Green Clay Smith: Soldier and Statesman

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INTRODUCTION

In the year 1864, after Abraham Lincoln was nominated for the presidency at a Republican convention in Baltimore, a hotly contested battle was waged for the Vice Presidency. The first choice of many of the delegates was Green Clay Smith of Kentucky. His adversary was Andrew Johnson, a staunch Democrat from Tennessee. The man to be elected would eventually become president, as a result of an assassin's bullet. In the battle that ensued, Green Clay Smith lost by half a vote.

Who was this man who nearly became President of the United States; who later became territorial governor of the Nascent territory of Montana; who again became a candidate for president on the Prohibitionist ticket, and who was a brilliant soldier?
Chapter I
Green Clay Smith's Early Career

A. Family Background

On July 2, 1832, in Madison County, Richland, Kentucky, John Speed and Eliza Lewis (Clay) Smith had a second child. They named him after his mother's father, General Green Clay, and he became Green Clay Smith. He was born into an extremely prominent family which greatly assisted his drive to military and political fame.

His father, a native of Jessamine County, Kentucky, was a lawyer and a planter. He was an excellent military man and a skilled Indian fighter, serving under General William Henry Harrison in the Battle of Tippecanoe, and he was his Aide-de-camp at the Battle of the Thames in 1813. In 1819, he began a political career, when he was elected to Congress but gave up his seat after one term to serve in the state legislature. He was elected in 1821 and again in 1827. He also became U. S. District Attorney on appointment by President Johnson. Green Clay's mother was prominent in her own right.

2 Ibid., II., 78.
3 Ibid., II., 79.
4 Ibid., II., 79.
She was the daughter of General Green Clay, a distinguished soldier in the War of 1812.5

B. Career as Soldier and Legislator

When the Mexican War broke out in 1846, Green Clay Smith became known as the "Boy Volunteer" soldier from Kentucky. He went to the war a "man" fifteen years of age. In this War, he served as a second lieutenant in Company H, First Kentucky Cavalry Volunteers.6

After the War was over, the "Boy soldier" was encouraged to carry on the tradition of his family. As a result, he attended Transylvania University at Lexington, Kentucky, and graduated in 1849. He then graduated in law from the same school in 1852.7 After his years of practice as an aspiring young lawyer in Covington, Kentucky, he decided to enter politics. This he successfully did when he was elected to the Kentucky Legislature.

As a member of the Kentucky Legislature, he was confronted with the problem of secession in 1860. To this problem, "He took a bold and uncompromising stand against secession and remained faithful to the Union, serving in the Union Army in 1861."8

5 Ibid., II., 79.
6 Ibid., II., 79.
7 Ibid., II., 79.
During the course of the Civil War, Green Clay Smith showed himself to be a courageous and bold leader of men. He was promoted to the office of Brigadier-General in 1862 for services rendered and was decorated by General Rosecrans for his defeat of General Forest at Ruthford Creek, Tennessee. 9

While in the field, Green Clay had gained much popularity. As a result, he was elected to Congress in December, 1863. He, therefore, resigned his commission in the Army to accept the honor. 10

He was elected to a second term in Congress, but resigned to become the second Territorial Governor of Montana in 1866, on appointment by President Johnson.

Why he did this, it is hard to say, but it seems that he was tired of the easy Congressional life and wanted the excitement which touched his very soul. He was an athletic man, and Montana, a wild untamed Territory, offered him the challenge of danger he sought.

Before he came to Montana, he consulted his dearly beloved wife, who had guided him along the path of political fame. She was Lena Duke, the daughter of a certain James Duke, who was the nephew of Chief Justice John Marshall. 11 She stuck with her husband through thick and thin and consoled him when he needed it. His wife blessed him with two children whom he loved and cared for.

10 Ibid., II., 79.
11 Ibid., II., 79.
Chapter II
Green Clay Smith in Montana
A. Conditions of the Territory

It was during the pioneer days that Green Clay Smith came to this Territory. He came here to help it toward statehood.

When he was appointed on June 13, 1866, as successor of Sidney Edgerton, who resigned in 1865, he took on an extremely difficult and delicate task. Montana, as an infant territory, needed firm but tender guidance to statehood, which it wanted but was not yet ready for. Like all infants, Montana was crying out for help and this man came to its call for aid.

At the time he came to Montana, there were only three means of travel from the "States" to Montana. The first and original means was the long wagon train, which came through hostile Indian territory of the plains. ¹

Running between Omaha and California came the second route, the Overland Stage which passed through Eldorado, Montana.² The route was continually plagued by Indians and robbers which made such travel precarious.

Steamboats, traveling up the Missouri, provided the third means of travel to Montana. It was navigable only one-third

¹ Calloway, Contributions, V., 109.
² Ibid., V., 109.
of the year and ended at Fort Benton, established by the American Fur Company in 1846 as an Indian trading post.  

Steamship travel up the Missouri was both tedious and hazardous. The frailty of the boats themselves, the uncertainty of navigation, and the certain threat of Indian attacks all led to making such a route unfeasable.

In the winter time Montana was as isolated as Russia was in the sixteenth century. Only one route was left open to Montana when the snow fell and temperatures dipped. This was the road through Camas Prairie passing through Idaho from California. This route would later be used as a proposed line of travel for a railroad.

The interesting fight between three stage lines vying for control of shipments between Virginia City and Helena, shows us the condition of finances in the Territory. This was illustrated in the rates charged in gold and that demanded in Greenbacks. When the Overland Stage won the hotly contested battle, rates were twenty-five dollars in gold dust and in Greenbacks it was thirty-seven dollars and fifty cents. This illustrates the fact that the Greenbacks had depreciated fifty per cent in Montana. It was with this public debt that Governor Smith had to deal.

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3 Ibid., V., 109.
4 Virginia City, Montana Post, June 30, 1866.
5 Ibid., June 16, 1866.
6 Calloway, Contributions, V., 111.
Another problem which faced Governor Smith was the decreasing population of Montana. It had decreased from fifty thousand in 1866 to twenty thousand, five hundred and twenty-nine in 1870. Why did this happen? It seems that the labor force of Montana was confined to placer-mining. There were no industries, no agriculture, no livestock and quartz mining was in its infancy. Also in 1866 a flood filled the mines with sand and many people, as a result, left Montana in despair.

A problem of larger concern, however, was keeping the people here. Many left the Territory after they made their riches. This problem would have to be solved if Montana was ever to grow and prosper.

There were very few thriving centers of culture and urban living in Montana. Its countrysides were dotted with a few short-lived mining towns and ranch cabins. This made communications extremely rugged. As a result, the people of Montana tended to be individualists and rustics which greatly hindered the advancement of Montana.

The bulk of the population was in Virginia City, the capitol of the Territory, and the center of wealth and influence.

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7 Ibid., V., 111.
8 Ibid., V., 112.
9 Ibid., V., 112.
10 Ibid., V., 113.
What Montana needed, therefore, was a leader to guide it along the path of civilization, and eventually to statehood. Green Clay Smith would be one of the men who would help Montana along the path to this Territory's goal.

B. His Qualifications

When he came to Montana with his family, he brought with him a wealth of background and experience that all the gold in Alder Gulch could not buy. He was an excellent lawyer and active member in Congress which gave him large acquaintance with public men and a good knowledge of public affairs. His military background would definitely give him the experience needed to overcome the black cloud of Indian raids that drove fear into the Montana settlers.

The fact of Green Clay Smith's political orientation seems to be highly questioned. James M. Hamilton states in his book, From Wilderness to Statehood that he was a Democrat, but James E. Galloway, in Contributions to Historical Society, states that he was a Republican. The evidence indicates, however, that he was a Democrat. His father was a staunch Democrat. Governor Smith also supported the "Ohio idea" which was part of the Democratic platform. This idea emphasized the use of Greenbacks as currency. He was also a steadfast supporter of a lenient program towards the south.

C. The Third Montana Territorial Legislature

Before he had arrived, Montana had set up "Vigilance Committees" to protect itself from outlaws and desperadoes who
were running roughshod over the Territory. These Committees took the place of courts which were not organized in Montana. As a result, even though he had the support of the people of Montana, they disagreed and wouldn't co-operate with him in one area. This was the area of territorial organization which proved to be his biggest problem. They wouldn't accept the courts established by the Territory, but only permitted them to exist. If Governor Smith was to be successful, he would have to overcome this formidable obstacle.

This he set out to do and delivered his first message to the Legislature on November 6, 1866.

He stated that he knew nothing of the condition of the Territory and asked for their advice and help, but he had grasped, within thirty days, "the conditions of public affairs, and realized the wants of the people for proper legislation needed to better their social and economic conditions."

He said, "Society to a great extent is unsettled, the lines of government not strictly defined and the law, is not broad enough in its scope to meet the demands of the people, or serve their interests." This message points out that he was aware of the times and the conditions.

11 Ibid., V., 115.
12 Ibid., V., 116.
13 Ibid., V., 116.
14 Ibid., V., 117.
15 Ibid., V., 117
In this message, he urged that an educational system be set up headed by a superintendent to be paid an adequate salary whose job it was to appoint commissioners for each county. This he said was extremely important if the Territory was to advance at all.

His most extensive attack was on the financial conditions of the Territory. He said, "Taxes for the Territory were not being honestly assessed or collected which put the Territory in a state of financial collapse." The reason for this, according to him, was the fact that the Territorial assessors only collected about ten per cent of the taxes which left a state debt of fifty-one thousand forty-four dollars and forty-six cents.

To rectify this situation, he recommended that all property should be assessed up to August 1, 1867 instead of June 1, 1867 because the largest stocks did not reach Montana until June 1 and, therefore escape assessment and taxation. If county collectors were forced to be more efficient and taxation laws were made more fair, Montana would be able to escape this deplorable situation.

16 Ibid., V., 129.
17 Ibid., V., 117.
18 Ibid., V., 130.
19 Ibid., V., 118.
He also recommended the adoption of a code of civil practice patterned after that of California. To this, the legislature paid little heed, but it was passed by the fourth legislature meeting in a special session.

As a military man with wisdom and foresight, he excelled. He proposed a militia, controlled by an Adjutant General, responsible to him, and stocked with munitions by the United States Government, to put down the threat posed by the Sioux on the people of the eastern part of the State. To this end, the legislature proved to be ignorant, for if they had acted, the Indian threat could have easily ended in 1866 instead of 1867.

He also mentioned the fact that if Montana was to grow and prosper, it had to cultivate agriculture. In a report made to him by Professor A. E. Kenting, it was made evident that the soil of Montana could furnish enough to maintain a large population. This was necessary for Montana because of its distance from the grain producing states, if it was to expand.

According to him, "Our valleys are very broad ranging from five to fifteen miles in width, and made up of rich bottom lands, and level or gently undulating plateaus." These valleys are supplied with the necessary minerals conducive to rich soil.

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20 Ibid., V., 118.
21 Ibid., V., 119.
22 Ibid., V., 165.
They are ideal for irrigation because of the stream flow from the mountains."\(^2\) As a result, agricultural products can be produced in abundance.

He says, "Because of the position of our State, it has an atmosphere comparatively free of moisture, which makes our winters more endurable. This, combined with extremely rich grazing land, makes for ideal cattle country.\(^3\)

This report definitely induced Governor Smith to strongly urge the legislature to make conditions conducive to agriculture prevalent in the State.

Of utmost importance to the Territory, according to Governor Smith, was the lack of transportation. Travel was extremely limited. This suppressed communication and greatly contributed to the lack of unity in the Territory. To end this situation, Governor Smith recommended the construction of a wagon road running along the Yellowstone River. He urged the legislature to memorialize Congress to give them the necessary funds concerning the construction of the Northern Pacific Railroad in Montana.\(^4\) At that time, the nearest railroad was three hundred miles away.

Most recommendations of the Governor required Congressional action. As a result, he went to Washington on recommendations from the legislature which said: "Inasmuch as this

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\(^2\) Ibid., V., 165.

\(^3\) Ibid., V., 166.

\(^4\) Ibid., V., 119.
territory has not received an equal and just share of lands and money usually appropriated to the territories and since it is suffering from the want of postal roads and post offices, that Governor Smith go to Washington as soon as possible and explain the needs of the Territory fully to the government officials."26

This third legislature assembly was not so cordial to Governor Smith, and this frustrated him. The lawmakers didn't pay any attention to his military warnings which showed their ignorance. Such high feeling was still had for the Vigilantes that they neglected to pass his Civil Practice Act. They felt it was still needed to protect the citizens from undue violence, even though the courts had been given more powers.27

They did, however, give more power to judges and redistributed the Judicial Districts.

Concerning finances, they were more active, realizing the great danger the State was in. As a result, they regarded quartz property as Real Estate and therefore, subject to the law of Revenue Tax.28 The legislature also gave him the power to appoint assessors to collect taxes, making them responsible to him and subject to dismissal by the Governor. This gave the magistrate a tighter rein on finances.

26 James McClellan Hamilton, From Wilderness to Statehood, (Oregon, Binford & Mort, 1942), 294.

27 Virginia City, The Montana Post, Jan. 26, 1867.

28 Ibid., Jan. 5, 1867
Other than this the Governor was completely handicapped in his efforts to bring about a better Montana. Even though he received a cordial welcome to Montana by both factions, this was surely a premature sign of future events. His was a great struggle to overcome overwhelming odds.

D. Indian Uprisings

The relationship between Smith and Thomas Meagher was cordial, for Meagher gave up a trip to California to take over the reins of government in Smith's absence. This proved Smith was a likable and personable man, and he did not side with the radical Republicans in their hatred for Meagher.

As soon as he left, the seriousness of the Indian situation was reported to Acting Governor Meagher by John M. Bozeman. This sore in the side of Montana was festering mainly in the Gallatin Valley and was caused by the Sioux and the Blackfeet. On April 11, 1867 the situation worsened with the murder of Bozeman by the Blackfeet. As a result, the citizens of Gallatin Valley met for the purpose of defense and petitioned the Governor to organize a militia for their protection. This the Governor did and requested volunteers to serve as militia from Deer Lodge, Madison, and Edgerton Counties. This militia was placed under Thomas Thoughman, a Brigadier-General, and

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29 Hamilton, 294.
30 Ibid., 294.
31 Ibid., 295.
under a Quarter Master, and Commissary General, and an Engineer-
in-Chief.\textsuperscript{32} This alignment was later to be reduced by Governor Smith because he felt this organization enough for fifty thousand troops.

He felt justified in taking this measure because he had been refused troops from Forts C. F. Smith, Phil Kerny, and also from the War Department. His skepticism of the War Department was born out in the mood of the people concerning General Alfred Terry. They considered him a stupid fool in adjudging the Indian problem a farce because he seemed to be oblivious of the fact that the Indians continually broke the treaties and harassed the settlers.\textsuperscript{33}

To make matters worse, when Meagher requested arms and was refused, a discreet officer was sent to judge the situation, the people became outraged. This officer had the audacity to say there was no evident hostility and therefore, no necessity.\textsuperscript{34}

Acting Governor Meagher acted out of emergency for the protection and well-being of his people, no man can be condemned for this.

All these troops were to report to Bozeman, as soon as assembled, under the command of Thomas Thoughman. The people

\textsuperscript{32} Ibid., 295.

\textsuperscript{33} Virginia City, The Montana Post, August 18, 1866.

\textsuperscript{34} Hamilton, 296.
of the Bozeman area didn't send troops because they were needed to supply food necessary to feed them.35

On July 1, 1867, Acting Governor Meagher had gone to Fort Benton to recover a shipment of guns. They did not arrive. That night he slipped off the decks and drowned, his body being swept along by the turbulent current never to be found again.36 This was truly a tragic loss to the Territory, for it was Meagher not Governor Smith who had lessened the Indian problem because, as soon as the Sioux and Blackfeet heard that troops were assembling, they cleared out of the Yellowstone Valley.

When the Governor returned home, he found the Territory nearing an Indian war, he found his close friend Thomas Meagher had been drowned, and he found a scandal in the Army of Volunteers. Worst of all, he had failed at Washington. They gave him a warm greeting, but a cold shoulder. This was enough to make apples turn to ashes in any man's mouth.

The scandal in the Army resulted from a lack of discipline in Camp Meagher where an Army officer had been killed and a mutiny had developed.37 Led by Captain Robert Hughes, the men deserted and took with them their horses and supplies.

35 Ibid., 295.
36 Ibid., 296.
37 Ibid., 297.
Because of this incident, volunteers were deemed undesirable by General Alfred Terry and should be replaced by permanent soldiers.\textsuperscript{38} This was done on the recommendation of General Alfred Terry.

The continued appeals for help by the citizens, coupled with the emergency action taken by Thomas Meagher finally gained results under Governor Smith. On August 1, 1867, Fort Shaw was built to guard the Fort Benton-Helena road and stop the raids of the Blackfeet Indians.\textsuperscript{39}

Because the Gallatin Valley was important for farming, and the farmers were far too scattered to protect themselves, General Terry recommended a military post for the Gallatin Valley.\textsuperscript{40} It was built and named Fort Ellis on August 27, 1867, and was garrisoned with two companies from Camp Cooke under Captain R. S. LaMotte.\textsuperscript{41} This put an end to the Indian wars and made travel and farming much safer. As a result, population would now grow along with transportation, without fear of life or limb. It was truly a crowning achievement.

Gradually, citizens of the Territory began to appreciate the difficult tasks of the Army trying to control the Indians.

\textsuperscript{38} Ibid., 298.

\textsuperscript{39} Ibid., 299.

\textsuperscript{40} Ibid., 299.

\textsuperscript{41} Ibid., 299.
E. Governor Smith Returns to Political Aspects of the Territory

It was now up to Governor Smith to return to the political problem of the Territory. He now resumed the affairs of government by issuing these two proclamations: (1) The redistricting of the Territory into legislative districts, under an act of Congress approved March 2, 1867, and revoking a former act of Governor Meagher who had redistricted the Territory into Judicial districts; (2) An act to nullify the second and third legislatures according to the stipulation of the same act of Congress. 42

The latter stipulation caused much grief towards Governor Smith. Many felt that this action was an obstruction to their desire for statehood. These feelings toward the Governor illustrated the fact that the State was so bogged down in political upheaval between Democrats and Republicans, that the interests of the Territory were forgotten. This legislative action would result in fairer representation for both sides, but the legislators were so mixed in hatred that they couldn't see to realize it.

Nevertheless, on November 4, 1867, Governor Smith called the fourth legislative assembly.43 The message he delivered was a masterpiece concerning the conditions of the Territory. It led a reporter of the Montana Post to comment: "His message

42 Calloway, Contributions, V., 122.
43 Ibid., V., 123.
has no political configuration and is adept to the problems of the Territory, especially those concerning the military and finances. 44

One interesting note of the Governor's speech points out that Montana had lost twenty-eight thousand and five hundred and sixty square miles of land. He said, "Montana comprised an area of one hundred and seventy-two thousand square miles which was taken directly from the office of Surveyor-General." 45

In the 1803 report, Montana had only one hundred and forty-six thousand two hundred and forty square miles. It seems that land gained by Mr. Claggett, when he was in Congress, was not added in. 46

Comment on the sad state of affairs concerning finances followed. He said that the public debt was worse, due to the same problem, laxity on the part of the collectors. He stated that the United States commissioners collected ninety-nine and three-fourths per cent of the taxes, but, county commissioners collected a mere thirty per cent. 47 This, however, was a better showing than that of a year ago and showed healthy signs of improvement.

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44 Virginia City, Montana Post, November 9, 1867.

45 Calloway, Contributions, V., 123.

46 Ibid., V., 124.

47 Ibid., V., 124.
To remedy this situation, he suggested that the collectors be taken off salary and be given a commission. This it was hoped would remedy the situation.

He stated, "We remain in debt fifty-seven thousand five hundred and fifty dollars and ten cents. The revenue derived from licenses, granted to persons engaged in occupations, for the carrying on of which taxes are imposed, falls below the anticipated collection. We must enforce these tax laws." This would ease the pressure on the tax debt. According to the report given by the Governor concerning schools and education, there were nine organized counties, and only two made reports to the superintendent...Edgerton and Madison...which reported nine organized school districts. He recommended that the education law be amended, giving more power to the superintendent in choosing more capable officers in enforcing their duty.

This showed his immense interest in education. And, as a result the seeds he had sown began to bear the fruit.

Governor Smith, when he said that the legislature should, "By positive law, recognize the United States greenback currency, as the true and only currency of the Territory," shone as a

48 Ibid., V., 146.
49 Ibid., V., 145.
50 Ibid., V., 125.
51 Ibid., V., 149.
statesman and farsighted leader of the Territory. 52

To back up this statement, he said, that we are a "rich
country in that species of property which imperatively demands
extraneous capitol to develop and make it productive."53 "To
make the mining of gold profitable, it should be done by modern
machinery and not by hand labor. We must recognize these green-
backs, therefore, as a common standard."54 By doing so we will
encourage investment in our mines and therefore gain more wealth
from their production through machinery. He said, "One of the
main causes of profit calculated upon by capitalists on their
investment in gold or silver mining operations, is the per cent
of difference between the capitol invested and the value of the
metal produced by that investment."55 The difference, between
the value and the investment, must be in their favor.

To clarify these ideas, it is necessary to realize why
mines would not accept these ideas without a fight.

Mines were failing because miners would not resort to
quartz mining over placer mining.56

52 Ibid., V., 126.
53 Ibid., V., 148.
54 Ibid., V., 148.
55 Ibid., V., 149.
56 Virginia City, Montana Post, October 12, 1867.
Their management was inefficient and their machinery was poor. Legislating on quartz mining interests by anybody was looked upon as meddling in mining affairs.\textsuperscript{57}

It must be remembered that miners were a hearty, individualistic group. They had driven off Indians and claim-jumpers with their own hands and without government help. As a result, they sought none now. This, of course, was their failing, for until they realized investment, they would all face ruin.

Of utmost importance on his agenda was again the \textit{California Civil Code Practice Act}. He urged its passage.

Most important of all was his concern over the military. He was worried with the fact of who was to assume the responsibility of calling forces to defend the Territory. The organic law gave this power to the executive. He said, "This was all wrong and gave excessive power to one man."\textsuperscript{58} What he wanted was power to be placed in the hands of the Adjutant-General. This would provide a system of checks and balance. This would make a more responsible militia.

The fourth legislature was not very cooperative to Governor Smith. This legislature, bogged down in a fight between the two political factions of the State, hindered the growth of the Territory. It failed to pay any attention to his military ideas.

\textsuperscript{57} \textit{Ibid.}, June 30, 1866.

\textsuperscript{58} \textit{Ibid.}, November 9, 1867.
because they kept the control of the militia with the Governor. Maintaining of the militia under civil control is the essence of civic responsibility because the calling of forces into action is a political decision, not a military one. As a result, the lawmakers acted out of the best interests of democracy whether they knew it or not.

They didn't entirely neglect his "Civil Code Practice" Act but left the heart of the matter out. This was sorely needed for Montana because a man's guilt or innocence was decided by a lynch mob, instead of by the courts. They did, however, recognize the court proceedings in Montana, especially by providing for jurors who would be paid.\(^\text{59}\) Also, they recommended that the sheriff be paid a just salary when apprehending a criminal.\(^\text{60}\) This would greatly expedite justice.

With regard to finances, they fell short of Governor Smith's expectations. They did, however, pass an act which would fund the debt of Montana.\(^\text{61}\) This indicated the legislators' concern to diminish the deplorable financial conditions of the Territory.

They began to show more interest in Territorial organization with the passage of an act which created a territorial prison.\(^\text{62}\) This act proved they were interested in justice and were concerned for the rights of their fellowman.

\(^{59}\) House Journal of Montana, Fourth Session (Helena, 1867), V., 88.
\(^{60}\) Ibid., V., 88.
\(^{61}\) Ibid., V., 90.
F. The Feeling of the People Toward Governor Smith

The dissatisfactions of the people toward Governor Smith were growing evident because of his failure to gain congressional action. "Montana, as a territory has been denied its right to just grievances in congress; that congress has neglected the welfare of the people by not appropriating the funds deemed necessary for development and improvement of the territory, and that it has denied the territory's rights to adequate transportation." 63

This dissatisfaction also was evident in their disapproval of his declaring the actions of Thomas Meagher illegal. In the Montana Post, the feeling was that, the actions of Governor Meagher, concerned with reapportioning and redistricting, were valid because his was the first. All others were useless and absurd. 64

The people failed to realize that he did this by order of Congress and in the best interests of the territory. He had no other choice.

G. Fourth Special Session

The actions of the people toward his program greatly frustrated and hurt Governor Smith who knew the conditions of the territory better than they did. To show that he was a statesman and leader of men, he called an emergency session of

63 Virginia City, Montana Post, July 20, 1867.
64 Ibid., October 19, 1867.
the Legislature on December 15, 1867. He was not willing to give up and he told them so. He informed the assembly that there is some unfinished business which needed clearing up.65

In this session, he was concerned with his unpassed Civil Practice Act, the revenue bills, and his military bills.

This Legislative session was more cooperative to Governor Smith. In this special session the lawmakers ended their political infighting and realized that their duties, as responsible legislators, was to contribute to the growth and development of the Territory.

To this end, they passed his "California Civil Practice Act" in its entirety.66 This would greatly assist the organization of the Territory into an integral unit, not an isolated "bunch" of miners and cowboys.

They also gave more power to the Territorial Superintendent of schools, which would greatly aid the educational facilities of the Territory.67 This action of the legislature placed pressure on Congress to give this Territory the aid necessary for an adequate school system.

In his efforts to gain legislation conducive to the growth of this Territory, he was greatly hindered by the stagnant Montana Legislature. To escape this frustration, he would

65 Hamilton, 302.
66 Montana House Journal, Extra Session of Fourth Legislature, Helena, 47.
67 Ibid., 50.
journey into the wild and wooly countryside and indulge in the favorite pastime of the settlers. That of whooping it up with homebrew. Bishop Tuttle said of him, "Governor Smith was a warm-hearted kindly man, tho he did not in the mountains always exercise the sober self-control that he ought."68

This was the keynote to his life. He loved fun but never forgot what he was.

As a result of his efforts, Montana was beginning to take the shape of a State. He was the first architect of Montana's future, and a good one he was.

He had accomplished much in allaying the political feuds which had disturbed the personal relations of leading citizens.69 This was shown in their efforts to make Montana a better place to live by enacting just laws in the fourth and fourth special session of the legislature.

He had, finally, put Montana on a cash basis. As a result, Montana was well on its way to the organization necessary for statehood. What he did was to make the people of Montana sit up and think beyond their own selfish interests. This is best illustrated by the efforts of miners to adopt his plans for modernization and more efficient management. Where he thought he failed, history revealed he helped guide Montana toward statehood.

68 Calloway, Contributions, V., 300.

69 Hamilton, 303.
Chapter III
Enters Ministry

In 1869, he decided to end his Governorship. In his own words he said, "I must give up politics and give my life to the services of God."¹ This he did, and he became a Baptist minister against the wishes of his family and political friends.²

He was accepted in Washington, D. C., and in the South. To prove this point, "He was invited to preach to a group of ex-confederates in a Waco Church in Clark County." They were suspicious of him at first, but as he spoke he won their hearts with his elegant speech emphasizing his compassion for God and man."³ One Confederate said, "Thank God the day of miracles has not passed."⁴

He was in demand throughout the East and South as a speaker because of his fluent and eloquent manner. As a result, he became Pastor of the Baptist Church in Washington, D. C., a true honor.⁵

¹ Calloway, Contributions, V., 179.

² Ibid., V., 182.

³ Ibid., V., 183.

⁴ Ibid., V., 183.

⁵ The National Encyclopedia of American Biography, II., 79.
As a Baptist minister, he became interested in the Prohibitionist movement and became their leading spokesman against liquor. As a result he became Prohibitionist candidate for President and received ten thousand votes.\(^6\)

\(^6\)Calloway, Contributions, V., 180.
Chapter IV

Conclusion

On June 29, 1889, this leader of men died. He was only 63 years old, but he had lived the life of three men. He had almost become President of the United States on one occasion, and he became a man of God. Although he is little known in the history of men, his courage was enough to make him a giant among men. He gave a lot, but expected a lot in return.

I think the words of one of his fellow Baptist ministers best illustrates the life of the neatly dressed and cultured gentleman from Kentucky.

"He was always the center of a company who loved to listen to his general wit and laugh at his rich humor. He was universally loved!"¹

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¹ Galloway, Contributions, V., 184.
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