitimate interests" if they backed him. Implying assent, Dodge left.

At the Republican caucus on the evening of the 24th, Johnson's victory seemed assured when he received the majority vote. Of the eighty Republican votes, Johnson received forty-two while thirty-eight were distributed among his rivals.[20] The caucus tellers "mistakenly" called a tie, and while the vote was being verified, the members adjourned before the result could be declared.[21]

On the next day the two houses continued the joint session and balloting. On the ninth ballot Johnson received 35 votes to Casey's 26, just 12 shy of election. In the evening legislators quickly shifted sides on the tenth ballot, and before Johnson knew

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[18]An offer of a consulship was also made which he refused.

[19]Testimony of Martin N. Johnson before the Senate Investigating Committee, in North Dakota, Journal of the Senate of the First Legislative Assembly . . . November 19, 1889 to March 18, 1890 (Bismarck, Dak.: Tribune, Printers and Binders, 1890), 1040-1041.

[20]Ibid., 1039.

[21]Lounsberry, "Elections," 17.

it, Casey bacame the second Senator. After a recess Casey's support had suddenly grown to 62 votes while Johnson's had fallen to 26.[22] Johnson later claimed that $1,000 was paid to each member who had shifted sides, and Major A. W. Edwards, a Johnson backer, described the election as "a great victory for Aleck McKenzie, who rounded up the faithful in great shape."[23]

The final vote in the joint session traumatically affected Johnson and his followers. In a subsequent statement Johnson bitterly alluded to the machinations and lauded his supporters:

> The enormity of the temptations which they [his supporters] resisted will never be fully known and appreciated by the people of this state.
>
> The silver mines of Nevada were there with their agents and their millions against us. The whiskey distilleries of Peoria were there with their millions. . . . The two great railroad corporations of the state were there with their millions. I spent just $130 in the two week's fight.
>
> Never since the day when the brave three hundred Spartans fell at Thermopylae was there a finer exhibition of courage and fidelity to principle than those men displayed as they went down with banners flying in honerable [sic] defeat. I have no patronage with which to reward them and no power to shield them from the vengeance of my enemies.
>
> . . . . . .
>
> What effect this political crime will have upon our immediate future is difficult to forecast.[24]

Johnson never tired of writing letters to friends and newspapers about the matter or of granting interviews to reporters who would

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[22]North Dakota, Journal of the House of the First Legislative Assembly . . . November 19, 1889 to March 18, 1890 (Bismarck, Dak.: Tribune, Printers and Binders, 1890), 63.

[23]The Daily Argus, November 26, 1889, 4.

[24]Ibid., November 27, 1889, 5.

listen. The Republicans, however, rewarded him two years later with a Senate seat to keep him quiet.

The election of Pierce and Casey indicated the lengths to which the railroads were prepared to go to dispose of the vast land grants given them by Congress and to protect their interests in the competitive era of the 1890s. Railroad boosters showed their pragmatism by electing responsive men to office. Their opponents, such as Johnson, Sparks, and other reformers, judged the railroads by a philosophy of moralism. Their aims were not expedience, but "justice."

While the legislators met to elect the first North Dakotans to the United States Senate, Ex-Senator George E. Spencer of New York, a "veteran" of the Credit Mobilier affair, quietly contacted interested parties in Bismarck to aid him in bringing the Louisiana Lottery Company to the new state. Before Senator Spencer ended his work political careers would be wrecked, new reformers would emerge, Governor Miller would have new respect, at least one constitutional convention radical who had voted against the constitution would sell out to the enemy, and newspapers would play down the greatest story of the year. While the episode of the lottery was not the most important event of the session, it certainly proved to be the most exciting.[25]

The lottery "octopus" had fastened its tentacles on Louisiana under the carpet-baggers in 1868. When the Louisiana constitutional

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[25]For a well written account of this see William E. Sherman's "The Boodlers," North Dakota History, XXXIV (Summer, 1967), 209-223.

convention drew up a new constitution in the 1870s the convention reincorporated the lottery by only one vote. The charter of the Company was due to expire in 1895, and fearing the growing opposition to it the company began to look for another state in which to locate. Company officials scouted North Dakota early as a possible site. Senator Spencer, a former Alabama carpetbagger who served as the lottery's attorney, supposedly advanced money to Major Edwards in 1879 to begin the Argus and to get a lottery branch established in Dakota.[26] Edwards was a shifty character who reputedly had left Illinois a few jumps ahead of a warrant server because of his activities in an insurance fraud. Spencer later met with Alex McKenzie in New York, and the two succeeded in keeping a provision out of the new constitution that would have prohibited lotteries.[27] Had General Allen, their nominee for governor, who favored the lottery, defeated Miller at the Fargo convention, their plans would have succeeded.

Spencer drafted a bill which stipulated that the company pay $3,000 for the charter and $75,000 yearly[28] and brought the bill to Bismarck October 21.[29] He planned to canvass certain members of the legislature to support the bill. Since Miller opposed it, sufficient votes had to be obtained to pass it over his expected veto.

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[26]Letter, M. H. Morrell to The Tribune (Chicago), in North Dakota, Journal of the House, 681-682.

[27]Sherman, "The Boodlers," 213; The Daily Argus, February 9, 1890, 8; Pinkerton Detective Agency's Report on the Louisiana Lottery Investigation, Orin G. Libby Manuscript Collection, University of North Dakota, 35.

[29]North Dakota, Journal of the Senate, 1066.

Spencer warned those whom he contacted not to disclose to Miller that the bill was to be introduced in order to prevent opposition from organizing and Miller from speaking out against the scheme.[30]

Miller did learn of the matter and joined with the Attorney General, George F. Goodwin, and a few others to oppose it. Perhaps they were unsure who, or how many, would support the bill, for they began their own canvass of the legislature for supporters and held off publicizing the scheme to put the proponents of the bill on record when it was introduced. They knew that Spencer, McKenzie, Walsh, Haggart, Allen, and others were behind it and felt that they were determined to "rule or ruin the Republican Party" in North Dakota. They learned that money was being offered by Spencer and heard that R. N. Stevens--a member of the past constitutional convention--was holding out for $10,000 for his vote in the House.[31] Miller and his associates contacted the Pinkerton Detective Agency, which dispatched agents to Bismarck to work under cover to obtain evidence of subornation of the legislators.

On January 9, one of the detectives arrived in Bismarck and registered at the Sheridan Hotel as "C. Wilson," a reporter from the Chicago Times. He quickly made friends with the lottery backers and reported their activities to his superiors and to Governor Miller. Wilson could not determine who was receiving money, but R. N. Stevens seemed to be one of the main "boodlers."

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[30] Ibid., 1068.

[31] Goodwin to C. E. Johnson, February 2, 1890, quoted in the New York Times, March 8, 1890, 1.

Stevens was a small, slender, dark-complexioned lawyer who affected a Grover Cleveland moustache and always wore a black suit and tie. He appeared to be the stereotype of a suave frontier villain and was a known confidant of McKenzie and the Northern Pacific railroad. In conversations with Wilson he continually suggested that money was available for votes on the lottery, and he was anxious for the bill to pass since he hadly needed cash.

Exactly who supervised the lottery crowd was never made clear, but the evidence pointed to Spencer. John P. Bray, the State Auditor, stated that if McKenzie were running things the bill would not have been delayed, which suggested that the Boss was not the ringleader. Finally on February 3 Andrew Sandager, a friend of Stevens to whom Sandager had lent money, introduced the bill in the Senate. Despite attempts by senators Winship and Allin to delay it, the Senate passed the bill two days later by a vote of 22 to 8.[32]

The first public disclosure of the lottery bill galvanized North Dakotans into action. Letters, telegrams, and petitions showered down on legislators like confetti. In cities and counties, speakers mounted stumps to support or denounce it. The petitions came from all elements in the state and were fairly divided for and against the bill. Remonstrances against the bill generally stated that the lottery was evil and immoral. Its supporters argued with

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[32]Sherman, "The Boodlers," 218-219; North Dakota, Journal of the Senate, 400-401; Pinkerton Report, 30, 31. Various statements by the Pinkerton agents indicate Spencer managed the lottery scheme with McKenzie only lending support.

equal vigor that the state would gain badly needed revenue. C. C. Bowsfield, Secretary of the Senate, said that it would bring needed revenue, increase capital, lower taxes, help aid the destitute, and lower the interest rate on loans. The economic factors seemed to outweigh all others.[33]

Influential people lent their voices to the din against the bill. Chief Justice Guy C. H. Corliss delivered a moving speech against it that was printed and widely circulated. President Harrison and other Washington politicians were dismayed at the idea. H. C. Hansbrough and Senator Pierce sent telegrams condemnign the bill and advising legislators to keep out of the scheme.[34] Casey was quiet after the lottery crowd threatened to expose the details of his election to the Senate.[35]

The lottery backers used assorted methods to push the bill through the House. Reports of bribery, threats, and blackmail circulated. Stories of telegraph employees paid to divert messages against the bill and cut telegraph wires emerged later.[36] Johnson

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[33]The Daily Argus, February 7, 1890, 4. Some of the public responses to the bill undoubtedly resulted from the lottery crowd, and Miller, openly seeking supporters around the state. See Pinkerton Report, 33.

[34]North Dakota, Journal of the House, 625, 677.

[35]Pinkerton Report, 26, 30.

[36]New York Times, June 8, 1890, 9; Grand Forks Weekly Plaindealer, June 12, 1890, 4.

claimed that he refused $55,000 "spot cash" to support the bill.[37]

Miller, his supporters, and the detectives grew nervous. They had failed to secure enough evidence to convict anyone of anything, and the lottery force in the House was edging closer to the two-thirds needed to override a Miller veto. Knowing that they could not force the capitulation of the lottery men, Wilson decided to use psychology on them. On the evening of the 8th he admitted to Senator Michael L. McCormack that he was a Pinkerton agent: "At the word Pinkerton he turned deathly pale." He then told McCormack "we have been here for some time with a lot of men and we have dates, places, time and by whom money was paid to the different legislators and we intend to prosecute all of them."[38]

Wilson jolted the lottery crowd with his revelation. Within hours the word circulated, and they began approaching him and asking his plans. "I saw McKenzie during the evening," he wrote, "He looked all broke up and very nervous. These people have done so much crooked work and they think we know everything and it was like throwing a bomb into them. It had the effect that we wanted it to have."[39] Montgomery and Miller advocated taking legal action against the conspirators, but the detective believed that their goal of killing the bill was accomplished. His appraisal of the situation was justified, when on the 10th the House voted to postpone it indefinitely.

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[37]Grand Forks Weekly Plaindealer, February 13, 1890, 3.

[38]Pinkerton Report, 35.

[39]Ibid., 37.

The lottery supporters were reluctant to give up their bill. In March M. A. Dauphin, President of the Louisiana Lottery Company, offered to loan the Seed Wheat Commission of North Dakota $200,000 to purchase 250,000 bushels of wheat, to double the annual $75,000 payment under a charter, and to charge no interest to the farmers using the seed wheat if a lottery bill were passed. The farmers could return bushel for bushel, or cancel their debt if their crops failed. The Senate passed the bill, but the House rejected it. This was the last gasp for Spencer, and he notified Dauphin that the "jig was up." The company had spent $200,000 but failed in its mission.[40]

Rumors still circulated in some quarters that the lottery company would try to reenter North Dakota in the fall election, if Louisiana defeated the company in a legislative bill. Supposedly the company would put its own men in the legislature to ensure passage of the bill this time. One Dennis Hannafin was quoted as saying that the company was prepared to spend $5 million in the campaign, and the governor would be "just whoever the lottery people want."[41] That Miller feared this possibility was evidenced in his circular letter of August which warned the people against such a possibility and cautioned them against placing power in the hands of the "element" for the lottery.[42]

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[40] New York Times, March 13, 1890, 1.

[41] Ibid., June 4, 1890, 2.

[42] Grand Forks Weekly Plaindealer, July 17, 1890, 5.

Various explanations emerged to explain the defeat of the lottery bill. Some legislators felt that Johnson was a large factor and that he had come to Bismarck expressly to rally the Scandinavians against it.[43] Others felt that Miller was the prime reason. Later writers with access to the Pinkerton Reports believed the detectives were the major influence in the matter.[44] Whatever the immediate cause, the ultimate outcome seemed to proceed from McKenzie's failure to bring about General Allen's nomination at the Republican convention.

Miller appeared to oppose the lottery purely on moral grounds and his fear of its effect on the image of the state. No sources suggested that he opposed it as a corporation, or for any reasons connected with Alliance ideology. His attitude toward corporations and monopolies appeared to be one of unconcern. At least he was not averse to dealing with them when necessary, such as the need to aid Dakota farmers suffering from the drought conditions of 1889.

Lack of rain in certain areas of the state in 1889 caused crops to fail, creating considerable hardships for farmers who in many cases lacked money to buy food and seed to plant a crop in 1890. Land agents, railroads, newspapers, and public officials interested in selling land and promoting emigration to the state felt adverse publicity about the situation would be detrimental to the growth of the state.

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[43]Pinkerton Report, 51.

[44]As examples, see Hunter, "John Miller," 39; and Sherman, "The Boodlers," 220.

Just as Dakotans feared, newspapers in Minnesota and South Dakota lost no time in publishing reports of the destitution developing in North Dakota. Private individuals and societies in surrounding states began collecting clothing, money, fuel, and other necessities to ship to the needy families. Miller and other officials recognized early that some sections needed relief and the Commissioner of Agriculture was appointed to coordinate relief efforts in the state. The officials sought to keep as much of the effort as possible on the local level and appealed to the counties to use their resources to help the farmers.

Generally newspapers reported and described conditions poorly. Out-of-state papers tended to imply that destitution was widespread, but some state newspapers which were closely associated with the land companies and railroads argued that destitution was practically nonexistant. These conflicting reports hindered officials by lowering their credibility.

Most officials recognized that the farmers' plight was exacerbated by their poor credit. Successive poor harvests had caused some to go into debt for seed. Some purchased seed after the 1888 harvest at $1.50 to $2.00 per bushel at 12 percent interest. Their need to borrow only compounded their problems for many had already mortgaged their farms for expansion and improvement.[45] The destitution occurred during a period of declining wheat prices, which further hurt the farmers. Railroads and speculators pressured

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[45]Some of this was brought out in the petitions to the legislature. See North Dakota, Journal of the Senate, 155-156.

officials to solve the problem since they wanted the farmers to keep their land and not let it revert back to the sellers. Mortgagors could profit on their investments only if the farmers paid the principal and interest on their loans, not if the land, as security, reverted to them in a buyers' market.

Despite the general feeling that Dakotans could handle their own problems, state officials were forced to turn to the outside for help. Before Christmas, the legislature authorized H. T. Helgesen, the Commissioner of Agriculture and Labor, personally to visit the counties which reported a need for aid and to interview the people. He was then to confer with the relief committees forming in Minneapolis and St. Paul and work out the mechanics of distributing the money and goods which they were collecting. Charles E. Marvin, chairman of the Joint Relief Committee of St. Paul, suggested to Miller that he meet with the committee during the legislative recess to discuss the situation.[46] Perhaps as a result of the meeting, and his recognition that the farmers poor security hindered their securing seed grain locally, Miller decided to approach the Minneapolis grain dealers for help.

Miller, Casey, Dodds, and Helgesen met with officials of the grain dealers in Minneapolis during the first week in January. They estimated that the farmers in Nelson, Bottineau, Pierce, Barnes, and other counties needed 300,000 bushels of seed wheat on credit at

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[46]Miller to Charles E. Marvin, December 14, 1889, John Miller Letters, Governors' Papers on Microfilm, State Historical Society of North Dakota. Hereafter cited as Miller Letters.

low interest. They told the dealers that the Northern Pacific and the Manitoba railroad companies had promised to transport the grain free. The dealers exhibited a willingness to furnish the seed on credit to each farmer but feared a loss if the farmers were unable to repay the loan. The millers asked that the North Dakota legislature pass a law guaranteeing them protection of the loans.[47] Miller returned to Bismarck to work on the matter.

Attorney General Goodwin and General Wilson drafted two bills. One allowed the counties to issue bonds to purchase up to 150 bushels of seed for each needy applicant and permitted the counties to take crop liens for security. The other provided security for agents of the dealers who furnished seed on credit by declaring that liens not paid off at the end of the season would become a tax on the land; the Auditor and county officials could levy for the tax and pay the money. The legislature passed the bills as emergency measures but elicited criticism from the Alliance press in Jamestown. Contrary to the wishes of some Alliance men, Miller had no intention of launching a war on the elevators over the grain deal and pursued a policy in which he intended to guard the interests of everyone.[48]

Despite the laws guaranteeing credit, the grain dealers acted slowly. Because of the amount of grain needed, Miller realized that the elevators were the only source for grain and urged them to act quickly. He explained to the President of the Duluth Elevator Company

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[47]Bismarck Tribune, January 5, 1890, 3.

[48]Miller to A. J. Sawyer, January 23, 1890, Miller Letters.

in Minneapolis that the dealers could furnish grain at a lower interest and price than anyone. It was in the interest of the railroads and jobbers to help, or hundreds of farmers would leave their land unsown, a situation that would be detrimental to all of them.[49]

When the dealers continued to stall, Miller looked about for other methods of furnishing wheat to the farmers. After the Chamber of Commerce in Minneapolis and St. Paul raised $5,000 for the destitute, he envisioned a plan in which he could write other cities in the area and perhaps raise up to $50,000. Perhaps aware that the lottery men would use the grain situation to strike at him to promote their own interests, he confided to Helgesen that by writing the cities "we shall be able to take care of our needy without committing the State to any three card Monte scheme."[50]

On March 17, after the lottery move failed, Miller appointed a commission comprised of Helgesen; E. P. Wells, a Jamestown banker; and S. S. Lyon, a Fargo bank cashier, to go to Minneapolis and get the best possible terms from the elevator companies since seeding time was quickly approaching. After considerable haggling with the dealers, the commission arranged to have the seed sold to farmers through local elevator agents for $1 a bushel with a lien on the crop. After collections were made at the end of the season all money exceeding 75 cents a bushel and 7 percent interest would be refunded

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[49]Miller to A. J. Sawyer, January 23, 1890, Miller Letters.

[50]Miller to H. T. Helgesen, February 7, 1890, and Miller to W. T. Gibson, March 17, 1890, Miller Letters.

to the farmers who had paid.[51] Considering the work expended in the negotiation, the free distribution, and the savings in price and interest rate, the commission made a good deal. For various reasons, only seven counties eventually received seed through the commission, but the event became one of the first in which the new state government organized successfully to solve a severe economic and social problem for its citizens.

The seed wheat operation indicated the Republicans worked together when necessary in spite of factionalism and competition between McKenzie and his opponents. During the campaign for office the previous fall, all party members--machine, Alliance, and others--worked with one aim: to win. Pierce and Miller could share the same platform and preach the same party gospel. No class consciousness compelled Alliance Republicans to deliver a different message than conservative Republicans. Conservatives and reformers alike condemned the Democrats.

Pierce, an open supporter of the railroads and friendly to the Boss, easily won a seat in the U. S. Senate. Johnson came close; not because he was an Alliance man, but because he was a Republican. Casey won because he appreciated the two elements most of the legislators appreciated in 1889, land and railroads.

Many legislators supported the lottery bill simply because they believed the revenue would help the indebted new state. Fifty-nine out of ninety-eight legislators in the House and Senate voted

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[51] Miller to H. R. Lyon, April 1, 1890, Miller Letters.

for the bill on different roll calls. Then the House voted as a body to postpone the bill. Some, like Stevens, expected to be paid for supporting it. The final rejection of the bill appeared to reflect a growing public philosophy that "clean" government was more desirable than possible influence by an organization widely believed to have corrupted government in Louisiana.

Governor Miller behaved similarly to other conservative Republicans of his time. He followed the philosophy of "self-help" and believed that in times of distress people should aid each other. Aid from outsiders should be sought only when all else failed. After public officials, civic citizens, and railroads contributed what they could, then he turned to the "monopolistic" grain dealers in Minnesota. For a "farmer," he associated closely with the "enemy."

The scandals of the first year appeared to have few lasting effects on state politics. Miller retired with honors; Johnson gained office later; McKenzie remained the boss; and the Republicans swept the next election. Some farmers continued to prosper although the times were hard. Few contemporaries observed signs of "revolt."

CHAPTER IV

THE ASSESSMENT: A PERSPECTIVE OF THE "REVOLT"

> They were standing under a tree, each with an arm round the other's neck, and Alice knew which was which in a moment, because one of them had "DUM" embroidered on his collar, and the other "DEE."
>
> --Lewis Carroll, Through the Looking-Glass, IV, 152

The catchy title of Professor Howard R. Lamar's book, entitled "True Revolution; The Revolt of the Dakota Farmers: 1885-89," exaggerates the division between North Dakota farmers and the old group of political leaders in the state in 1889. Some farmer politicians behaved in a manner in which they could as easily worn collars labeled "OLIGARCHY" as "ALLIANCE." Membership in an organization or group did not automatically determine behavior.

Members of the Alliance in 1889 did not appear to take an active interest in the organization to the extent that the Grangers took in the Patrons of Husbandry. Local Alliances sponsored a few picnics and social gatherings but they received less press coverage than the larger affairs of the granges. Perhaps the Alliances suffered from the lack of the secret ritual and uniforms that so attracted the grange members. The activities of the local Alliances were so unremarkable that they escaped the notice of most of the newspapers.

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The "farmers" of the "revolution" were not representative figures of the ordinary Dakota farmer. The 1890 Census reported the

"average" farmer owned 277 acres of land at the time. The Census Office calculated there were 25,192 farms out of 27,611 in North Dakota within a range of 100-500 acres. The mean of that average would be skewed by the existence of 1,769 farms of over 500 acres, a few of which were over 40,000 acres. Those farmers who were active in politics probably owned slightly more than 160 acres. The large farm owners possessed more time for politics, and more interest in political affairs than the small farmer. Any supposition that the ordinary farmers dropped their reins and marched off to the legislature or constitutional convention to do battle with the oligarchy must be dismissed.

Lamar's description of the Alliance as an organized political group is partially correct. The Alliance succeeded in obtaining much of its legislation because of the management of a few leaders and because men in other occupations believed in the need for the same legislation that the Alliance demanded. McKenzie seldom failed to defer to the farmers when their demands did not conflict with his interests. The railroads and land companies occasionally supported the farmers, for their profits were derived from agriculture in North Dakota.

The Alliance men were active in the 18th Territorial legislature and much of the legislation bore the Alliance mark. The campaign of 1888 and the interest in statehood aroused a new awareness among politicians that Dakota was a farm-oriented territory and they campaigned for the farm vote. The Alliance men in the last

legislature were primarily party men, however, and not reformers. All Republicans, Alliance and conservative, exhibited more enthusiasm for insulting Church and the Democrats than factional conflict within the party. Little impressive Alliance legislation moved through the legislature.

The outcome of the attempt to tax railroad land through constitutional provision indicated the Alliance did not completely "capture" the North Dakota constitutional convention. Some reforms made their way into the constitution but many failed. The number of articles passed by the moderates is yet to be determined. Burleigh F. Spalding, however, wrote that they often had to support the "lesser of two evils" in the disputes between the machine and the reformers. Slightly more than one-half of the farmers supported the radical group in the division of August 6. If a "revolution" occurred in 1889 in which the "farmers" defeated the old political leaders, it took place at the Republican convention in August. More accurately, the "revolution" between the farm bloc and the oligarchy in 1889 was one of dialectical adjustment.

The impact of the land theme on the politics of the year is more difficult to assess. Writers have long recognized that federal land policies and the extensive cheap lands of the West had a considerable impact on the history of the western states in the late nineteenth century. As early as 1915 one of the first historians of Dakota Territory could conclude that the real estate craze of 1859 influenced the organization of the Territory more than the needs of

of the few settlers there.[1] It was almost inevitable from the history of the frontier prior to the Civil War that much of the public domain fell under the control of speculators and corporations. As more of the West passed into the possession of the government in Washington, the granting of land to railroad corporations continued the early trend and eventually led to the Northern Pacific and the St. Paul, Minneapolis, and Manitoba railroad companies gaining influence in Dakota Territory in order to protect their interests. By 1889 so many Dakotans had settled on the public domain and on railroad lands that land policies made in Washington affected Dakota society and politics.

The people of North Dakota retained too much conservatism in their philosophies of social life and politics, developed in the eastern states of their birth, to be very moved by the rhetoric of local reformers. Dakotans voted Republican, went to church, respected hard work and successful men, and believed in progress with order. Consequently, there was very little overt reaction to Sparks, or any other threats to the social stability of the state. Instead, they relied on courts and political pressure to settle matters.

Dakotans reflected another aspect of their conservatism by accepting the corporations, viewing them as benefactors that helped the people during hard times or as necessary elements of the economic order. They widely recognized the beneficial role of the railroads in building up the West, transporting their produce, and furnishing

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[1]Kingsbury, History of Dakota Territory, II, 1939.

cheap land. The people, however, did not hold some monopolies and corporations such as the Minneapolis grain dealers to be as beneficial as the railroads. Certainly, in 1889 Dakotans did not hold the railroads to be the evil monsters condemned by Ignatius Donnelly and the Minnesota Grangers fifteen years before.

A few contemporary observers, however, detected psychological stresses occurring in midwestern society that suggested the people would soon change their image of the railroads. By 1893 E. V. Smalley, the manager of a land company in North Dakota and the editor of the Northwest Magazine, noted that good arable land in the public domain was about exhausted. Long a believer that the strikers in labor were discontented because of their rising expectations--they were surrounded by signs of affluence but could not share in it--Smalley predicted a similar fate for the settlers when all the good land was settled. Then, he observed, "the deserving homeseekers must make terms with the speculators and the land grant railroads, and the surplus population must settle down to the hard conditions of tenant life."[2] His impressions of labor, the attitudes of the settlers, and the radical Alliance leaders, suggested that farmers were generally more satisfied than later writers on Populism would indicate.

A search for hard facts tying the land theme to state politics soon leaves the historical prospector in a quandary. Mining the

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[2]E. V. Smalley, ed., "The Hunger for Land," The Northwest Magazine, XI (November, 1893), 23.

sources produces considerable tailings but little ore, for manuscript collections relating to North Dakota politicians before 1900 are rare, and the statistics relating to land and agriculture during the period are notoriously inaccurate, even if available. Helgesen, a statistician, lamented throughout his term as Commissioner of Agriculture that it was impossible to get reliable statistics from the county auditors in North Dakota. In Washington, the Commissioner of the Land Office could not tell Congress how many acres of the public domain in the United States were still open for settlement, or where they were. Even from the tailings, however, the miner can make some inferences about the geology of the mine area. Reading through the newspapers and available sources concerning the period of 1888 to 1890, it is difficult to ignore the articles, letters, and advertisements relating to homesteading, land values, land sales, investment returns, and the quick prosperity of many farmers. The newspapers indicate that cheap land was a significant element in the life of each North Dakotan.

The Republican party became an important part of the political life of each Dakotan. While Sparks was an issue in the election of 1889, the Republican party remained so popular that no issues really impelled the voters to support the party as long as it nominated popular men to run for office. The people still remembered the party as the one that saved the Union in the 1860s. In one extreme case, McLean County, 94 percent of the males over 21 years of age supported Miller for governor in 1889. Such support raises the question of

whether the independents won the election of 1892 or whether the Republicans lost it.

The extent of radicalism in North Dakota in the decade of the 1890s needs further evaluation. Those farmers in politics in 1888 and 1889 exhibited little radicalism, appeared conservative in their actions, worked well with the party, and paid little attention to Loucks and other radical Alliance leaders. The real radical North Dakota politicians emerged after World War I in the Nonpartisan League.

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