

## ALBERT H. ELLIS

*By Angie Debo*

The government of Oklahoma, with all its faults and its virtues, grew directly out of the experiences of a pioneer democracy. Typical of the agrarian ideals of its founders is the life and work of Albert H. Ellis, Cherokee Strip homesteader, member of the territorial and state legislatures and of the Constitutional Convention, and always a dirt farmer.

He was born on a farm in Indiana, December 17, 1861. His ancestors had come from Virginia and North Carolina in that stream of emigration that flowed up from the South to people the Old Northwest. His only schooling was in a one-room country school, but he came under the influence of a devoted teacher, and he developed an interest in books and ideas that endured throughout his life. Later he read law and practiced it in Kansas and Oklahoma without benefit of bar examination. Also he discovered a natural gift for public speaking.

From his earliest years he was interested in politics. Though his mother remained a "rebel" in sentiment, his father was a Republican, and at the age of fourteen the boy worked actively for Hayes and Wheeler against Tilden and Hendricks in the campaign of 1876. Four or five years after that he left home and joined the throng that was rapidly filling the vacant prairies of Western Kansas. Here in the ferment of pioneer politics he came to believe—as he expressed it in later years—"that the Republicans had got to developing wealth against the welfare of the people. Before the Civil War the Democrats ran the country, and they became overbearing and ran it in the interest of the Slave Power; after the war the Republicans took over, and they got overbearing and ran it in the interest of Industrial Capitalism." Thus the young man cast his first vote for the Democrats.

He first settled in Ottawa County, and it was here on August 5, 1883 that he married Mary Arminta Foster, an Indiana girl, who also had been swept into the Kansas emigration. The home thus established, whether in early-day sod house or later comfortable farmstead, was a center of gracious living for nearly sixty-seven years.

Two hundred odd miles to the southwest a land boom was on in Comanche County. The young couple loaded their first child and their few possessions into a covered wagon and journeyed there to take a homestead. But the settlers, "burned out and starved out" by hot winds and drought, soon abandoned the coun-

try and struggled back to the east. The Ellises, with fewer possessions and one more child, joined the covered-wagon exodus. "I think now," Mr. Ellis used to say in after years, "that if we had known to plant kaffir we could have made it. It was kaffir that saved us later in the Strip."

They stopped in Neosho County, where they lived on a rented farm and where two more of their children were born. They had not recovered their finances from their disastrous pioneering venture, but they looked across the border to a newer frontier in Oklahoma, where from 1889 on as successive tracts had been opened to homesteaders the settlers had managed to dig in and stay. They waited for the opening of the Cherokee Strip.

Finally the President set high noon of September 16, 1893 as the hour when homeseekers might enter. Mr. Ellis crossed the tract by train and camped on the south side. Behind him were the sod houses and frame shacks and plowed fields of "Old" Oklahoma, opened to settlement four years before. Before him was a virgin land with scattered fires, started no one knew how, eating their way into the sun-scorched grass. With him was his friend, Albert B. Brown, who had been waiting for some time in the older settlement. They had a wagon and a mule team.

The line of homeseekers stretched as far as the eye could see through the hills and timber. A blue-uniformed trooper on a bay horse was out in front guarding the border. Even in the excitement Mr. Ellis was moved by a sense of historic portent. He took time to admonish a little girl in a near-by family group, "Watch this and remember it as long as you live. *This is history.*"

Then the trooper fired his carbine and the race started. Most of the homeseekers turned to the northwest in search of level prairie. Mr. Ellis and his companion drove deeper into the canyons and blackjack-covered hills to the northeast. As he said later, "I couldn't afford a level farm. I had to have wood and water. I had no money for fuel, not even money to drill a well." He came to a rugged quarter-section six miles south and one mile west of the present Hayward. There he drove his stake. From it fluttered a white flag Mrs. Ellis had made from a floursack and lettered with blueing: "THIS CLAIM TAKEN BY A. H. ELLIS." (Mr. Brown at first failed to find land to his liking, but eventually he too settled on the homestead he still owns, and the two families have been neighbors for fifty-seven years.)

As Mr. Ellis lay down to sleep that night on his own land, he was conscious of great elation. This, he felt, was home. The next day he walked around over his domain. He went into a canyon and to his great joy discovered a spring. As he rose from taking a drink of the bubbling water, he saw a rattlesnake coiled

on the edge; he dispatched it quickly, but he was a little apprehensive of Mrs. Ellis's reaction to such episodes. He picked his building site close by. Then he went to file at the landoffice where the new town of Enid was springing up on the prairie, and returned to Kansas to prepare to bring his family.

It was in March of '94 that the Ellises made their third move by covered wagon. Cold rains had set in, and the journey was difficult. "But this is our last trip," Mr. Ellis assured his wife; "we'll never travel like this again." Besides their wagon and team they brought only their household goods, half a dozen chickens, and enough flour and other supplies to last for two months. (Eventually they were reduced to a diet of cornbread with a thin cornmeal gruel serving as gravy.) The family stayed a few days with another homesteader, a former Comanche County neighbor, while the two men built a house on the Ellis claim—one room, part log, part stone, and part dug-out in the bank, with an earthen roof and floor. Here they established their home.

To protect her chickens from coyotes Mrs. Ellis put them to roost on the roof poles that stuck out beyond the house. One of the hens laid her eggs in a box under the bed and hatched her brood there, but at night Mrs. Ellis had to put the baby chicks in the oven to keep them away from the pack rats that overran the house. Tarantulas sprawled across the floor and centipedes ran up the walls. But Mrs. Ellis speaks of these hardships now with a serene smile. "We were happy because we had land of our own." And Mr. Ellis said in later years, "All of us settlers were poor, but all of us were equal. And we were not really poor. No man with health and opportunity is poor." Asked if he realized then that he was laying the foundations of a future state, he answered with a joy, a confidence, a depth of feeling impossible to express in print, "*I knew then.*"

From the very first he was active in local politics. As soon as the land was settled, the territorial governor organized the new counties, and temporary appointments were made to county and township offices, but in 1894 regular officials were elected. A lively township caucus was held that summer in the frame shack of a homesteader. Here Mr. Ellis soon established a leadership among these new settlers, most of whom were strangers to each other. He was nominated and subsequently elected as township trustee. It was his duty to assess the property for taxation, and to oversee the construction of roads. Thus with an established tax base schoolhouses soon began to nestle in the timber, and roads began to thread their way through the tangle of hills and ravines.

In 1896 the Democratic caucus of the township was held in a grove, where the men sat on boards brought from a near-by sawmill. It was a well attended and enthusiastic meeting, and

five delegates—all Ellis supporters—were elected to the district convention, where Mr. Ellis received his party's nomination to the territorial House of Representatives. His campaign was an exhilarating experience. The district was entirely rural, comprising all of Garfield County outside the city of Enid, and two townships of an adjoining county. To these voters so like himself in poverty and aspirations he argued free silver, free homes, the payment of fees to witnesses, and the reduction of salaries of county officials. The year 1896 was a Democratic-Populist year in Oklahoma, and Mr. Ellis was elected and sat in the Fourth Territorial Legislature. Although they had no power to deal with free silver and free homes, he and his colleagues pulled down county salaries with a vengeance. "We were living on boiled kaffir corn and turnips," he said many years later, "while we paid good salaries to the men we hired to carry on our county business, so we reduced them to something like our level." They also passed a law providing for the payment of witnesses, but since they forgot to state who should pay them, the territorial supreme court declared the law inoperative.

In 1898 Mr. Ellis was again a candidate for the legislature, running on the basis of his previous record. But the Cherokee Strip had raised its first wheat crop and sold it for a good price in 1897, its farms were becoming stocked, and new houses were springing up on every hand. Thus the Democratic-Populist argument had lost much of its appeal, and the victory went to the Republicans. (It is well known that the section of Oklahoma comprising the Cherokee Strip has normally been through all the years a Republican stronghold.) The same prosperous conditions prevailed and contributed to his defeat when Mr. Ellis ran again in 1900. For the next few years he was content with his farm, his family, and his community interests.

It was a lively young society that flourished on the new soil of Garfield County, crowding the schoolhouses for "literaries" and religious meetings, filling the homes for visiting and eating, gathering in groves for picnics and dancing. If Mr. Ellis pondered meanings where his neighbors skimmed the surface, if he and his wife created refinement in family living, if their children read books and sought knowledge, these differences did not set them apart from the community. The neighbors did not fully understand the Ellises, but they accepted and trusted them. And when the government at Washington decided that Oklahoma was ready for statehood, they turned instinctively to Mr. Ellis as the only one of them who could write the kind of constitution they wanted.

To him it was the call of destiny. As he had plowed his land and tended his live stock, he had thought deeply of a government that would safeguard the rights of his own people, the humble people who toiled on the farms. In his campaign he spoke much

of an absolute democracy that would take power from party bosses and place it in the hands of the average man; and he promised to restrain the railroads—the only corporations in his experience—which had been levying a toll on the hard-pressed settlers through exorbitant rates. In the convention he worked with a thrilling sense of fulfillment; he believed the constitution he was helping to write would become a great charter of human freedom, and its principles would sweep the nation. He found the other delegates of like mind; near the close of his long life he characterized them as “the very best men we had—good morally, honest, sincere, mostly of the pioneer type—and their equal in intelligence has never been matched.”

He soon assumed a leadership in this group. At a Democratic party caucus held in the historic city hall of Guthrie the day before the convention met, he first supported, as a courtesy to a Garfield county colleague, the candidacy of Charles L. Moore of Enid as the nominee for president. But when he realized the strong position of William H. Murray, he was the first to start the switch that brought about Murray's triumph. This was the beginning of a friendship that was to endure throughout his life. In the stress of constitution-making there were times when the two men were pitted against each other, but their disagreements were over the matters at issue and never disturbed their personal relations.

Mr. Ellis was not nominated for any office at the caucus. But after the convention met and elected the Democratic nominees, a committee was appointed to report on the need of additional officers to complete the permanent organization. On the second day of the session this committee recommended the election of a second vice president in addition to the president and vice president provided by the caucus. Two Democrats were nominated: Mr. Ellis and F. E. Herring of Elk City. Mr. Ellis was elected. Thus it became his duty on numerous occasions to preside over the convention. Old-timers still remember his commanding presence. Tall, handsome in a gaunt Lincolnesque way, with a compelling sincerity, a powerful, resonant voice, and adroitness in parliamentary tactics, he maintained an easy mastery of the assembly.

He served on the committees on Revenue and Taxation and on Primary Elections. On the first he helped to formulate the provision giving the state the power to select its own subjects of taxation independently of local subdivisions; for he believed the state government should be supported from such sources as a gross production tax on minerals, a gross revenue tax on public service corporations, and a graduated land tax, leaving the general property tax for the local government. He lived to see this general principle realized in public practice. On the second committee he

worked for the mandatory primary. In later years he observed sadly that this popular device had not improved the quality of public officials, but he attributed this failure to the indifference of the electorate.

He was ardently in favor of other "progressive" innovations incorporated in the constitution: the rendering of a verdict in minor cases by less than unanimous decision of a jury, limitation of the power of courts in imposing penalties for contempt, the power of the people to call a grand jury, the expressed right of the state to engage in business, the initiative and referendum. He supported the provision that the oath of office should include a pledge against the acceptance of free passes from the railroads. He favored the guarantee of bank deposits and the imposition of drastic penalties for usury. He backed Murray in requiring the teaching of agriculture and domestic science in the common schools. He worked for a provision borrowed from Kansas law exempting a farmer's 160-acre homestead from seizure for debt; and when the Committee on Homesteads and Exemptions was about to favor a less liberal proposal he influenced Murray to appoint Charles N. Haskell, whom he knew to favor the plan, to a vacancy on the committee, and thus insured its acceptance. He introduced proposals for the abolition of capital punishment and for the granting of pardons and paroles by a special board elected by the people, rather than by the governor. Both these measures, however, were defeated. He supported resolutions requesting the United States Congress to initiate amendments to the Federal constitution permitting the levy of an income tax and providing for direct election of United States Senators.

It was a matter of lasting gratification to Mr. Ellis that the Committee on County Boundaries placed his name on one of the new counties. Many years later in their sunny old age he and Mrs. Ellis paid a visit to this western county and received the old-time hospitality of a region where the pioneer tradition is still strong. It was one of the happiest experiences of his life.

Mr. Ellis was elected to the First State Legislature, where he served as speaker pro tempore of the House of Representatives. (It will be remembered that Murray served as speaker.) Here he was active in implementing the provisions of the organic law he had helped to write. He was again a candidate for the Second Legislature in 1908, but was defeated by three votes. In 1910 he was defeated for the Democratic nomination for lieutenant governor. Here he discovered that the primary system, in which he had once believed so fully, imposed a serious financial handicap upon a poor man seeking a state office. But there was a deeper cause behind his forced retirement from politics. Powerful forces unknown to the experience of the simple homesteaders had come into

Oklahoma affairs—oil, the growth of cities, the exploitation of Indian property, a growing complexity in social and economic life. The day had passed when a pioneer farmer, no matter how able, would be called to guide the destinies of the state.

If Mr. Ellis was disappointed at this failure to achieve his political ambitions, he was not embittered. With his increasing prosperity he began to buy good level land up on the prairie near Hayward. In 1918 he established his home there. Here on the edge of the townsite he built a comfortable rambling house and planted an orchard. As he retired from the actual work of farming, he spent more time with his books and his historical collection, but he followed passing events with alert interest. With his son, Newal A. Ellis, as his printer he began to publish homespun verses and sketches, more notable for their broad humanity than for their literary excellence. In a tract entitled *The Reign of the Fools* he described with devastating sarcasm the building of the inverted pyramid of false values that collapsed with the crash of 1929; but he had equal condemnation of the New Deal for what he considered its failure to return to fundamentals. He produced *A History of the Constitutional Convention of the State of Oklahoma*, which is still the best published account of that historic gathering. With a memory almost unbelievably accurate he answered the questions of those who came to learn of the beginnings of their history.

When Murray became governor, Mr. Ellis returned briefly to public life, for his old friend appointed him as superintendent of the Whittaker Orphans' Home. The couple spent four full years at Pryor. Mr. Ellis used all his integrity and practical common sense and Mrs. Ellis all her homemaking skills, but it was not their kind of work. They returned with relief to their home in Hayward.

For the old couple these were their golden years. At first two, and later all three, of their living children were settled in the Hayward-Covington area. Their grandchildren and then their great-grandchildren were growing up around them. Their old friends came to visit them, the high and the humble, where all found the same welcome in the farmhouse under the trees. Their religious faith stretched out into a future beyond the world in which they had lived so actively.

Although he had been in failing health for some time, Mr. Ellis's final illness was brief. When the writer visited him the last week of his life, a shocking physical disintegration was apparent, but his mind was still alert and his memory accurate. He talked of his pioneering experiences, of his affection for the black-jack farm he had never sold, of Johnston Murray's prospects in the approaching primary. His last rational conversation was with

his old associate, Henry S. Johnston, who had driven over from Perry to see him, and the two exchanged happy reminiscences of the Constitutional Convention. Then he lapsed into unconsciousness. The end came June 18, 1950.

Albert H. Ellis was not a statesman of overpowering influence. He was simply a good man of the plain people, who looked beyond the labor of his hands to ultimate meanings, and who sought to use the essence of his life and thought in public service.