Martin Maginnis Territorial Representative

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Martin Maginnis
Territorial Representative

by

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The purpose of this thesis is to shed some light on the sometimes maligned and often completely untreated subject of the Territorial Delegate. Because it was the Territory's only voice in the Federal Government, the delegate was important. It is my belief that the Territorial Delegate had a profound effect in the shaping of the West. The life and career of Major Martin Maginnis, of Montana Territory, illustrates quite well the influence and prestige that a man holding this office could gain. By using specific examples, I hope to point out the general good that a delegate could do for the Territory and its people.

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Chapter I

Student, Soldier, Journalist and Politician

In Wayne County, New York, on October 27, 1841, Martin Maginnis was born to Irish immigrants who had come to this country in 1838. Martin had his early schooling in Wayne County and when he was age eleven, he moved with his family to Red Wing, Minnesota. 1

Young Martin entered Hamline University in Red Wing where he studied Journalism. He quit his studies at Hamline to go to work for the Red Wing Sentinel. At the outbreak of hostilities between the North and the South, the editor of the Sentinel, William Colville, organized a company of volunteers. Martin Maginnis enlisted into this company on April 18, 1861, and was made First Sargeant. In less than two weeks, the company was mustered into the United States Army as the First Regiment of Minnesota Volunteer Infantry. 2

The first assignment of this regiment was the protection of the Capital at Washington D. C. Their next assignment involved them in the first battle of Bull Run. 3 Here Sargeant Maginnis was wounded in the cheek. 4 He was then promoted to Second Lieutenant for gallantry. Lt. Maginnis then led his company in the Capture of Berryville, the battles of Yorktown and Westpoint,

2. Ibid., p. 8.
3. Ibid., p. 9.
Fair Oaks, Peach Orchard and Savage Station. It was at Savage Station that he was wounded severely in the left shoulder. 5

Lt. Maginnis' company again saw action in the battle of Antietam. The company's losses were over 25% and Maginnis himself was wounded in the left leg. 6 Because of his actions in this engagement he was promoted to First Lieutenant.

Maginnis was for the fourth time wounded at the battle of Marie's Heights, this time in the side. Shortly after he recovered from this, he participated in the battle of Gettysburg, where he was made a Captain. 7 In this battle Captain Maginnis achieved fame in the "thick of the fight". Seventeen were killed and thirteen wounded in his company of thirty-four men. 8

The regiment was on the front lines and saw a great deal of action at the battle of White Oaks Swamps. After a day of fighting, his company was ordered not to fire because there were Union soldiers in front of them. During the evening, there were fired upon and attacked by the enemy. Captain Colville was shot down leaving Maginnis in charge. He realizing that a mistake had been made, disobeyed his orders in order to repel the attackers. The Captain's action was most fortunate because the attacking force was a North Carolina Brigade. "His Colonel, Miller, received great credit, and afterward, when elected Governor of the state, made him Major for his disobedience." 9

6. Ibid., p. 10.
Major Maginnis mustered out of the service in 1865 at Nashville, Tennessee. He immediately returned to Red Wing, Minnesota, where he bought an interest in the Red Wing Argus. Within a short time he tired of the monotony and decided to move west. 10

Major Martin Maginnis arrived at Last Chance Gulch, Montana Territory on September 5, 1866. He established a claim on the Gulch and later was one of the discoverors of the Nelson Gulch mining area. The Major also did some mining in the Mitchell area, Indian Creek, and Tucker Gulch. 11

Maginnis then became a partner and law student of a Helena attorney, W. W. Phelps. Through this connection, he was chosen to be a delegate for the Democratic nominating convention for the election of 1866. Here Martin supported James M. Cavanaugh who was nominated. Maginnis then joined the staff of the Rocky Mountain Gazette, where he carried on a vigorous campaign for Mr. Cavanaugh. Wilbur Fisk Sanders, the Republican nominee, was defeated by Cavanaugh because of the nullification of the two previous sessions of the Montana Legislature. 12

After this election Martin returned to Red Wing, where he married Miss Louisa E. Mann. He then returned to Helena by way of Ft. Benton steamer. Major Maginnis then built his home in Helena where he resided for the remainder of his life. 13

10. Ibid., p. 13.
13. Ibid., p. 15.
Maginnis then became the editor of the Rocky Mountain Gazette, in which he advocated Democratic politics. And as he stated in his autobiography:

... /to uphold/ the rights of the settlers and the people against an unfriendly administration and its appointed officials, who often attempted to make favor at Washington by misrepresentation of the people at home. 14

During his two terms as territorial delegate, James Cavanaugh had offended some within the ranks of the Montana Democratic party and was defeated for the nomination for a third term by Warren Toole. This caused a split within the party and subsequently the Republican candidate, William H. Claggett, was sent to Washington. Maginnis said of Claggett, "he was a brilliant but an unstable man." 15

In the election of 1872, Martin Maginnis was chosen to defeat William Claggett who was running for a second term. 16 He began his first term in 1873 and served continuously until 1885, at which time he was succeeded by another Democrat, Joseph K. Toole. 17 Although his political career does not end with his demise as a territorial delegate, I shall deal in this thesis almost exclusively with the twelve years that he was Montana's delegate to Congress.

In this chapter I have tried to show in a condensed form, the life and

14. Ibid., p. 16.
15. Ibid., p. 17.
16. Ibid., pp. 16-17.
political actions of Martin Maginnis before he became Montana's Territorial Delegate. In the following chapter I shall deal with the existing structure and atmosphere in which Maginnis worked as a territorial delegate.
Chapter II

The Territorial Situation

Before a thorough understanding can be had of an individual political figure of the West, one must have some knowledge of the territorial structure, its framework, and at least a general knowledge of the political situation of the nation as a whole. Thus, Martin Maginnis was not merely an obscure political figure of the past century, but the duly elected representative of a segment of people inhabiting a vast amount of country, amounting to nearly ninety-five million acres. 1

Therefore, this chapter is intended to show briefly, the political climate of the Montana scene, the people who made this climate, and the attitude of the Federal Government toward this new land as well as the Territory's attitude in reverse.

By legislative enactment of the forty-third Congress of the United States, on May 26, 1864, Montana became a separate territory. Previous to this, it had been a part of six: Missouri, Nebraska, Dakota, Oregon, Washington and Idaho. 2

Territorial government is first of all, an instrument of Congress. Its principle framework was drawn up in the Ordinance of 1787. The functions of the legislative, and Judicial departments were sketched briefly in the


"organic act" embodied in the Ordinance. Contained in this legislation are "some general -- and often superfluous -- restrictions". 3

"The territory had no immutable function" 4 All of its offices save that of territorial delegate were federally appointed. But despite the restraints of the territorial system, it became "a channel in the large process of acculturation". It was important in transporting American ways and ideas from East and West. Thomas Jefferson looked at the territorial system as an expedient of political education and assimilation, although he considered the first stages of it as "a despotic oligarchy without one rational object". 5

The civil war ended on April 9, 1865, less than a year after Montana was created a territory. As a result of this war, the Democratic party became equated with treason. From 1860 to 1884, "no Democrat was elected to the Presidency", and the "Radical Republicans" overwhelmingly ruled the Congress. Even the Northern Democrats, whose loyalty to the Constitution was for the most part unquestionable, became known through association, as traitors and rebels. 6

But as K. Ross Toole says:

- "... neither defeat, coercion, nor punishment could kill the spirit of the Southerner or the Democratic party. Both the Southerner and his

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4. Ibid., p. 94.

5. Earl S. Pomeroy, "Toward a Reorientation of Western History: Continuity and Environment", Mississippi Valley Historical Review, pp. 583-84.

6. Toole, op. cit., p. 95.
The gold rush came to Montana at the close of the Civil War. This caused a great influx of Southerners into the area. Thus, early Montana politics became tainted with Civil War hatreds and many of the early elections depended on the so-called "secessionist vote". Albright in his work on Montana Territory's relations with the Federal Government, breaks early Montana politics into the following three main factions. These are:

1. An active and aggressive Republican minority from the Northern States, calling themselves the only friends of the Union and regarding all others as "rebels";
2. A number of Northern Democrats, for the most part supporters of the Union cause, but men who could not make up their minds to unite forces with the Republicans especially after they had been termed as "traitors" and "rebels" by the Republican leaders; and
3. A strong group of former Southerners, many among them ex-Confederate soldiers, and all thoroughly Democratic in politics.

The early citizens of the West were slow to develop new political issues. They conformed mainly quite closely to the standards and political beliefs of the States. "Social change, however visible, was relative and irregular; different Wests often lived side by side, on the same street". An early visitor to Helena, in 1883, described that town as being quite.

7. Ibid., pp. 95-96.
9. Ibid., p. 55.
typical of the western life. "... frontier barbarisms mingle with the latest fashions from the States; the cowboy and the drummer ... eat at the same table, and perchance sleep in the same bed." 10

But all was not barbarisms and fashions, for Montanas soon felt a genuine dissatisfaction in their relations with the Federal Government. Criticism developed early and lasted quite strongly until Montana became a State in 1889. There were three areas in which this dissatisfaction culminated. These were, "Indian relations, land laws including railroad land grants, and the territorial system itself". 11

Perhaps the most widespread criticism was that of the territorial system itself. The people felt that they were "at the mercy of a hostile Congress which either did not try or did not want to understand territorial problems". It followed, therefore, in their minds that the Congress legislated on a national viewpoint rather than in the best interests of the Territory. 12 The people of the territories considered themselves treated as if they were a colony and not a part of the Union. On the floor of the House, Delegate Maginnis said:

... the present territorial system ... is the most infamous system of colonial government that was ever seen on the face of the globe ... The territories are the colonies of your Republic, situated three thousand miles away from Washington by land, as the thirteen colonies were situated three thousand miles away from London by

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12. Ibid., p. 247.
water. And it is a strange thing that the fathers of our Republic . . . established a colonial government as much worse than that which they revolted against as one form of such government can be worse than another. 13

Calling to the territorial residents was the practice of appointing Easterners to the political positions in the territory. These appointees Montanans said "professed the political beliefs of the party in power, and . . . came to administer government to a people about whose interests they cared little about and whose problems they did not understand". 14

The Montana press constantly harangued the territorial system. They openly declared their dislike and disapproval of Federal method. This is portrayed vividly in the following articles that appeared in Montana papers. On March 27, 1879, the Helena Herald attacked the Government by saying:

Our Territorial Governments are false in theory, and are rendered worse by the vicious practice of making the places under those governments a sort of lying-in hospital for political tramps. With every appropriation that the government nominally makes for our benefit, a dozen hungry wolves are sent with it to devour all and still more of our substance. 15

On March 5, 1882, the Butte Inter Mountains Freeman declared:

A territory is a mere creature of the Federal Government . . . a man is chosen from a herd of office seekers at Washington

13. Congressional Record, April 8, 1884, p. 2780.
... who knows no more about territorial affairs than a Hindoo Chief. His seat is scarcely warmed till some other ... steps into the field and relieves him of his brief authority. 16

These attacks were not confined to Montana alone. The Bismark Tribune of Dakota Territory carried an article in 1882 which was reprinted in the Inter Mountains Freeman, concerning the Montana situation. It tells of a "bran new Governor" for Montana Territory.

Our sister Territory of Montana is to have a bran new Governor from the East; a man who knows so little about that Territory as to be compelled to send a committee out to ascertain whether it is a fit place for a moral and civilized citizen to reside ... If they report favorably the Judge will accept the position and go out there and reform our semi-savage white neighbors of Montaney. [sic] 17

An exchange between President Grant and Representative Martin Maginnis of Montana, concerning the appointing of outsiders to positions in the territorial government, was carried by the Billings Gazette on January 7, 1973. In this exchange, the President offered a rather feeble excuse for such appointments. He said that since the Republicans of Montana:

... seemed to be divided into two factions, and since an appointee of one faction would not suit the other, he had decided that the only way to preserve peace among the Federal officers and the Republicans of the Territory, was to appoint strangers from the outside who were not identified with either faction. 18

16. Inter Mountains Freeman. March 5, 1882. p. 5.
17. Ibid. p. 5.
18. Albright, op. cit., p. 257
Another situation that galled Montanans was that of appropriations. They claimed that moneys sent to them for governmental expenses were based on estimates of costs and prices of the East. Therefore, there were never adequate funds allotted to cover even the most vital expenses. 19

In his book, Montana: An Uncommon Land, K. Ross Toole attributes a large part of the difficulty between the Territory and the Government to the factor of distance. He says that this resulted in "poor communications and a primitive resentment of outside intolerance". The rest was due to a "genuine blundering and ignorance in Washington". 20

Under the law, the territorial delegate could debate on the floor of the House, but he was deprived of the right to vote. According to Representative Randall of the Committee on Rules, the purpose of the territorial delegate was "simply to facilitate legislation, and to make that legislation intelligent and wise". 21

Through an article in the Helena Herald in 1869, Montanans declared that they had no "real representation" but they weakened their position by admitting that "much depends on the delegate". Although these criticisms continued to appear in the press, they were frequently not fundamental in nature. Some of them might possibly have been eliminated with little difficulty, but by playing them up in the press, it kept resentment of the territorial system in the foreground. Also, many of the rumors and fears that were kept in circulation at the time "served merely to keep the resi-

19. Ibid., p. 251.
20. Toole, op. cit., p. 97.
dents restless and resentful of the government in Washington D. C." Many of these rumors were proved groundless, but they served their purpose well in keeping the populace in a constant state of bitterness against territorial status and agitation for statehood. 22

In the years from 1861 to 1890, the stature of the territorial delegate increased. Although he did not have the "formal powers" of a congressman, he acquired the stature and influence of one. Earl Pomeroy states that:

He was a disseminator of information, lobbyist, agent of territorial officers, and of his constituency, self-constituted dispenser of patronage. He interceded at times in almost every process of control over the territories, and generally no one challenged his right to intercede. 23

"The role of the delegate has been much minimized." Although he could not vote, he was sought out by congressmen who were drafting bills pertinent to the Territories. By attendance at committee meetings, and by using personal persuasion, the delegates were able to get at least a part of what they desired for their territories. 24

Much of the business of the delegate was routine, but by using his personality and his growing influence, the Territorial Delegate could accomplish a great deal in the House of Representatives. 25

The system was not a good one, but "it was not much worse than the

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24. Ibid., p. 83.
25. Ibid., pp. 86-8.
systems of state government which were the only practicable alternative". Perhaps if it were worse, it was because of the predominant feeling that it was "hopeless and without honor". 26

In the preceding chapter, I have tried to briefly sketch the situation as it confronted the territorial delegate. In the following chapters we shall see the actions of Martin Maginnis within this framework.

CHAPTER III

Railroads and Contracts

"Major Maginnis had a large part in the building of railroads." 1 During his service as Territorial Delegate, he introduced many railroad bills, and very often came to their aid on the floor of the House. 2

He felt quite sincerely that Montana was a natural highway from the east to the west coast. When Montana began to grow and prosper under quartz mining, the need for such a highway became almost desperate. Towns were willing to mortgage half their interests to get a railroad. 3

Catering to this need, Martin Maginnis drafted and helped to push through Congress, the bill which gave the railroads a perpetual easement through the public domain. 4 This bill gave a right-of-way two hundred feet wide and twenty acres of land every ten miles to any railroad incorporated in the territories. "The circumstances of its passage were of triumphal character, for it was carried through as a substitute for the famous ... Stewart bill." 5

Maginnis felt that this was his greatest achievement of "constructive statesmanship". The bill was signed on the last day of the second session

2. Congressional Record, vols. II-XVI.
3. Martin Maginnis, Contributions, p. 18
of the 43rd Congress. Under this bill, over 70 thousand miles of railroads have been built, in Montana, the Great Northern, the Milwaukee and all of the branches of the Northern Pacific. 6

Speaking on the Floor of the House in favor of granting right-of-ways to railroads he said:

When our people spend twenty, thirty, or forty thousand dollars to build a mile of railroad, instead of asking enormous subsidies like those granted in the past, we only ask the poor pittance, as it seems to me, our people shall be allowed to use the material, stone, and timber which they may find adjacent to the proposed lines of road. 7

There then ensued argument contrary to Delegate Maginnis' proposal, to which he answered:

I notice, Mr. Speaker, there is a great deal of opposition to the continuation of the land-grant system to any of the new territories, and that objection now comes especially from those gentlemen whose states have been developed under the operation of previous grants of public lands. 8

Through the efforts of Major Maginnis, the Northern Pacific was pushed through to Deer Lodge and Butte. Also, he secured a right-of-way through Shoshone country for the Oregon Short Line. 9

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7. Congressional Record, January 12, 1875, p. 405.
of this act, the railroad magnate Harriman, managed to consolidate the Southern Pacific system. This was a consummation that Maginnis had not expected, and he was opposed to it. 10

In 1877, a movement rose in Congress to repeal the charter of the Northern Pacific for its failure to complete its line within the specified time. The clamor was the result of Jay Cooke's failure. 11

In House debate, Maginnis agreed with those who opposed an extension of time, to this degree, that "this whole subject of subsidy by the Federal Government, in all of its forms, has uniformly ended in fraud . . ."

Stating further he said:

... the sooner the whole system is put to an end the better it will be for the Government, the public honor and the people. Its continuance will ultimately be fatal to the integrity on which our free institutions rest. 12

But, he claimed that the Northern Pacific Railroad was now in the hands of the original stockholders who had put up the money for its construction. These people are now asking Congress to extend the completion date because, "they have invested their money in a work of great public benefit", and are begging that their investment "may not be confiscated". 13

He continued:

Now these people . . . 13,000 . . .

13. Ibid., p. 924.
living in twenty-three States of the Union . . . have been engaged in a great and worthy undertaking. It may not have been very remunerative to them, but certainly has been of great public good. It has opened to settlements lands that without it would be of no more value to the country than those traversed by Livingstone in the center of the African continent. It has enabled you to reach the hostile Indian tribes at less cost, and promises to open their very strongholds to our people; it will develop the rich mines along the route and unlock untold treasure for your benefit; it will give the rich territories that it traverses an outlet and break down monopoly and give the East another highway to the Pacific, and all without asking for a dollar in subsidy, but merely making the reasonable request for time to go on with their own money. 14

District commander, General Hazen had given a very unfavorable report, and denounced the entire project as being "a fraud on the public", but, through the persistent efforts of Major Maginnis, the extension was granted and the road completed. 15

Maginnis worked hard for the railroads of the country and the railroad men often called upon him for help. 16

Besides helping the railroad industry, there is some evidence that he was quite close to some of the early business men of Montana Territory. In his personal papers, there is a preponderance of correspondence with such men as Charles A. Broadwater and Samuel T. Hauser. 17

14. Ibid.
17. Ibid.
In December of 1877, Hauser wrote to Maginnis asking him to see if he couldn't get Helena made the district headquarters of the military in Montana. Hauser wrote:

If you can accomplish that - Our town would be wild with delight, and instead of 150 majority, we will give you 600 - next term.
It would really double the value of our property here and as we are central I hope you can do it. 18

Hauser wrote again in 1882, requesting Maginnis to use his influence to have the old military reservation at Ft. Benton sold. He told the Major: "Please let me know, as there's money in it. Millions in it."

He said that himself, Powers and Conrad would like to buy it. 19

The I. G. Baker & Co. wrote to Delegate Maginnis in 1874, thanking him for having the Crow Indian reservation boundaries moved. Again votes were promised for his good work. Continuing, the letter said:

Since the news of the removal of the boundary line, it has made a great change in Benton in preparing for the Spring business ... 20

As for the dealings between Colonel Broadwater and Major Maginnis, we must first establish Broadwater in his business connections. Charles A. Broadwater, got his start with the Diamond R. Transportation Company. The company was chiefly involved in work provided by Government contracts. In

18. Samuel Hauser to Martin Maginnis, December 11, 1872. (Maginnis Papers, Montana Historical Society)
1879, it changed to the E. G. Maclay & Co. At this time, Broadwater became a partner. He had made many friends among the political higher-ups in the territory, and through their influence, he obtained many Government contracts. 21

He had also become a good friend of Mr. A. H. Wilder of St. Paul, who had the contracts for army transportation. The volume was too much for him to handle within his own company, so he subcontracted to the E. G. Maclay Co., of which Broadwater was part-owner. 22

Broadwater wrote to Maginnis on May 20, 1880, urging that he see to it that a certain bill go through. He wrote:

I do hope the Assiniboine and Mshell [sic] bill will pass. I have bought Maclay out and will make a good year if they do ... 23

Seven days later, A. H. Wilder frantically wrote Maginnis:

We are on ends over the Assiniboine appropriation and if you fail in getting it on the bill when it reaches the Senate, we are ruined on this years business - I know you will do all you can to save us - I have wired all the friends I could reach and have had other parties hit those that I could not reach - Not a word has been received at headquarters here about the Musselshell post. If this post could be built this year it would help us out some ... 24

21. ____ ____ , Progressive Men Of Montana. p. 68


23. C. A. Broadwater to Martin Maginnis, May 20, 1880. (Maginnis Papers, Montana Historical Society)

It would seem from the above, that perhaps Delegate Maginnis was one of the politicians with whom Broadwater had considerable influence.
Chapter IV

Indians and the Army

"One of the greatest . . . of all the questions of the times was the protection of the territory [sic] and the settlers against the Indian raids and massacres." As a result of the ever increasing westward movement, the Indians concentrated on the Great Plains, to make their last desperate stand against the white man and his civilization. 1

Delegate Maginnis was against the peace policy. He thought that it was entirely "a humbug", and stated that the Indians were of the opinion that the Government was trying to purchase their allegiance, and they often referred to the "Great White Father" as a "heap fool". 2

But, he did not think that "the only good Indian is a dead Indian", because on many occasions he came to their aid. He felt that the peaceful tribes should be looked after and treated with kindness. 3

Maginnis was also against giving any trader a monopoly on any Indian reservation. He felt that without fair competition, dishonesty soon took over and the Indians got the worst of it. He said in Congress, the Indians, "like everybody else", ought to have the privilege to "buy where they can buy the cheapest and sell to the best advantage . . ." 4

1. Maginnis, _op. cit._, p. 20.
2. Martin Maginnis, Scrapbook, [p. 40?]
3. _Congressional Record_, vols. II-XVI.
4. _Congressional Record_, January 13, 1875, p. 443.
A bill was introduced into the 44th Congress to stop the slaughter of the buffalo, but it would also take away the right of the Indian to kill them. Maginnis rose and spoke sharply against this bill. 5 In the same session, there was a bill to prevent the cutting of timber along the rivers of the territories. In favor of the Indians, Major Maginnis said:

I will ask the gentleman, in case he passes this law, what will he do for the benefit of the Indians, a large number of whom living on the rivers make a living by cutting and selling wood to steamboats? 6

In January, 1884, Maginnis spoke to the 48th Congress begging them to give aid to the various destitute Indian tribes of Montana. He asked for temporary support so that they would not starve to death. He said that they are anxious to begin farming and become self-supporting, but are at present handicapped because of their destitute condition. 7

Despite the aid that he gave to the peaceful Indians, he worked unceasingly to have the hostiles put down. He felt that the only way to settle the situation was to "separate the peaceable from the warlike Indians and then chastise the latter". Going on, he said:

... with the conceit of all barbarians, [they] think the United States cannot conquer them ... The trial of strength can no longer be averted or postponed. The issue must be settled, and when it is settled the Sioux problem will be solved. 8

5. Congressional Record, February 23, 1876, p. 1239.
6. Congressional Record, February 16, 1876, p. 1116.
7. Congressional Record, January 31, 1884, p. 774
8. Congressional Record, June 2, 1876, p. 3506.
"The Indian must submit to the Government, and it is folly to put off the test of strength if it must come." And come it must said Delegate Maginnis. He felt that the entire Indian question should be turned over to the Department of the Army. "... place it in the hands of an organization which will not corrupt it but carry it out justly and firmly." 9

Major Maginnis was often called upon by the people and the military to increase the army within the Territory. C. W. Turner of Virginia City wrote:

The military force in this Territory is very inadequate to the protection of our people, and many already are taking counsel of their peers in asking of the authorities at Washington an increase of the army here. 10

Answering to this need Maginnis was very active in having military posts established in the Territory. Among those that he had established were, Ft. Logan, Ft. Maginnis, Ft. Assiniboine, Ft. Keough, Ft. Missoula and Ft. Harrison. In this work, he had the support of his old army comrades, General Grant, General Sherman, and particularly, General Phil Sheridan. 11

General Sully wrote to Maginnis in 1874, concerning an army appropriation bill. The letter stated:

I see Congress is hammering away at the army bill, I suppose it will result as it always has in a reduction of the line, and no doubt a further increase of the Staff already

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9. Martin Maginnis, Scrapbook, 40 (Maginnis Papers, Montana Historical Society.)

10. C. W. Turner to Martin Maginnis, March 7, 1874. (Maginnis Papers, Montana Historical Society.)

... too large for the size of the army. 12

But Martin Maginnis did not lean back and let the Congress tear the army to shreds. On many occasions he rose in defense of our military forces. 13 Most notably was during debate on the proposed Hewitt Bill, which would drastically cut the forces of the Army. He gave a very lengthy impassioned oration pleading with Congress not to cut the army. The speech received much applause from the floor and the galleries, and several congressmen relinquished their time to allow him to continue. 14

Here is a portion of that speech:

Massacres have become so much a matter of course in our military history that we admire the continued devotion with which our soldiers march against overwhelming odds to threatened annihilation, still facing duty in this savage warfare, where disaster is death and victory brings no renown, their country not even calling the conflict war... Yet the pages of history are not illuminated by greater heroism or devotion; and when I recall the massacres of Florida and Oregon, of Fetterman and the Little Big Horn, I remember the legend upon the Alamo: Thermopylae had its messenger of defeat, but these had none. 15

12. Alf Sully to Martin Maginnis, February 6, 1874. (Maginnis Papers, Montana Historical Society.)

13. Congressional Record, vols. II-XVI.


15. Ibid. p. 3723.
He concluded with:

... you are going to cut off seven hundred officers and five thousand men and have more soldiers for frontier service than before. Greater than Caesar, or Frederick, or Napoleon is the military genius who can accomplish that feat. Greater than all combined is he who can do it as the bill proposes ... 16

Through his persistent efforts, the Hewitt Bill was defeated and the army was not at the time cut. 17

There was probably never a more earnest or avid supporter of the army than Martin Maginnis of Montana. 18

16. Ibid. p. 3723.
18. Congressional Record, April 6, 1880, p. 2180.
Politics and the Contested Election

Martin Maginnis was a very popular delegate, as is evidenced by the fact that he was returned to Congress five consecutive times. There are also on file at the Montana Historical Library, many letters congratulating him on his devoted effort for the Territory. 1

H. R. Crosbie of Washington D. C. wrote to the Montana press concerning their delegate:

Mr. Maginnis might rest on his achievements, confident that his Territory has had her share of success this winter. Mr. Speer of Pennsylvania remarked "Mr. Maginnis, I believe that if you and Elkins (Delegate from New Mexico) depended on the members of this House for re-election you would be returned by a two-thirds vote." Which is only a deserved compliment to a pair of very popular and efficient Delegates. 2

Among his most staunch supporters in politics were, C. A. Broadwater, S. T. Hauser, Peter Ronan and, of course, the Territorial Democratic Press. 3

Ronan wrote Maginnis concerning the election of 1874:

I will watch your interests politically and do everything I can for you ... as everything looks now, you have nothing to do but return and walk over the course ... Hauser showed me a very strong letter from Broadwater in regard

1. Maginnis Papers, (Montana Historical Society)

2. Martin Maginnis, Scrapbook. $\sqrt{11} \int (\text{Maginnis Papers, Montana Historical Society})$.

to you, and urges your return to Congress in the most forceable language... I have no fears that Word or Napton, or anyone else in the party will have a Chinaman's show against you... 4

Even the Republicans had to take some notice of Maginnis. A letter to him from a Virginia City resident says that "All the Democrats and the leading Republicans speak highly in your praise..." It further stated that he was a "good and faithful representative" and that he had accomplished more for the Territory than any former delegate. 5

A Bozeman druggist wrote pledging support and also remarked:

> You have proven conclusively that A Democratic Delegate can do as much if not more than a Republican and that electioneering lie is nailed. 6

These are only a few of the many letters in the Maginnis file which give him hearty congratulations on the work that he has done, and pledging support in the future. 7

What might seem a little unusual, are the many letters from Republican Governor, Benjamin F. Potts, to Maginnis. From the tone of the correspondence, it would seem that Potts and Maginnis were good friends.

4. Peter Ronan to Martin Maginnis, April 24, 1874. (Maginnis Papers, Montana Historical Society)

5. W. G. Barkley to Martin Maginnis, June 12, 1874. (Maginnis Papers, Montana Historical Society)

6. S. W. Langhorne to Martin Maginnis, May 25, 1874. (Maginnis Papers, Montana Historical Society)

7. Maginnis Papers, (Montana Historical Society)
Most of these letters are requests which run from political appointments and military posts to the establishment of mail routes and his own re-appointment. 8

Potts wrote to Maginnis in 1874:

I have understood that you have been cooperating with parties in Washington to obtain the appointment of a new Governor for Montana ... I have only to say that I shall leave the President free to make his own selection yet as he has generally reappointed the Territorial Governors. I feel that I do not deserve to be made an exception to that rule. 9

Martin Maginnis apparently wrote back to Potts, straightening him out, because in another letter shortly after the first, Potts said:

As to your action in relation to the Governorship I got my information from Hon. R. C. Kirk of Ohio who had been approached by the clique then in Washington and they promised him your support but they are like the evil one on the mountain they want to mortgage what they don't own. 10

Governor Potts constantly cried out to Maginnis to help him combat his Republican foes. He was apparently not on good terms with such men as Sanders, Montana Secretary Calloway and the Fisk brothers. In many letters he asked Maginnis to let him know what these men were doing in

8. Ibid.


Washington to have him removed, and to do what he could to prevent it. 11

He wrote Maginnis in 1876:

I am satisfied that the Herald and its henchmen will take any advan-
possible to injure me at Washington
- I wish you to keep me posted
on what is doing in W. by them.
Col. Viall has left for W. pro-
fessedly friendly to me - he will
do the work of Fisks. If any
statements are sent to the De-
partments by them I want a chance to
to reply before any action is taken. 12

All in all, it would seem that perhaps the political fence wasn't
too high between Republican B. F. Potts and Democrat Martin Maginnis.

On December 30, 1882, Alexander C. Botkin sent to delegate-
elect Martin Maginnis, his notice, contesting the Major's right to return
as Montana's Delegate to the Forty-eighth Congress. The notice alleged the
following grounds: (1) that in the counties of Dawson, Custer and Missoula,
3,000 fraudulent votes were cast for Maginnis; (2) that in the same counties,
fraudulent precincts were established, at which 2,000 votes were cast for
Maginnis and; (3) that the precinct of Cross River was on the Crow Indian
reservation, at which 295 votes were cast for Maginnis and 79 for Botkin;
(4) that Northern Pacific Railroad workers in Custer, Gallatin and Missoula
counties were forced with "threats of discharge" to vote for Maginnis, and;
(5) that "The votes cast in the several counties . . . were not counted,
return, and canvassed in accordance with law." 13
Maginnis sent his answer to Botkin less than a month later in which he alleged the following: (1) that he, Martin Maginnis, was duly elected to succeed himself; (2) that the alleged grounds of said contest are false, and; (3) that he will undertake to prove these charges:

That the contestant made the arrangement . . . to vote a large number of British half-breeds . . .
That a large number of votes . . . were cast . . . by alien British half-breeds.
That the deputies of said U. S. Marshall Botkin were active in his behalf all over the Territory, and used threats and promises of official punishment or protection . . .
That one of his deputies . . . promised immunity from arrest and punishment to certain illicit and criminal traders of whiskey to Indians, if such persons would work and vote for his chief . . . the U. S. Marshall.
That, in order to pay the expenses . . . on this electioneering trip, said Marshall . . . gave him authority to subpoena a certain persons as witnesses in the U. S. Court. This deputy was sent from . . . Ft. Benton to the ostensible residence of this person, about 200 miles and back, for which mileage was charged to the United States . . . although it was well known . . . that the person sent for was then in the town of Ft. Benton.
Because further, in order to defray the expenses of the contestant's canvass, assessments were levied upon employee or employees of the United States . . .
Because certain mining superintendents . . . did unduly influence their employees to vote for contestant . . .

In March, 1883, Hugh Galen wrote to Maginnis saying that he was sorry to hear that his election had been contested by Botkin. He said, "I do not thing they intended anything more than to lower you in the estimation of your friends at Washington." 15

On the next day, March 4th, W. F. Chadwick wrote to Maginnis telling him of some "rich evidence" that he was digging up against Botkin. It concerned the charge that Botkin had used his official capacity as Marshall to drum up votes, and charged illegal mileage to the Government. 16

Testimony on the contest was heard first at Miles City in Custer County. There was a great deal of testimony that soldiers had voted in this precinct, and that these soldiers had no right to vote. Witnesses for Maginnis alleged that these soldiers were all challenged and sworn in and, therefore, had every right to vote in the election. 17

Charles Douglas, the Custer County Clerk, testified that the handwriting in the poll-book from the precinct of Wooley's Ranch was filled in entirely by the same person. He claimed this by reason of his knowledge of handwriting. 18

The contestant then went to some length to prove that too many persons had voted in Custer County for the number of legal residents thereof.

Several witnesses gave their estimates of the population of the county, to which

15. Hugh Galen to Martin Maginnis, March 3, 1883. (Maginnis Papers, Montana Historical Society)

16. W. F. Chadwick to Martin Maginnis, March 4, 1883. (Maginnis Papers, Montana Historical Society)

17. Montana Elections, op. cit., pp. 6-25

18. Ibid., p. 10.
the contestant alleged did not agree with the number of voters. 19

A witness for the contestant claimed that he saw one Don F. McMillan write 400 fictitious names into the poll-book and fill out as many Democratic ballots and put them into the ballot box. He also testified that the handwriting was the same as that in the poll-book from the precinct of Wooley's Ranch. 20

Testimony continued along this line until the end of July, 1883, at which time, Maginnis refused to participate any longer in the contest and the whole thing was referred to the Congressional Committee on Elections and Privileges. 21

On July 5, 1884, the committee reported their findings to the Committee of the Whole, in favor of Maginnis. Mr. Ranney, for the committee said:

The committee are of the opinion that there is such a want of particularity in all the assignments save the third that they might well be disregarded . . .

He continued:

The committee are, therefore, unanimous in the opinion that the following resolution should be reported to and be adopted by the House:

"Resolved, that Martin Maginnis was duly elected as a Delegate from the Territory of Montana in the Forty-eighth Congress, and is entitled to

19. Ibid., pp. 8-12.
20. Ibid., pp. 49-50.
21. Ibid., p. 56.
his seat as such Delegate." 22

The resolution was unanimously adopted, and Martin Maginnis was seated officially for his sixth and final term as Montana's Territorial Delegate. 23

22. Ibid. p. 6088.
23. Congressional Record, July 5, 1884. p. 6088
Chapter VI

Conclusion

In this thesis I have tried to illustrate the purpose and usefulness of a Territorial Delegate. To develop this theme I have chosen to briefly sketch the political career of Major M. Maginnis. Martin Maginnis was perhaps one of the more effective Territorial representatives and is, therefore, in my belief, a good subject for a work of this kind. The Major served Montana in Congress for twelve of the 25 years that she was a Territory.

I have found it necessary to devote a large amount of this paper to background and explanatory material. This is because no one man stands alone nor works in a vacuum, no matter how famous or infamous he may be. To thoroughly understand what a person has accomplished, we must have a good understanding of the framework within which he has worked.

It has been impossible for me to comprehensively examine everything within the political career of Martin Maginnis in this brief work. The limits that naturally embrace a work of this type necessarily exclude a great amount of his activity. I have endeavored to bring out what I consider the most important phases of his career. But I do not mean to minimize any other important work that he was engaged in or the full range of his activities.

For example, the Major was active in the reduction of Indian Reservations. He constantly worked toward the goal of more land for settlers. He did extensive for the mining industry of Montana. This ranged from
promotion of uniform mining laws to the establishment of the Territory's first Federal Assay Office at Helena. His efforts were always directed toward transportation improvements and development of the Missouri and other waterways of the Territory. 1 Each of these subjects could easily provide material for a lengthy chapter.

There is an abundance of primary source material on Martin Maginnis at the Montana Historical Society Library. The research possibilities are almost endless and I sincerely hope that someday I can complete what I have started in this paper.

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