

CROSSING THE GENDER LINE

Ella L. Knowles, Montana's First Woman Lawyer

During the Christmas season of 1889 prominent pioneers Wilbur Fisk Sanders, Cornelius Hedges, and John B. Clayberg assembled in the capital city of Helena. These lawyers constituted a board of bar examiners and had the job of administering a bar exam to a woman, Ella Knowles. Ella passed without difficulty and received high praise from the committee for the excellence of her performance. The night of her exam Hedges made the following entry in his diary: "Examined Miss Knowles for admission to the Bar and was surprised to find her so well read. She beat all that I have ever examined."¹ Montana had its first woman lawyer. These events marked the culmination of efforts which began five years earlier when Miss Knowles first began to read law.

Ella Knowles was born July 31, 1860, in Northwood Ridge, New Hampshire. She was descended from old New England stock. A precocious and only child, she received her early education from her mother until the latter's death when Ella had just entered her teens. At fifteen she graduated from Northwood seminary, and one year later finished the teacher course at Plymouth State Normal School. After four years of teaching in neighboring schools, Ella entered Bates College at Lewiston, Maine. Her attendance at Bates itself raised some questions concerning higher education for women since only a few women had preceded her in matriculation at Bates. With little or no help from her family, Ella worked her way through and graduated magna cum laude in 1884. The doubts that some had about the value of higher education for women did not deter her from pursuing her own academic goals. She stirred up further discussion by becoming the first woman to participate in college debate and the first to hold an editorial position on the college magazine.



Ella L. Knowles, engraving from Joaquin Miller's An Illustrated History of the State of Montana, 1894.

Following graduation from Bates, Ella moved to Manchester, New Hampshire and read law in the office of Henry E. Burnham. Ill health interrupted her study of the law, and on the advice of her physician she moved west. After a year of teaching rhetoric and elocution at Western Normal College in Iowa, she arrived in Helena in 1888. A successful year of teaching at Helena's Central School earned her an appointment as principal of the West Side School. To the amazement of her friends and contrary to their advice, Ella spurned the security of this position and decided to pursue the very uncertain course of resuming her legal studies in the office of Helena lawyer Joseph W. Kinsley.²

by Richard B. Roeder

The concern of her friends was well-founded since conditions, nationally and locally, offered little assurance that Ella would be able to satisfy her desire to be a practicing attorney. Exclusion of women from the law was a very ancient rule founded on both Roman tradition and English Common Law, and women's entry into the legal profession was a fairly recent development. The first was Arabelle A. Mansfield of Mount Pleasant, Iowa, who was admitted to that state's bar in June 1869.³ By the time Ella had made her decision to return to legal studies, women had already proved that persistence in pursuing legal careers could surmount the gender barrier. Perhaps as many as fifty women nation-wide had been licensed as lawyers by 1890. Even so, as one of them put it, "the novelty of the woman lawyer's very existence" had "scarcely begun to wear off."⁴ Moreover, women generally played a limited role in the profession. Many confined themselves to office work, often as assistants to lawyer husbands, while others chose not to practice or pursued other careers. As late as 1888, to advocate that women should be allowed to appear in court as freely as men was a "very advanced position."⁵ After all, in the late nineteenth century, bench and bar still generally functioned "as self-appointed guardians of a man's world."⁶

THIS RESISTANCE to women in the law, insofar as it had any rational basis, rested on widespread notions of physical and mental differences between men and women, differences that supposedly unsuited the latter professionally. The woman was not regarded as the man's equal in body and mind, and as such it was believed that she lacked the physical stamina required by the burdens of a law practice as well as the essential mental attributes of discretion and aggressiveness. Common opinion held that a woman's mental make-up was also emotional rather than rational and therefore more suited to aesthetic expression than the pursuit of hard legal truth. Finally, the demands of the profession were viewed as incompatible with

woman's traditional and proper role as wife and mother.⁷ This is reflected in the language of Justice Joseph P. Bradley of the U.S. Supreme Court in a well-known opinion. "The natural and proper timidity and delicacy which belongs to the female sex," he wrote, unfits it for many of the occupations of civil life.

The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things indicates the domestic sphere as that which properly belongs to the dominion and functions of womanhood. . . . The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator.⁸

Ella probably had some awareness of the general situation she faced. In any case, she could hardly have been unaware of things locally. Montana's statute contained an explicit male provision, and this meant that in addition to pursuing her studies she would have to secure an amendment of the law. Her earliest opportunity to do so would be in January and February of 1889 when Montana's last territorial legislature would be in session. But that was only the first hurdle. She would still have to pass the bar exam, and, this in itself was probably becoming more difficult. A free-wheeling professional attitude of easy bar admission in the early nineteenth century was giving way to an emphasis on more stringent professional requirements. Accordingly, newly emergent bar associations pressed for higher standards of admission to the profession. Events in Montana reflected this trend. The Montana Bar Association, established on January 8, 1885, held its fifth annual meeting on January 10, 1889, and there organized a new standing committee on Legal Education and Admission to the bar.⁹

Passing the bar exams, Ella knew, would not in itself be sufficient basis for launching a career. If she were going to succeed professionally, somehow she would also have to gain the acceptance of the community generally and specifically of the bench and bar. One account states that at the time she resumed

1. Cornelius Hedges Diary, 1889, entry for Tuesday, December 24, Hedges Family Papers, Box 5, Folder 5, Montana Historical Society (MHS), Helena; *The Glendive Independent* January 4, 1890; *Helena Daily Herald*, December 28, 1889; and *The New Northwest* (Deer Lodge), January 3, 1890. The last two newspaper items are clippings in the "Ella Knowles Haskell" (EKH) vertical file, MHS.

2. There are several brief accounts of Ella's life: Joaquin Miller, *An Illustrated History of the State of Montana* (Chicago: The Lewis Publishing Co., 1894), pp. 85-86; *Progressive Men of the State of Montana* (Chicago: A. W. Bowen & Co., circa 1902), p. 472; Dumas Malone, ed., *Dictionary of American Biography* (New York: Charles Scribner's Sons, 1932), vol. VIII, pp. 380-381; *New Hampshire Sunday News*, July 21, 1957, EKH vertical file, MHS.

3. Ada M. Bittenbender, "Woman in Law," in Annie Nathan Meyer, ed., *Woman's Work in America* (1891; reprint edition, New York: Arno Press, 1972), pp. 218-221.

4. Ellen A. Martin, "Admission of Women to the Bar," *The Chicago Law Times*, I (1887), p. 92; Lelia J. Robinson, "Woman Lawyers in the United States," *The Green Bag*, II (1890), pp. 10, 32.

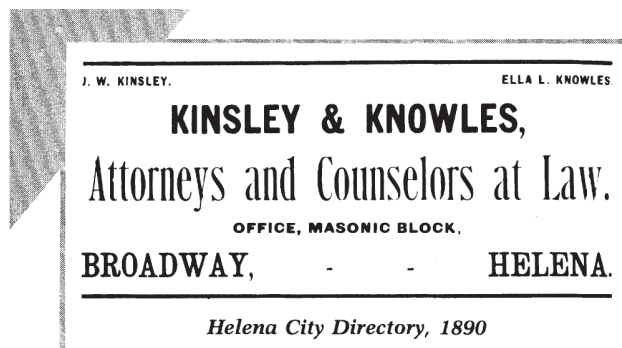
5. Ada M. Bittenbender, "Woman in Law," *The Chicago Law Times*, II (1888), pp. 305, 309; D. Kelly Weisberg, "Barred From the Bar: Women and Legal Education in the United States, 1870-1890," *Journal of Legal Education*, 28 (1977), pp. 494, 495, 497; Robinson, "Women Lawyers," p. 11. Law was not a profession women flocked to. By 1910 there were only 558 women lawyers and judges in the country, making up 0.5% of the profession. Janet M. Hooks, *Women's Occupations Through Seven Decades*, Women's Bureau Bulletin No. 218 (Washington, D.C.: United States Government Printing Office, 1947), p. 175.

6. James Willard Hurst, *The Growth of American Law: The Law Makers* (Boston: Little, Brown and Company, 1950), p. 255.

7. Weisberg, "Barred From the Bar," pp. 489, 492.

8. *Myra Bradwell v. State of Illinois*, 16 Wallace, pp. 130-142.

9. Weisberg, "Barred From the Bar," p. 494; Edward C. Russel, ed., *Proceedings of the Montana Bar Association From its Organization, January 8, 1885 to January 14, 1902* (Helena: State Publishing Company, n.d.), p. 50.



her legal studies she had to face "considerable prejudice," and even after she had passed the bar exams she had to endure "the various degrees of ostracism which attend the efforts of women to make their way in fields which the men had been in the habit of considering peculiarly their own."¹⁰ Ella recalled later that people made fun of her and that she received little encouragement from some members of the bar.¹¹ Moreover, recent events and those that were to come in the summer of 1889 could hardly have been reassuring to her.

In 1884 Montana held the second of its four constitutional conventions. Like the first, it failed to result in statehood but it did provide the territorial community an opportunity to discuss fundamental issues. Some women, including Mary Long Alderson, long-term president of Montana's Women's Christian Temperance Union, used the occasion to try to stimulate discussion about the possibility of an expansion of women's rights. Territorial law gave women only very limited political rights. If they were independent property owners, they could vote on special mill levies, and they could vote in school elections and hold the offices of school trustee and County Superintendent of Schools. Attempts in the 1884 constitutional convention to expand rights for women got nowhere.¹²

The convention that wrote Montana's first state constitution opened July 4, 1889. A group of women, led by Clara McAdow, had girded themselves for a stiffer fight for women's rights than they had offered in 1884. Clara had earlier been successful in real estate in the Billings area when the Northern Pacific first came through, and since 1884, with her husband, had been successfully operating the Spotted Horse Mine at Maiden in the Judith Mountains.¹³ Largely through her efforts, Henry Blackwell, secretary of the

American Woman Suffrage Association and husband of Lucy Stone, addressed the constitutional convention. After appraising the situation, he had no false hopes for any successful appeal for woman suffrage. He urged the convention to preserve the status quo by allowing future legislatures to deal with the question. The course of events certainly did not augur well for Ella's aspirations. The convention not only spurned efforts to expand women's rights, but also after lengthy debate decided to take a step backward and lock a male definition of suffrage into the state's constitution. To what extent this move reflects a predominance of old values is difficult to say. Issues other than the position of women in society were involved in the decision. But one delegate, pioneer cattleman Conrad Kohrs, noted in his manuscript autobiography that he voted for male suffrage because women in general were not interested in the question, and those pushing the delegates were a small group made up of "old maids and non-breeders."¹⁴

On the balance, it appears that not even a persistent woman was likely to succeed in entering the male world of the law. But succeed Ella did—and with surprising ease. Of course, she had to overcome resistance. One anecdote, which Ella herself told, illustrates this and also says a great deal about Miss Knowles. When she entered Kinsley's law office, she had to have some means of support. So, she did what young men did in the same situation. She turned to bill collecting. Seeking accounts, she walked up and down both sides of Helena's Main Street, and was rebuffed at every door. Desperate, she targeted one merchant who she knew was carrying some bad bills and refused to take "no" from him. On a rainy day her pestering finally exhausted his patience. He tried to brush her off by telling her to collect umbrellas that several prominent women customers had borrowed and not returned. Ella took him at his word and marched off to the customers' homes. She returned with the umbrellas and demanded a fee of fifty cents. The merchant, horrified that his "bill collector" had offended steady customers, refused to pay. Ella appealed her case to customers in the store and they backed her up. The merchant gave her two twenty-five-cent pieces, which Ella kept the rest of her life.

10. *New York Times*, July 17, 1892.

11. Ella Knowles Haskell, "My First Fee," *The Anaconda Standard*, February 3, 1907.

12. This and subsequent information on early women's rights in Montana is from Doris Buck Ward, "The Winning of Woman Suffrage in Montana" (unpublished MA thesis, Montana State University, 1974), pp. 6, 14-30. Growing up in Braintree, Massachusetts, Mary Long Alderson also knew Henry Blackwell, Lucy Stone, and other early workers on behalf of women's rights. Richard B. Roeder, "Montana in the Early Years of the Progressive Period" (unpublished Ph.D. dissertation, University of Pennsylvania, 1971), p. 112.

13. *The New Northwest*, February 7, 1896; Miller, *Illustrated History*, p. 35.

14. These comments appeared in a manuscript which has disappeared from the Montana Historical Society's Kohrs collection. Since the time of my use of the manuscript, it has been published: *Conrad Kohrs: An Autobiography* (Deer Lodge: Platen Press, 1977). Kohrs' comments do not appear in this bowdlerized version put out by a descendant. It is, of course, impossible to reconstruct the situation Ella faced. Medicine, for example, offered women professional opportunities. Montana had a surprising number of women doctors in its early years, including Drs. Maria Dean of Helena and Mary Moore Atwater of Marysville, both of whom were active workers for women's rights in the 1880s and 1890s. But the situation is not completely parallel since medical care had long been part of woman's nurturing role. John A. Forssen, ed., *Petticoat and Stethoscope* (Missoula: Bitterroot Litho, 1978), pp. 26, 30; Leonard W. Brewer, *First 100 Years* (Missoula: Bitterroot Litho, 1978), p. 23.

The merchant, incidentally, later became one of Ella's steady clients.¹⁵

AMENDING the statute that prohibited women from practicing law in Montana was not very difficult. During the last territorial legislative session Councilman Walter M. Bickford, a Missoula lawyer, introduced Council Bill No. 4 to amend the law to read that individuals otherwise qualified should be allowed to practice as attorneys "without regard to sex and whenever the word 'he' or 'his' are used . . . they shall be construed to also include 'she' or 'her.'" ¹⁶ Although the Council's judiciary committee reported the bill out without recommendation, the committee of the whole recommended a "do pass," and on January 31, 1889, a positive vote of eight-to-four sent the bill to the House.¹⁷ One of the "no" votes in the Council was that of Will Kennedy, editor of the *Boulder Age*, proponent of the Australian ballot, and a man whose path would soon cross with Ella's. In the House the bill's history was a duplicate of that in the Council. The judiciary committee reported it back without recommendation, but the final vote was an even more commanding nineteen-to-three. One of the "yes" votes was cast by judiciary committee member Henri Haskell, who was particularly supportive of the bill and like Kennedy would soon have further involvement with Miss Knowles.¹⁸

Newspaper coverage of the debates indicates that the bill elicited "a flood of eloquence" as well as some horsing around. As one of them put it, the bill was the "fun of the Legislative session." One correspondent wrote that "I will not attempt to describe the airy flights of eloquence with which the debates on this bill were embellished, nor the spic-and-span style in which the honorable legislators—some of whom one would suppose were too old to be affected by such frivolities—had gotten themselves up to pass muster under the eyes of the fair ones who were expected to enliven the house with their presence during the racket."¹⁹

15. Ella Knowles Haskell, "My First Fee."

16. *Council Journal of the Sixteenth Session of the Legislative Assembly of the Territory of Montana* (Helena: Journal Publishing Company, 1889), p. 47; *Laws, Resolutions and Memorials of the Territory of Montana, Passed at the Sixteenth Regular Session of the Legislative Assembly* (Helena: Journal Publishing Company, 1889), p. 101.

17. *Council Journal* (1889), pp. 39, 83, 88, 94.

18. *House Journal of the Sixteenth Session of the Legislative Assembly of the Territory of Montana* (Helena: Journal Publishing Company, 1889), pp. 89-90, 96, 97; *The Glendive Independent*, February 16, 1889.

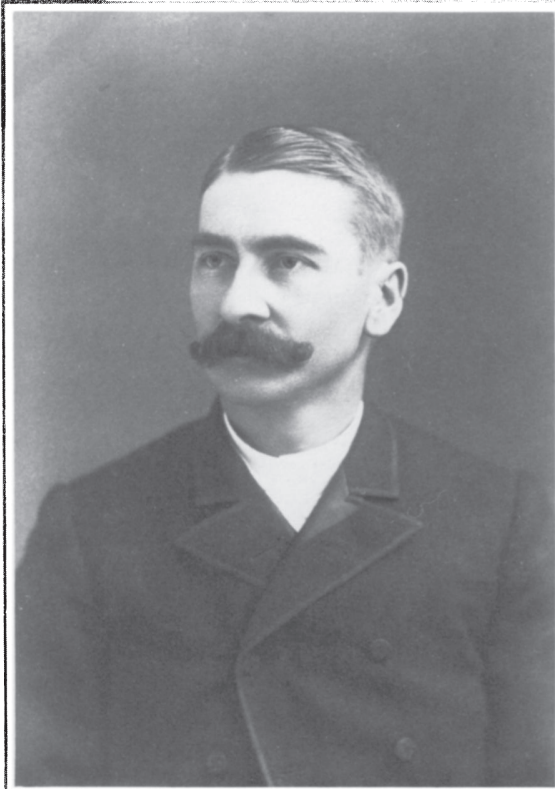
19. *The River Press* (Fort Benton), January 30, 1889; *The New Northwest*, February 8, 1889; *The Madisonian* (Virginia City), February 9, 16, 1889; *The Helena Independent*, February 6, 1889; *The Weekly Missoulian*, February 13, 1889.

The debates also indicate that in the minds of some legislators Council Bill No. 4 was actually a special bill meant solely for Ella's benefit. But in both Houses members also raised matters of principles. In the Council debate President Charles K. Cole, a Helena physician, defended the bill on the grounds that professional opportunity was a natural right irrespective of sex. Charles Middleton, a Miles City lawyer who finally voted for the bill, nevertheless reflected traditional values when he charged that it was "beneath the attributes and finer senses of the woman to seek that calling." In his mind the woman's place was in the home, a place consistent with a woman's morals and where she is free from "the sights and scenes of court rooms, where the demoralizing and degrading trials and tribulations of mankind were ever in progress." In the House, Samuel Murray, a Missoula lawyer, took the position that passage of the bill was an issue larger than the ambitions of one Helena woman. To him the question was one of justice, of a step forward or backward. In the past, Murray lectured his colleagues, men had regarded women as slaves or playthings, and some men still regarded them as graceful ornaments limited to domestic life. But, he reminded, the only relevant question was their mental capacity; if theirs is the equal of men, they should be admitted to the law. Murray stood Middleton's fear of the corrupting influence of courtroom scenes on its head when he claimed that the "presence of women in Court would do much to purify the atmosphere." After the final passage of the bill, the Sergeant-at-Arms delivered bouquets of flowers to the desks of Murray and House Speaker Lee Mantle.²⁰

Editorial responses to the bill and its passage were generally positive. Will Kennedy, an avowed opponent of woman suffrage, thought the bill "will probably pass through a feeling of gallantry."²¹ Another commented that if women are allowed to practice before eastern courts, there was no reason they should not be allowed to hang out their shingles "in the wild and woolly west." The *Helena Herald* probably reflected the mainstream sentiment. The editor conceded that the natural place for woman is in the home. But he acknowledged that some women were born with "tastes and powers" to fill jobs usually filled by men. He concluded that society should allow "the doors of all the professions and occupations [to] be thrown open to women and the test of merit alone be applied by a discriminating and intelligent public.

20. *The Helena Independent*, January 31, February 6, 7, 1889; *Helena Daily Record*, January 31, February 6, 1889; *The Weekly Missoulian*, February 13, 1889; *The Philipsburg Mail*, February 14, 1889; *The Madisonian*, February 9, 1889.

21. *The Age* (Boulder), January 23, 1889. In April Kennedy announced his candidacy for election to the Constitutional Convention to be held in the summer of 1889; and in doing so, he made it perfectly clear that he favored limiting suffrage to men. *The Age*, April 24, May 1, 1889.



Walter M. Bickford introduced the bill in Council that admitted women to the practice of law in Montana. A native of Maine, he came to Montana in 1884, served one term in the Council and was a Constitutional Convention delegate in 1889.

If women can show themselves capable of gaining success at the bar, we know of no good reason why they should be denied the opportunity." *The River Press* agreed that there could be no "reasonable objection" to the bill. The *Press* editor added a Lamarckian note when he argued that with the opportunity to pursue the law and other professions women will "sharpen their arts and brighten their intellects" and society will be the beneficiary when the women "give us brainy sons and intelligent daughters in return." The editor further revealed how his traditional view of women lay at the base of his support when he concluded that the "woman's sphere is where she can make herself useful and do good. There is a wide field for her in the legal profession to compass both those ends." Finally, one editor asserted that women ought to be given free rein to prove themselves in the professions, if they can. "It is not a gallant remark," he wrote, "but it is true that if you give them enough

rope they will hang themselves. It has proved so in many other instances."²²

What position the recently organized Montana Bar Association took, if any, is not known. Such records as exist do not indicate that the group's Committee on Legal Education and Admission to the Bar made any response to the question of admission of women. Had there been a widespread and vehement opposition within the organized bar it is likely the committee would have offered a vehicle for its expression. Furthermore, the committee's membership included one of the original organizers of the Bar Association, William H. Hunt, who as a member of the House had voted for Council Bill No. 4.²³

After passing the bar exam, Ella auspiciously launched her legal career in justice court. There she represented a Chinese man who had been employed by a black restaurant owner, the Chinese claimed that his former employer owed him five dollars in back wages. Although the sum was paltry, Ella recounted that because this was her first case she was very nervous. The black employer denied the charge and produced his account book to prove that he had, indeed, paid his former employee. But with the aid of a magnifying glass, Ella proved to the satisfaction of the justice of the peace that the entries had been erased and changed to cheat her client of his wages. Ella won her first case, and a grateful Chinese received his due wages.²⁴

During her first year as a lawyer, Ella continued to work with Joseph W. Kinsley. Ads identified the operation as "Kinsley and Knowles" with offices in Helena's Masonic Temple. However, by the following year Ella had her own office in the Temple building, which she maintained over the next several years. Her ability to go it alone indicates she succeeded in establishing a substantial practice. Clients included both men and women but included more of the former than the latter. One contemporary said most of her work was office work, but she did win some tough cases in court. Both in and out of court "her reputation as a capable lawyer was soon established, and those who at first scoffed at her now concede her marked ability. . ."²⁵ The comment that she did mostly office work is borne out by the fact that during her first several years of practice she appears infrequently in the records of the district court in Helena where most of her court work was likely to have taken place.²⁶

22. *The Weekly Herald* (Helena), February 7, 1889; *The River Press*, January 30, February 6, 1889; *The Philipsburg Mail*, February 14, 1889; *The Livingston Enterprise*, February 9, 1889.

23. Edward C. Russel, ed., *Proceedings of the Montana Bar Association From Its Organization*, p. 50; Tom Stout, *Montana: Its Story and Biography* (Chicago & New York: The American Historical Society, 1921), vol. 1, pp. 433-434.

24. Ella Knowles Haskell, "My First Fee."

25. R.L. Polk & Co's. *Helena City Directory* 1890 (Helena: Polk & Co., 1890), pp. 16, 291; *Polk's Helena City Directory* 1891, pp. 342, 344; *Polk's Helena City Directory* 1892, p.336; *Polk's Helena City Directory* 1893, p. 311; Miller, *An Illustrated History*, pp. 85-86.

26. Civil Case No. 4649 (*Knowles v. Twiford*) and Civil Case No. 737 (*Kinsley & Knowles v. J. W. Dickworth*), Office of the Clerk of Court, Lewis and Clark County, Old Courthouse, Helena, Montana.



Ella Knowles Haskell, engraving from *Progressive Men of the State of Montana*, 1902.

ELLA HAD NOT BEEN active in any political affairs in Montana, yet only two and a half years after her admission to the bar she was running for state office. Her work attracted enough attention to gain her the Populist Party's nomination for Attorney General in 1892, making her probably the second woman in the nation to be nominated as a state Attorney General.²⁷ Will Kennedy, Populist candidate for governor, reported that Ella was nominated at the Populist state convention in Butte "by acclamation and with great enthusiasm."²⁸ Some accounts give the impression that before her name was placed in nomination she had no inkling of this choice. As this form of the story goes, when Ella received the telegram notifying her of the nomination, she first thought it a joke. But she wired back her acceptance, and then faced the prospect of boning up on the issues.²⁹

It is more likely that before the Populist state nominating convention party leaders asked Ella if she

27. Robinson, "Women Lawyers," p. 27. Marion Todd was the first woman to run for the office of state Attorney General. In 1882 she was the Greenback Party Candidate in California.

28. *The Age*, June 22, 1892. For a discussion of Populism in Montana see Thomas A. Clinch, *Urban Populism and Free Silver in Montana* (Missoula: University of Montana Press, 1970).

29. *The Bates Student*, reprint of a story taken from the *Boston Transcript*, February 11, 1911, in the EKH vertical file, MHS.

would run. This point is significant for two reasons. In the first place, there was a question of her being eligible to run for an office for which she could not vote. Furthermore, the Constitution referred to the Attorney General as "he" and to "his" duties, although attorneys in both Helena and Butte felt that the use of the male pronoun was no obstacle.³⁰ And it is also likely that the State Canvassing Board, which was responsible for reviewing and certifying elections, indicated that it had no reservation about issuing her a certificate of election if she were to receive a plurality of the vote.³¹ On the issue of her running for an office for which she could not vote, she turned to Attorney General Henri Haskell, who was seeking re-election on the Republican ticket. Haskell produced an opinion which said that she could run for the office.³²

Secondly, a pre-convention consultation between Populist Party representatives and Ella also has a bearing on the degree of commitment both Ella and the party leaders contemplated making. In the case of the latter, Ella's candidacy was an explicit reaffirmation of the Montana Populist endorsement of women's rights. What her political leanings were prior to this is not clear, but in order in good conscience to accept the offer, Ella must have faced the issue of deciding which Populist principles she was willing to embrace. Yet, on Ella's part, acceptance of the nomination required some support for the party's broad reformist program beyond women's rights.

Public reaction to Ella's nomination, as indicated by editorial reaction, was mixed. Her candidacy produced some sexist joshing. One editor noted that she would win office by default since no real gentleman would consider running against her while another suggested that some "good man" ought to protect her from the shocks of political life by marrying her.³³ Some newsmen were also so ungallant as to raise the question of her satisfying the minimum age requirement of thirty.³⁴ Without revealing her age, Ella simply responded by saying that she met the requirement. In a more serious vein the editor of the *Anaconda Standard* applauded her candidacy as part of a broad trend which was, thankfully, exploding the old theory

30. For a discussion of the various ways the obstacle of the personal pronoun was handled within the legal community see Weisberg, "Barred From the Bar," pp. 486-487.

31. *The New York Times*, July 17, 1892; *Great Falls Tribune*, October 11, 1892.

32. *Jefferson County Sentinel* (Boulder), August 4, 1892. The manuscript records of the Attorney General's office do not exist for this period. Haskell's opinion does not appear among the synopses in his official reports, *Second and Third Annual Report of the Attorney General of the State of Montana* (1892). Late in the campaign her opponents raised again the question of her eligibility and Ella naively expressed her surprise that they did not know of Haskell's opinion. *Semi-Weekly Inter Mountain* (Butte), November 2, 6, 1892; *Helena Journal*, November 6, 1892.

33. *The Yellowstone Journal* (Miles City), June 25, 1892; *The Montana Vociferator* (Red Lodge), August 8, 1892; *Great Falls Tribune*, September 4, 1892.

34. Clinch, *Urban Populism*, p. 58; *Great Falls Tribune*, August 2, October 13, 1892; *The Anaconda Standard*, September 2, 1892.

of woman's "intellectual and moral inferiority." He added that it was "a matter for congratulation that Montana, young as is the state, is fully abreast of the best thought of the times."³⁵

It is impossible to tell if Ella entertained real illusions about winning the election. Before the campaign season had really gotten underway she announced that she was in the fight to win and promised that she would "canvass the whole state."³⁶ Several times in the course of the campaign she used a humorous anecdote both to illustrate eastern misconception of the wildness of the West and to express her intention of winning. She related that shortly after her arrival in Montana, her father back in New Hampshire had read about Indian troubles in the West. Fearing for his daughter's safety, he ordered her to return home. Ella refused. She commented that she was not scalped on that occasion, and she did not intend to be on election day either.³⁷ On the other hand, one account claimed she had no real expectation of winning, but that her campaign efforts were giving her invaluable advertising for her legal business. This element of expediency was present, and Ella freely admitted that her campaign travels were a boon to her practice by bringing her new clients practically every day.³⁸

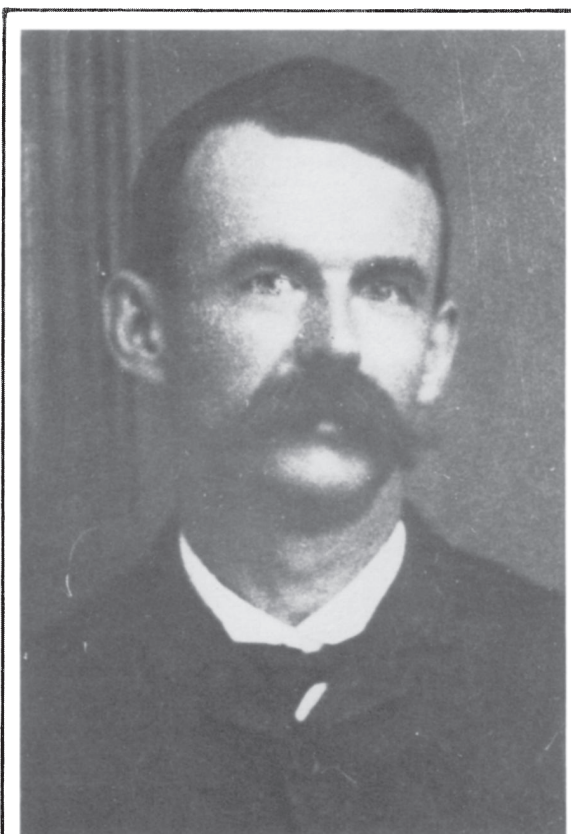
Without question she fulfilled her promise to wage a very strenuous campaign. The few, brief accounts of her career do not agree on the number of speeches she gave, but certainly it was more than fifty. Between August 27 and September 13, for example, her schedule called for appearances in fifteen different communities stretched along almost 500 miles of railroad line.³⁹ She continued this pace throughout the campaign. Everywhere she went Ella attracted large numbers of enthusiastic, respectful, and courteous listeners who frequently gave her, as the press reported, "immense applause" or "rapturous applause." The curiosity of a woman appearing on the political stump, aroused the people's interest. Favorably impressed with her fluency and eloquence, most reporters soon referred to her as "the silver tongued orator of Montana" and the "Portia of the People's Party." Evidence of her power on the speaker's platform and the importance she had within the Populist campaign in 1892 is apparent in the fact that she generally appeared last on the program in order to hold the crowd for other Populist speakers. She was a draw. One newsman stated that if the other parties really hoped to elect their candidates they had better find a more "forcible argument than the stale one of sex unfitness."⁴⁰

35. *The Anaconda Standard*, August 17, 1892.

36. *The New York Times*, July 17, 1892.

37. *Rocky Mountain Husbandman* (White Sulphur Springs), September 22, 1892.

38. *Great Falls Tribune*, October 11, November 3, 1892.



Will Kennedy, who stumped the state with Knowles in 1892 even though he had originally opposed woman suffrage, was a mainstay of Montana's Populist Party and editor of the Boulder Age.

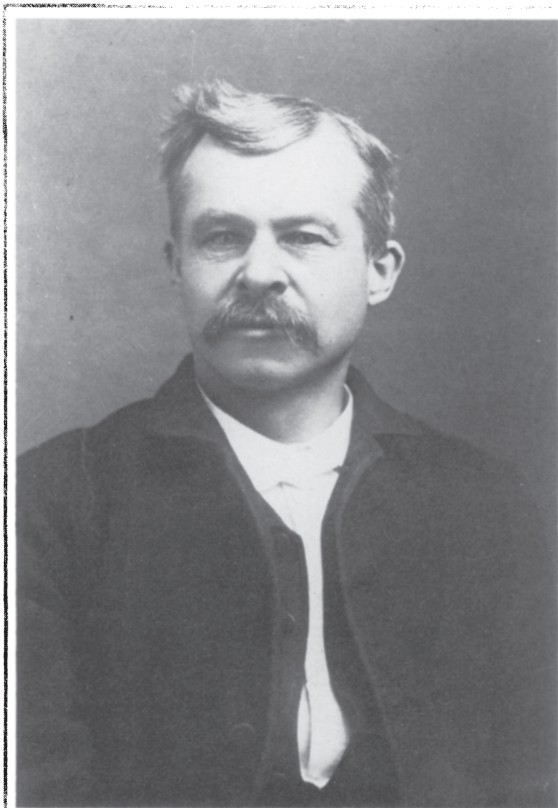
While most people of all political stripes granted that Ella did an outstanding job on the speaker's platform, there were a few exceptions. One was Elizabeth Chester Fisk, wife of Helena *Herald* editor Robert E. Fisk. Elizabeth reported to her mother that she had attended one of Ella's speeches. "It was simply disgusting," she wrote. "She swung her arms and opened her mouth and yelled. No other word expresses it."⁴¹ One reporter, while acknowledging Ella's talents, thought congressional candidate Caldwell Edwards was the best of the Populist speakers. Another objected that Ella delivered a memorized speech in "an monotonous tone of voice. . . in an unpleasantly high key, with a New England accent which rendered 'Montana' as 'Maun-ta-na.'"⁴²

39. *The Age*, August 24, 1892.

40. Clinch, *Urban Populism*, pp. 54, 63; *Semi-Weekly Inter Mountain*, July 31, 1892; *The Anaconda Standard*, October 6, November 4, 8, 1892; *Great Falls Tribune*, October 11, 1892; *Red Lodge Picket*, September 3, 1892; *The Glendive Independent*, September 3, 1892; *The Madisonian*, October 8, 1892; *Helena Journal*, October 29, November 5, 1892; *Jefferson County Sentinel*, August 4, 1892; *Dillon Examiner*, October 5, 1892.

41. Elizabeth Chester Fisk to her mother, November 8, 1892, Fisk Family Papers, MHS.

42. *The Weekly Missoulian*, November 2, 1892; *The Yellowstone Journal*, September 3, 1892.



Henri J. Haskell knew Ella Knowles' abilities sufficiently to hire her as his assistant after defeating her at the polls in 1892.

FOR THE MOST PART, Ella's campaign speeches showed little originality. One of the main planks in the Populist Party's national platform was the "unlimited coinage of silver and gold at the present legal ratio of 16 to 1." This proposal was a call for an inflationary monetary policy. Ella focused almost exclusively on the silver issue and insisted that the federal government's tight money policy was responsible for what she described as a growing disparity between the wealth of the few and the poverty of the many.⁴³

One exception to Ella's talking a straight Populist silver line was a Fourth-of-July speech in the town of Deer Lodge, a center of Populist strength. She noted that some states, "among them is the chivalrous and progressive State of Montana," had made significant advances for women in the areas of property law, higher education, and opportunities in the professions. Ella explained the connection she saw between a community's treatment of women and its general well being:

Degrade woman, cripple her faculties, hamper her intellectual growth, and the result is a degraded, crippled, or enslaved people, and is

exampled by the people of India. . . Elevate woman, give her full freedom to use the faculties God has given her, not as a matter of favor, but as an act of simple justice, and the result is a people strong and self-reliant, intellectual and valiant, a people of no less development than our own, able to defend the flag we love, and the advance teachers of civilized humanity.

Ella concluded by saying that she was proud to be an adopted daughter of Montana and "to take some little part, however slight, in the thought and action and development of this great commonwealth."⁴⁴

Ella's handling of campaign issues is significant because it has a bearing on how historians have looked at the Populist movement. Some have looked at it as narrow, cranky, devoid of significant ideological content, and reflecting the selfish interests of farmers and silver producers and miners. Others see it as offering a significant challenge to the status quo. Still others distinguish among Populists themselves, noting those who represent "real" or "shadow" movements. It is difficult to assess Ella's campaign in the light of these differences among historians, especially considering their emphasis on the silver question. Her speeches create an impression that Populism was for her a single issue. And yet this may be a false impression. Her enthusiastic support of the Populist position endorsing women's rights is unquestionable. She saw her candidacy as a significant episode in the furtherance of the rights and opportunities of women, as not just a personal honor but as an honor for the womanhood of the whole country. She probably chose to emphasize silver as the issue with the broadest possible appeal to her audiences while leaving her candidacy itself as a silent but startling reminder of her party's commitment to women's rights. In any case, after the election of 1892 she continued to support the Populist Party as long as it had any significant visibility.⁴⁵

Despite her best efforts, Ella ran third in the race. Incumbent Henri Haskell won re-election over Ella and Democrat Edward C. Day. However, Ella clearly surpassed the performance of any of the other statewide Populist candidates. Her 11,465 votes compared very favorably with the 7,794 votes gubernatorial candidate Kennedy garnered.⁴⁶ Within less than a year of his re-election Haskell, who had earlier reported to

44. *The Age*, August 10, 1892.

45. *Great Falls Tribune*, October 11, 1892. For a discussion of western Populism in the light of the different interpretations historians have given it see Robert W. Larson, "Populism in the Mountain West: A Mainstream Movement," *The Western Historical Quarterly*, 13 (April 1982), pp. 143-164. For a comment which would apparently place Ella outside the mainstream and which suggests that her conversion to Populist reformism was less than complete see Clinch, *Urban Populism*, p. 166.

46. Ellis L. Waldron, *Montana Politics Since 1864: An Atlas of Elections* (Missoula: Montana State University Press, 1958), pp. 68, 72.

47. *Second and Third Annual Report of the Attorney General*, pp. 33-34.

43. *Montana Staats-Zeitung* (Helena), September 6, 22, 1892; *Great Falls Tribune*, October 10, 1892; *The Yellowstone Journal*, September 3, 1892; and footnote 40 above.



Sarepta Sanders, a schoolteacher and close friend of Ella Knowles, was one of the tireless workers for woman suffrage in Helena in the 1890s.

Governor Toole that the burdens of his office required help, appointed Ella his assistant Attorney General, thereby making her probably the second woman in the country to occupy this position.⁴⁷ Within a short time of her appointment she represented the state against the interests of such power figures as copper magnate Marcus Daly and Paris Gibson, the founder of the city of Great Falls.⁴⁸ Apparently Ella and Haskell appreciated more than each other's legal talents because they married before the end of Haskell's second term in office. Editors could not resist the comment that politics did indeed make strange bedfellows.⁴⁹

HOW CAN IT BE that Ella so readily and successfully crashed the gender line? Her personality is part of the answer. She was attractive, very bright, persistent, and full of grit. Was this also an instance of frontier opportunity? Partly. Certainly there are contemporary comments along this line, including some of Ella's own. That she had the opportunity to take the bar exam became evidence for one observer that, as a young western state, Montana was "progressive and

in the front rank."⁵⁰ It is true that the West in the last quarter of the nineteenth century surpassed the rest of the country in providing women with general educational and professional opportunities.⁵¹ It also offered broader opportunities specifically to women lawyers. One early woman lawyer attributed this to what she called "the Western spirit of liberality." While some female lawyers were pursuing careers on the Pacific coast, it was actually the Midwest that was the scene of greatest activity, especially in the cities of St. Louis and Chicago. Law schools taking the lead in admitting women were the University of Michigan, Washington University Law School, and Union College of the Law (later Northwestern University Law School). Eastern and southern schools were more resistant. Many eastern law schools—staunchly led by Harvard, Yale and Columbia—stood hard and fast against the admission of women.⁵²

If a western spirit of liberality was a factor, it was greatly enhanced by the fact that an expansive mood dominated Montana, and especially Helena, at the

48. H. J. Haskell to Hon. T. C. Power, Helena, September 4, 1893, and Ella L. Knowles & H. J. Haskell to T. C. Power, Helena, March 13, 1893; T. C. Power Papers, Box 6, folders 20 and 27, MHS.

49. Clinch, *Urban Populism*, pp. 58-59, 63-64.

50. *Helena Daily Herald*, December 28, 1889.

51. T. A. Larson, "Women's Role in the American West," *Montana: The Magazine of Western History*, 24 (July 1974), p. 6.

52. Robinson, "Women Lawyers," p. 13; Bittenbender, "Woman in Law," p. 301; Weisberg, "Barred From the Bar," pp. 495, 501.



The Masonic Building, Helena. Ella L. Knowles' shingle hangs to the left of the doorway, and her office windows are the pair just left of the balcony.

time Ella was pursuing her professional goal. This was shortly to change very dramatically with the Panic of 1893 and subsequent depression. Consequently, in the late 1890s a much less favorable atmosphere greeted Montana's second woman lawyer.⁵³ Furthermore, the singularity of her ambitions very much aided Ella; hers seemed to be a special case. Much of the discussion of the 1889 bill included the observation that the legislators were dealing with the isolated

whims of one Helena woman. For men to allow a single camel into the tent was no threat to their world—if there were no other noses poking under it.

Ella's case also benefited from her group connections. She did not arrive in Helena as a totally isolated

tier, Helena, Montana 1865-1900" (unpublished Ph.D. dissertation, State University of New York at Binghamton, 1981, *passim*, p. 172.)

54. Ella's affiliations are listed in the clippings in EKH vertical file, MHS. The New England Society is listed in the *Polk Helena City Directories*. For the significance of sororial activities in the lives of nineteenth century women see William R. Taylor and Christopher Lasch, "Two 'Kindred Spirits': Sorority and Family in New England," *The New England Quarterly*, 36 (March 1963), pp. 23-51.


53. On the change of moods and its effect see Paula Evans Petrik, "The Bonanza Town: Women and Family on the Rocky Mountain Mining Fron-

individual. She was able to plug into prior existing networks among women and men. She brought with her the habit of a very active sororial life. In Helena, and later in Butte, she was active in the Theosophical Society, Daughters of the American Revolution, Eastern Star, Martha Lodge of the Rebekahs, the Woman's Club, Woman's Relief Corps, Women of Woodcraft, and the New England Society.⁵⁴ Each of these gave her a circle of friends and supporters. An especially solid source of support also came from people with New England roots, either directly or by way of upstate New York, or the upper Midwest. Finally, most of the men who supported her were Masons, and some were also fellow members of the New England Society.

A few examples will have to suffice. Her opportunity to read law in the office of Joseph W. Kinsley was probably not fortuitous. Born and raised in Cambridge, Massachusetts, Kinsley was a Civil War veteran who after the war worked for a time as a fire insurance adjuster, a job which carried him throughout most of New England.⁵⁵ In Portsmouth, Ella had begun reading law with Henry E. Burnham, whose interest included a directorship of the New Hampshire Fire Insurance Company.⁵⁶ Walter M. Bickford, who introduced Council Bill No. 4 and supported its passage in debate, was born and raised in Maine.⁵⁷ Of her bar examining committee, Wilbur Fisk Sanders, one of the leaders of Montana's Radical Republican faction, was from upstate New York. Sarepta Sanders, his sister, was one of Ella's best friends. Another examiner, Cornelius Hedges, grew up in Massachusetts and had a bachelor's degree from Yale and a law degree from Harvard. As an early Superintendent of Public Instruction, he was regarded as the "father" of education in Montana. He was also a successful editorial writer for the Helena *Herald* and a member of the New England Society. John B. Clayberg, also on her bar examining committee, was from Illinois. All three examiners were active Masons. Finally, Henri Haskell was from Maine, and he too was a fellow

member of the New England Society and an active Mason.⁵⁸

THE STORY OF ELLA'S success is not just of interest in its own right. It is also suggestive about the migration of people, as well as how elements of culture are transmitted to new communities. A number of years ago Dorothy O. Johansen in an important article about migration differentiated between "push" and "pull" factors that operate on people.⁵⁹ Ella's state of health and a doctor's recommendation to seek a different climate was a factor pushing her out of New England. But where to go? Her ultimate choice of Helena was almost certainly not a chance destination. The very regional network that aided her in crossing the gender line was probably a "pull" factor directing her choice to Helena. Such a pull factor, in turn, is related to how regional cultural elements are transmitted to new communities. As Johansen pointed out, people are pulled by reasonably based expectations of what the community will be like. This pull is not just a shared regional loyalty but also a shared sense of what it takes to have a desirable community. People with New England roots, whether direct or indirect ones, were likely to share a strong normative sense and to recognize each other as members of a group who knew what was required to build new communities on the frontier.⁶⁰

In any case, what of the remainder of the career of Ella Knowles Haskell? While working in the office of her Republican husband, she continued active in the Populist Party. In 1896 she was a delegate to the Populist Party county, state, and national conventions. She served on the Populist Party's national committee for four years. In 1896 and 1900 she took to the stump on behalf of presidential candidate William Jennings Bryan. After her husband's second term expired, they moved to his home town of Glendive. This residence lasted only a short time. Ella divorced Haskell, returned briefly to Helena, and then moved permanently to Butte. During this phase of her career she became involved in mining cases, acquired mining properties, and was active in the International Mining Congress. She also continued to be an avid supporter of women's rights. After a brief illness, she died of an infection on January 27, 1911, in Butte at age fifty. 

RICHARD ROEDER, co-author of the standard text on Montana History, *Montana: A History of Two Centuries*, is Professor of History at Montana State University and the author of numerous articles on western history in scholarly and popular journals. This article is the outgrowth of a larger interest Dr. Roeder has in broadening our view of Montana history to include women.

55. Miller, *An Illustrated History*, pp. 777-779.

56. *Biographical Directory of the American Congress 1774-1961* (Washington, D.C.: U.S. Government Printing Office, 1961), p. 632.

57. Miller, *An Illustrated History*, p. 393.

58. A. C. McClure, "Wilbur Fisk Sanders," *Contributions to the Historical Society of Montana* Vol. 8 (Helena: Montana Historical and Miscellaneous Library, 1917), pp. 25-35; *Montana Standard*, December 2, 1933; Wyllys A. Hedges, "Cornelius Hedges," *Contributions to the Historical Society of Montana* Vol. 7 (Helena, Montana Historical and Miscellaneous Library, 1910), pp. 181-196; Miller, *Illustrated History*, p. 728; *The Butte Miner*, March 22, 1921.

59. Dorothy O. Johansen, "A Working Hypothesis for the Study of Migrations," *Pacific Historical Review*, 36 (February 1967), pp. 1-12.

60. For discussions of New England influences on a succession of frontiers see Stewart H. Holbrook, *The Yankee Exodus: An Account of Migration from New England* (New York: The Macmillan Co., 1950) and Louis B. Wright, *Culture on the Moving Frontier* (New York: Harper Torchbook edition, 1961).