IX.

WOMAN IN LAW.

BY

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THE history of various ages and nations, since the days of the prophetess Deborah, who filled the office of judge among the children of Israel (Judges iv. 4), records the names of women distinguished for their legal learning, some of whom were also successful advocates. Among the latter we content ourselves with mentioning Aspasia, who pleaded causes in the Athenian forum, and Amenia Sentia and Hortensia in the Roman forum. But, alas, the right of Roman women to follow the profession of advocate was taken away in consequence of the obnoxious conduct of Calphurnia, who, from "excess of boldness" and "by reason of making the tribunals resound with howlings uncommon in the forum," says Velerius Maximus, was forbidden to plead. (Velerius Maximus, Hist. lib. viii. ch. iii.) The law, made to meet the especial case of Calphurnia, ultimately, "under the influences of the anti-feministic tendencies" of the period, was converted into a general one. In its wording the law sets forth that the original reason of woman's exclusion "rested solely on the doings of Caphrania." (Lex. 1, sec. 5, Dig. iii. i.)

This exclusion furnished a precedent for other nations which, in the course of time, was followed. Dr. Louis Frank, of the Faculty of Law at Bologna, in a pamphlet entitled "La Femme Avocat," translated by Mary A. Greene, LL.B., of Boston, and published in 1889 in serial form in the *Chicago Law Times*, in speaking on this point, says :

"Without taking time to discuss the rudimentary law of the ancient German Colonies, we recall only that institution of Germanic origin, the *vogt* or *advocatus*, whose care it was to represent every woman at the court of the suzerain, in judicial acts and debates. . . . . The ancient precedents were conceived and

established in a spirit which was extremely favorable to woman. There is not a trace in them of the privileges of masculinity. They allowed woman to be a witness, a surety, an attorney, a judge, an arbitrator. Later, under the influence of the canon law, and in the early renaissance of juridical study, under the action of the schools of Roman law, a reaction made itself felt against the rights of women, and the old disabilities of Roman legislation reappeared and became a part of the legal institutions."

Further on, Dr. Frank says :

"The forwardness of Calphurnia appeared to all the ancient jurists a peremptory reason for excluding women from the forum."

From among his citations to prove this assertion we extract the following :

"Boutillier tells us that a woman could not hold the office of attorney or of advocate. 'For know, that a woman, in whatever state she may be, married or unmarried, cannot be received as procurator for any person whatever. For she was forbidden (to do) any act of procuration because of Calphurnia, who considered herself wiser than any one else ; she could not restrain herself, and was continually running to the Judge without respect for formalities, in order to influence him against his opinion.' (Somme Rural, Edit. Mace, Paris, 1603, L. i. tit. x. p. 45.) Further on, designating those 'who may be advocates in court and who not,' Boutillier cites as incapable minors, the deaf, the blind, clerks, sergeants, and women. 'For women are excluded because of their forwardness, like Calphurnia, who could never endure that her side should be beaten nor that the judge should decide against her, without speaking forwardly to the judge or to the other party.' (*Id.* L. ii. tit. ii. p. 674.) . . . . In Germany as in France, the inferiority of woman was justified upon the same grounds. 'No woman,' says the *Miroir de Souabe*, 'can be guardian of herself nor plead in court, nor do it for another, nor make complaint against another, without an advocate. They lost this through a gentlewoman named Carfurna, who behaved foolishly in Rome before the ruler.'" (*Miroir de Souabe*, T. ii. ch. xxiv., Lassberg, 245.)

The prohibition against women acting as advocates, or barristers, the latter being the term used to designate the office in England, wherever adopted, has continued in force to the present time outside of the United States of America. In England women are permitted to qualify for and practice as attorneys

at law and solicitors in chancery, but have not been permitted to become barristers and exercise the rights of that rank in the prosecution of their cases. Were it not for the Calphurnian decree, they still would be ineligible because of being denied admission to the four Inns of Court, where barristers are trained and ranked. These Inns of Court are voluntary societies from whose power to reject applications for membership there is no appeal.

The common law of England becoming the law of this country, its women were thought also ineligible to admission to the bar, and but one woman, so far as we know, attempted to test the matter until within the last quarter of a century. This exception was a very notable one in colonial days. It was the case of Margaret Brent, spinster and gentlewoman. She and her sister Mary, kinswomen of the first Lord Proprietary and Governor of Maryland, came to the Province in 1638, "bringing over nine colonists, five men and four women. They took up manors, imported more settlers, and managed their affairs with masculine ability." So says William Hand Browne in his "History of a Palatinate." The Governor, Leonard Calvert, died the 9th of June, 1647, leaving Mistress Brent his sole executrix. At the time of his death, he was attorney for his brother, Cecilius Calvert, second Lord Baltimore, the Lord Proprietary. Mistress Brent succeeded him as attorney for his lordship. Her right to act in this capacity, which she at first claimed "on the strength of her appointment as executrix," was questioned in the provincial court, where she had occasion frequently to appear in regard to his lordship's "private estate and transactions in the Province." The Court ordered that she "should be received as his lordship's attorney." The question came up in court on the 3d day of January, 1648, of which record was made as follows:

"This day the question was moved in court whether or noe, Mr. Leon. Calvert (remayning his L^p's sole attorney within this Province before his death, and then dying) the said Mr. Calvert's administrator was to be received for his L^p's Attorney within this Province untill such time as his Lordship had made a new substitution, or that some other remayning uppon the present Commision were arrived into the Province. The Governor demanding Mr. Brent's opinion upon the same Quere. Hee answered that he did conceive that the administrator ought to be looked uppon as attorney both for recovering of rights into the estate and paying of dew debts out of the estate and taking care for the estate's preservation: But not further,

untill his Lordship shall substitute some other as aforesaid. And thereuppon the Governor concurred. It was ordered that the administrator of Mr. Leon Calvert aforesaid should be received as his L^p's^ Attorney to the intents above." (Archives of Maryland, vol. iv. p. 358.)

The provincial court records show that Mistress Brent not only frequently appeared in court as his lordship's attorney, in which capacity she continued to act for some years, but also in prosecuting and defending causes as attorney for her brother, Capt. Giles Brent, and in regard to her personal affairs, and as executrix of Leonard Calvert's estate (the record calls her "administrator"; she was appointed by the testator to execute his will). There is no record of any objection being made to her practicing as attorney on account of her sex. At that time the provincial court at St. Mary's "was the chief judicial body in the Province, being not only a court of first instance for all matters civil, criminal, and testamentary for the city and county of St. Mary's, but having also appellate jurisdiction over the county courts. It was composed of the Governor as presiding judge, and one or more of the members of the council asassociate judges." (Archives of Maryland, vol. iv. preface.)

Unmindful of the words "but not further" in the opinion, Mistress Brent asked for voice and vote in the General Assembly on account of her position as his lordship's attorney. This request was denied. Whether her sex entered into the denial is a question without solution. The Assembly proceedings for January 21, 1648, make mention of the fact in these words:

"Came Mistress Margarett Brent and requested to have vote in the howse for herselfe and voyce allso, for that att the last court, 3^d^ Jan., it was ordered that the said Mistress Brent was to be looked uppon and received as his L^ps^ Attorney. The Gov^r^ denyed that the said Mistress Brent should have any vote in the howse. And the said Mistress Brent protested against all proceedings in this present Assembly, unlesse shee may be present and have vote as aforesaid." (Archives of Maryland, vol. i. p. 215).

The first woman since the days of Mistress Brent to ask for and obtain admission to the bar of this country was Arabella A. Mansfield of Mt. Pleasant, Iowa. She studied in a law office and was admitted to the Iowa bar in June, 1869, under a statute providing only for admission of "white male citizens." The examining committee in its report, which is of record, said:

"Your committee have examined the provisions of section 2700 of chapter 114, of the Revision of 1860, concerning the qualifications of attorneys and counselors in this State [section 2700 provided for the admission of "white male persons." ED.], but in considering the section in connection with division 3 of section 29, chapter 3 of the Revision, on construction of statutes [section 29 provided that "words importing the masculine gender only may be extended to females." ED.], we feel justified in recommending to the court that construction which we deem authorized, not only by the language of the law itself, but by the demands and necessities of the present time and occasion. Your committee take unusual pleasure in recommending the admission of Mrs. Mansfield, not only because she is the first lady who has applied for this authority in this State, but because in her examination she has given the very best rebuke possible to the imputation that ladies cannot qualify for the practice of law."

At the time of Mrs. Mansfield's debut into the profession without opposition, Myra Bradwell, of Chicago, having studied law under the instruction of her husband, ex-Judge James B. Bradwell, was unsuccessfully knocking at the door of the Supreme Court of Illinois for admission. To give an understanding of the case, and line of argument used in denying her application, we extract from the opinion of the Court, delivered by Mr. Justice Lawrence, the following:

"Mrs. Myra Bradwell applied for a license as an attorney at law, presenting the ordinary certificates of character and qualifications. The license was refused, and it was stated, as a sufficient reason, that under the decisions of this court, the applicant, as a married woman, would be bound neither by her express contracts, nor by those implied contracts, which it is the policy of the law to create between attorney and client.

"Since the announcement of our decision, the applicant has filed a printed argument, in which her right to a license is earnestly and ably maintained. Of the qualifications of the applicant we have no doubt, and we put our decision in writing in order that she, or other persons interested, may bring the question before the next Legislature. . . . . It is to be remembered that at the time the statute was enacted [the statute under which admission was sought, which provided that "no person shall be permitted to practice as an attorney or counsellor at law," etc. ED.] we had, by express provision, adopted the common law of England, and, with three exceptions, the statutes of that country passed prior to the fourth year of James

the First, so far as they were applicable to our condition. It is also to be remembered that female attorneys at law were unknown in England, and a proposition that a woman should enter the courts of Westminster Hall in that capacity, or as a barrister, would have created hardly less astonishment than one that she should ascend the bench of bishops, or be elected to a seat in the House of Commons. It is to be further remembered that when our act was passed, that school of reform which claims for women participation in the making and administering of the laws, had not then arisen, or, if here and there a writer had advanced such theories, they were regarded rather as abstract speculations than as an actual basis for action. That God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply, and execute the laws, was regarded as an almost axiomatic truth. It may have been a radical error, but that this was the universal belief certainly admits of no denial. A direct participation in the affairs of government, in even the most elementary form, namely, the right of suffrage, was not then claimed, and has not yet been conceded, unless recently, in one of the newly settled territories of the West. . . . . But it is not merely an immense innovation in our own usages, as a court, that we are asked to make. This step, if taken by us, would mean that, in the opinion of this tribunal, every civil office in this State may be filled by women ; that it is in harmony with the spirit of our constitution and laws that women should be made governors, judges, and sheriffs. This we are not prepared to hold. . . . . There are some departments of the legal profession in which woman can appropriately labor. Whether, on the other hand, to engage in the hot strifes of the bar, in the presence of the public, and with momentous verdicts the prizes of the struggle, would not tend to destroy the deference and delicacy with which it is the pride of our ruder sex to treat her, is a matter certainly worthy of her consideration. But the important question is, what effect the presence of women as barristers in our courts would have upon the administration of justice, and the question can be satisfactorily answered only in the light of experience." (Supreme Court Reports of Illinois, vol. lv. p. 535.)

The Supreme Court of Illinois having refused to grant to Mrs. Bradwell a license to practice law in the courts of that State, she appealed the case to the Supreme Court of the United States, where the judgment of the State court was affirmed. She was there ably represented by Mr. Matthew

Hale Carpenter. Mr. Justice Miller delivered the opinion of the court. In affirming the judgment, the refusal being made on the ground that women are not eligible under the laws of Illinois, the court held that "such a decision violates no provision of the Federal Constitution"; that the right to practice law in the State courts is not "a privilege or immunity of a citizen of the United States, within the meaning of the first section of the fourteenth article of amendment of the Constitution of the United States"; and that "the power of a State to prescribe the qualifications for admission to the bar of its own courts is unaffected by the fourteenth amendment, and this court cannot inquire into the reasonableness or propriety of the rules it may prescribe." (16 Wallace's Reports, Supreme Court U. S., p. 130). Mr. Justice Bradley, while concurring in the judgment, gave expression to his views in a separate opinion in which he took occasion to say that, "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 domain and functions of womankind." The Chief Justice, Salmon P. Chase, "dissented from the judgment of the court, and from all of the opinions."

The Legislature of Illinois, in 1872, enacted that "No person shall be precluded or debarred from any occupation, profession, or employment (except military) on account of sex." But Mrs. Bradwell, ever since being occupied with editorial work on the *Chicago Legal News*, which she founded in 1868, and with the publication of Bradwell's Appellate Court Reports and other legal works, did not renew her application for a license to practice law. The sequel is this, copied from the *Chicago Legal News* of April 5, 1890: "We are pleased to say that last week, upon the original record, every member of the Supreme Court of Illinois cordially acquiesced in granting, on the Court's own motion, a license as an attorney and counselor at law to Mrs. Bradwell."

The next court case was that of Mrs. Belva Ann Lockwood, of Washington, D. C., who graduated from the Law School of the National University, and was admitted to practice before the Supreme Court of the District, in 1873. The same year a motion was made for her admission to the bar of the U. S. Court of Claims. This Court refused to act upon the motion, "for want of jurisdiction." The opinion concludes in these words: "The position which this Court assumes is that under the Constitution and Laws of the United States a court is with-

out power to grant such an application, and that a woman is without legal capacity to take the office of attorney." (Court of Claims Reports, vol. ix p. 346.)

At the October term, 1876, of the Supreme Court of the United States, Mrs. Lockwood applied for admission as practitioner of that court. Her application was denied. The decision has not been officially reported, but, upon the record of the Court, it is thus stated: "Upon the presentation of this application the Chief Justice said that, notice of this application having been previously brought to his attention, he had been instructed by the Court to announce the following decision upon it: By the uniform practice of the Court from its organization to the present time, and by the fair construction of its rules, none but men are admitted to practice before it as attorneys and counselors. This is in accordance with immemorial usage in England, and the law and practice in all the States, until within a recent period; and the Court does not feel called upon to make a change until such a change is required by statute or a more extended practice in the highest courts of the States."

Mrs. Lockwood continued practicing before the courts of the District and elsewhere, outside of United States courts, until Congress passed a bill providing, "That any woman who shall have been a member of the bar of the highest court of any State or Territory, or of the Supreme Court of the District of Columbia, for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States" (Approved, Feb. 15, 1879). Mrs. Lockwood drafted the bill and secured its passage. She was the first woman to be admitted under the law and to practice before this Supreme Court. (Since then, six others have been admitted, viz.: Laura De Force Gordon of Stockton, California; Ada M. Bittenbender of Lincoln, Nebraska; Carrie Burnham Kilgore of Philadelphia; Clara M. Foltz of San Diego, California; Lelia Robinson-Sawtelle of Boston, and Emma M. Gillet of Washington, D. C. Mrs. Bittenbender moved the admission of Miss Gillet, the first instance of one woman moving the admission of another to the highest court in the country.) A few days after Mrs. Lockwood's admission, she received word from the Court of Claims that she could now plead before it.

The next State court to be heard from on the subject was

the Supreme Court of Wisconsin, in 1875. The matter was the motion to admit Miss R. Lavinia Goodell to the bar of that court. Miss Goodell, the year before, had been admitted to the bar of the circuit court of Rock county in that State. The argument, read on the hearing of the motion by I. C. Sloan, Esq., was prepared by her. The motion was denied, it being held that "To entitle any person to practice in this court, the statute requires that he shall be licensed by its order, and no right to such an order can be founded on admission to the bar of a circuit court. The language of the statute relating to the admission of attorneys (which declares that '*he* shall first be licensed,' etc.) applies to males only; and the statutory rule of construction that 'words of the masculine gender *may* be applied to females,' 'unless such construction would be inconsistent with the manifest intention of the Legislature,' cannot be held to extend the meaning of this statute, in view of the uniform exclusion of females from the bar by the common law, and in the absence of any other evidence of a legislative intent to require their admission." Chief Justice Ryan delivered the opinion of the Court. The following extract from that opinion we believe will be read with interest, and remain of historic value as showing the fossilized misconceptions woman combated with in attaining the generally acceptable position in the legal profession in this country which she now holds:

"We cannot but think the common law wise in excluding women from the profession of the law. The profession enters largely into the well-being of society; and, to be honorably filled and safely to society, exacts the devotion of life. The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world and their maintenance in love and honor. And all life-long callings of women, inconsistent with these radical and sacred duties of their sex, as in the profession of the law, are departures from the order of nature; and when voluntary, treason against it. The cruel chances of life sometimes baffle both sexes, and may leave women free from the peculiar duties of their sex. These may need employment, and should be welcome to any not derogatory to their sex and its proprieties, or inconsistent with the good order of society. But it is public policy to provide for the sex, not for its superfluous members; and not to tempt women from the proper duties of their sex by opening to them duties peculiar to ours. There are many employments in life not unfit for female char-

acter. The profession of the law is surely not one of these. The peculiar qualities of womanhood, its gentle graces, its quick sensibility, its tender susceptibility, its purity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling, are surely not qualifications for forensic strife. Nature has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battle-field. Womanhood is molded for gentler and better things. And it is not the saints of the world who chiefly give employment to our profession. It has essentially and habitually to do with all that is selfish and malicious, knavish and criminal, coarse and brutal, repulsive and obscene, in human life. It would be revolting to all female sense of the innocence and sanctity of their sex, shocking to man's reverence for womanhood and faith in woman, on which hinge all the better affections and humanities of life, that woman should be permitted to mix professionally in all the nastiness of the world which finds its way into courts of justice ; all the unclean issues, all the collateral questions of incest, rape, seduction, fornication, adultery, pregnancy, bastardy, legitimacy, prostitution, lascivious cohabitation, abortion, infanticide, divorce."

Ah, dear sir, it is largely to "mix professionally in all the nastiness of the world which finds its way into courts of justice," that many, very many women seek admission to the bar. In every case involving any one of the "unclean issues" or "collateral questions" you have named, some woman must appear as complainant or defendant, or be in some way associated. What more proper, then, than that some other woman should be in court, clothed with legal power, to extend aid and protection to her sister in trouble, that justice may be done her, and the coarse jest and cruel laugh, so proverbial in social impurity cases before woman's advent as pleader, prevented! And we respectfully call upon the mothers of every land to see to it that in no instance in the future of the world shall a woman be summoned to the bar of justice as a party or witness in any case involving one of these "unclean issues" or "collateral questions" without being accompanied by one or more of her own sex of irreproachable character. When such emergencies are otherwise unprovided for, let the "good mothers of Israel" in the place convene and depute one or more of their number to perform this duty. It is a duty, unquestionably, to be performed in the interest not only of one sex, but of mankind generally ; for what affects one sex for good or evil, affects both.

Aye, Mr. Chief Justice, "the profession enters largely into the well-being of society"; and it is because of this fact woman desires and ought to enter it. This is the best of reasons. As to her motherhood prerogatives, experience has shown her able to perform these as the Father of the Universe and Mother Nature would have her, and still not to be precluded from giving the profession the necessary "devotion" to the end that it shall be "honorably filled and safely to society." If "the law of nature destines and qualifies the female sex . . . . for the custody of the homes of the world and their maintenance in love and honor," as you say, Mr. Chief Justice,—we say "if" because we believe the male sex to be joint-heir,—that does not mean that all women, or any woman, should stay inside of four walls continually to cook, wash dishes, sweep, dust, make beds, wash, iron, sew, etc. Oh, no! A woman may properly act as the custodian of a home and maintain it in love and honor, and do none of these things. Instead of such "lifelong callings of women" being "departures from the order of nature, and, when voluntary, treason against it," as you think, Mr. Chief Justice, we hold that to stifle the longings of an immortal soul to follow any useful calling in this life, to be a "departure from the order of nature, and, when voluntary, treason against it."

A law was promptly enacted enabling women to practice law in Wisconsin, under which Miss Goodell was admitted to the Supreme Court of the State.

Next following Miss Goodell's case, came that of Lelia J. Robinson of Boston, in 1881, the Supreme Judicial Court holding that under the laws of Massachusetts "an unmarried woman is not entitled to be examined for admission as an attorney and counselor of this court." In the opinion of the Court it is stated that "this being the first application of the kind in Massachusetts, the Court, desirous that it should be fully argued, informed the executive committee of the Bar Association of the city of Boston of the application, and has received elaborate briefs from the petitioner in support of her petition, and from two gentlemen of the bar as *amici curiæ* in opposition thereto." The statute under which the application was made provided that, "A citizen of this State . . . . may, on the recommendation of an attorney, petition the Supreme Judicial or Superior Court to be examined for admission as an attorney, whereupon the Court shall assign a time and place for the examination, and if satisfied with his acquirements and qualifications he shall be admitted." The Court

said that "the word 'citizen,' when used in its most common and most comprehensive sense, doubtless includes women ; but a woman is not, by virtue of her citizenship, vested by the Constitution of the United States, or by the Constitution of the Commonwealth, with any absolute right, independent of legislation, to take part in the government, either as a voter or as an officer, or to be admitted to practice as an attorney." (Mass. Supreme Court Rep., vol. cxxxi. p. 376.) The opinion was delivered by Chief Justice Gray. The Legislature, in 1882, passed a statute providing for the admission of women upon the same terms as men. Miss Robinson, now Mrs. Sawtelle, immediately took the examination and was admitted to the Suffolk County Bar. The next year the Legislature extended the powers of women attorneys in an act "to authorize the Governor to appoint women who are attorneys-at-law special commissioners to administer oaths and to take depositions and the acknowledgment of deeds." This legislation became necessary on account of a decision of the Supreme Court of the State in which it was held that "a woman cannot lawfully be appointed a justice of the peace, or, if formally appointed and commissioned, lawfully exercise any of the functions of the office." (Mass. Supreme Ct. Rep., vol. cvii. p. 604.) The power "to issue summonses for witnesses" was added in an act of 1889.

Mary Hall of Hartford, Connecticut, in 1882, after having completed the prescribed term of study and passed the required examination, applied to the Superior Court in Hartford county for a license to practice law. The statute under which her application was made provided that the Superior Court "may admit as attorneys such persons as are qualified therefor agreeably to the rules established by the judges of said court." This statute had "come down, with some changes, from the year 1750, and in essentially its present form from the year 1821." The bar of Hartford county "voted to recommend the admission of the applicant subject to the opinion of the Court whether, as a woman, she could be legally admitted, and appointed Messrs. McManus and Collier to argue the case before the Court." The Court reserved the application for the advice of the Supreme Court. The latter Court "held, that under the statute a woman could be admitted as an attorney." This being contra to the holdings of the United States and State courts in similar cases, which we have cited, was refreshing indeed. The opinion merits quotation quite at length. It was delivered by Chief Justice Park. The part selected reads:

"No one would doubt that a statute passed, at this time, in the same words would be sufficient to authorize the admission of women to the bar, because it is now a common fact and presumably in the minds of legislators, that women in different parts of the country are and for some time have been following the profession of law. But if we hold that the construction of the statute is to be determined by the admitted fact that its application to women was not in the minds of the legislators when it was passed, where shall we draw the line? All progress in social matters is gradual. We pass almost imperceptibly from a state of public opinion that utterly condemns some course of action to one that strongly approves it. At what point in the history of this change shall we regard a statute, the construction of which is to be affected by it, as passed in contemplation of it? When the statute we are now considering was passed it probably never entered the mind of a single member of the Legislature that black men would ever be seeking for admission under it. Shall we now hold that it cannot apply to black men? We know of no distinction in respect to this rule between the case of a statute and that of a constitutional provision. . . . . Events that gave rise to enactments may always be considered in construing them. This is little more than the familiar rule that in construing a statute we always inquire what particular mischief it was designed to remedy. Thus the Supreme Court of the United States has held that in construing the recent amendments of the Federal Constitution, although they are general in their terms, it is to be considered that they were passed with reference to the exigencies growing out of the emancipation of the slaves, and for the purpose of benefiting the blacks. But this statute was not passed for the purpose of benefiting men as distinguished from women. It grew out of no exigency caused by the relation of the sexes. Its object was wholly to secure the orderly trial of causes and the better administration of justice. . . . . We are not to forget that all statutes are to be construed, as far as possible, in favor of equality of rights. All restrictions upon human liberty, all claims for special privileges, are to be regarded as having the presumption of law against them, and as standing upon their defense, and can be sustained, if at all by valid legislation, only by the clear expression or clear implication of the law.

"We have some noteworthy illustrations of the recognition of women as eligible, or appointable to office under statutes of which the language is merely general. Thus, women are appointed in all parts of the country as postmasters. The act of

Congress of 1825 was the first one conferring upon the Postmaster-General the power of appointing postmasters, and it has remained essentially unchanged to the present time. The language of the act is, that "the Postmaster-General shall establish post-offices and appoint postmasters." Women are not included except in the general term "postmasters," a term which seems to imply male persons. . . . . The same may be said of pension agents. The acts of Congress on the subject have simply authorized "the President, by and with the advice and consent of the Senate, to appoint all pension agents, who shall hold their offices for the term of four years, and shall give bond," etc. At the last session of Congress a married woman in Chicago was appointed for a third term pension agent for the State of Illinois, and the public papers stated that there was not a single vote against her confirmation in the Senate. Public opinion is everywhere approving of such appointments. They promote the public interest, which is benefited by every legitimate use of individual ability, while mere justice, which is of interest to all, requires that all have the fullest opportunity for the exercise of their abilities. . . . . We have had pressed upon us by the counsel opposed to the applicant, the decisions of the courts of Massachusetts, Wisconsin, and Illinois, and of the United States Court of Claims, adverse to such an application. While not prepared to accede to all the general views expressed in those decisions, we do not think it necessary to go into a discussion of them, as we regard our statute, in view of all the considerations affecting its construction, as too clear to admit of any reasonable question as to the interpretation and effect which we ought to give it." (Conn. Supreme Ct. Rep., vol. l. p. 131).

We have a record showing that there were fifty-six women attorneys in the country at the time this last decision was rendered, in July, 1882, of whom thirty-one had graduated from law schools. Five of the fifty-six have gone to the spirit land. The first to go was Lemma Barkaloo, of Brooklyn, N. Y., the second to be enrolled as an attorney, and the first to try a case since the days of Mistress Brent. She was refused admission to the Law Department of Columbia College, and entered that of Washington University at St. Louis, in 1869. Without completing the course, she was admitted to the Circuit Court of St. Louis, and to the Supreme Court of the State in 1870. She died the same year of typhoid fever. The St. Louis Bar resolved "that in her erudition, industry, and enterprise, we have to regret the loss of one who, in the morn-

ing of her career, bade fair to reflect credit upon our profession and a new honor upon her sex." Alta M. Hulett, of Chicago, died in 1877. She prepared the bill to secure admission of women in Illinois and lectured in its interest during its pendency. She was admitted on her nineteenth birthday. Ellen A. Martin, in speaking of her in an article on "Admission of Women to the Bar," published in the initial number of the *Chicago Law Times*, says: "Miss Hulett was a young woman of remarkable energy and push, and of excellent ability and business judgment. She had tact and skill in the acquisition and management of business, and was a capable and efficient lawyer. She had a wonderful faculty for making friends who interested themselves in her success, and in the three years of her practice acquired an amount of profitable business that is not generally expected in law practice until after a much longer period. Her successful, and it may fairly be termed brilliant, career had a marked influence in producing a favorable attitude of the public toward woman practitioners." Lavinia Goodell, daughter of the well-known Abolitionist, Rev. Wm. Goodell, was the pioneer lawyer of Wisconsin. She was admitted to the bar, after passing a brilliant examination, in 1873. The case which greatly extended her reputation throughout the State and country was one involving twelve hundred dollars, in which her client was a woman. The case was carried from the county court to the circuit court, and appealed from that to the supreme court, where she won. According to the law of Wisconsin, Miss Goodell's admission to the circuit court admitted her to all courts in the State except the supreme court. Upon carrying up her case, and applying for admission to this, the chief justice (Ryan), refused her on the ground of sex. The arguments appear in substance in vol. xxxix. of Wisconsin reports.

She afterward reviewed the chief justice's decision in the *Chicago Legal News* and unquestionably had the better of him in argument. She also prepared a bill and sent it to the State Legislature, providing that no person should be refused admission to the bar on account of sex. A petition asking for its passage was signed by the circuit judge and every member of the bar in the county. In such high esteem was Miss Goodell's practice held, that her best paying clients were women. She was admitted to the supreme court in 1875.

She did much work for temperance and woman suffrage, two subjects which were very near her heart. Her life was devoted to good deeds, which only ended here when she was called up

higher. She died in 1880, in Milwaukee, where she had gone for medical treatment.

M. Fredrika Perry, of Chicago, died in 1883. She graduated from the Law School of Michigan University in March, 1875, was immediately admitted to the Michigan bar, and in the fall to the Illinois bar. Soon afterward, on motion of Miss Hulett, she was admitted to the United States circuit and district courts for the Northern District of Illinois, Miss Hulett being the first woman admitted to these courts and to any United States court. She continued in practice in partnership with Miss Martin, under the name of Perry & Martin, until her death (the result of pneumonia). Speaking of her, Miss Martin says: "Miss Perry was a successful lawyer and her success was substantial. She combined in an eminent degree the qualities which distinguish able barristers and jurists; her mind was broad and catholic, clear, quick, logical, and profound; her information both on legal and general matters was extensive. She had a clear, strong, and pleasant voice, and was an excellent advocate, both in presenting the law to the court and the merits of a case to the jury. She was a skillful examiner of witnesses, and understood as few attorneys do, save practitioners who have grown old in experience, the nice discriminations of Common Law Pleadings and the Rules of Evidence, the practical methods by which rights are secured in courts. All her work was done with the greatest care. She was engrossed in the study and practice of law, appreciating its spirit and intent, and gained steadily in efficiency and practical power, year by year. She had the genius and ability for the highest attainment in all departments of civil practice, and joined with these the power of close application and hard work. She belonged to the Strong family, which has furnished a great deal of the legal talent of the United States. Judge Tuley, before whom she often appeared, said of her at the bar meeting called to take action upon her death, "I was surprised at the extent of her legal knowledge and the great legal acumen she displayed." Tabitha A. Holton, of Dobson, North Carolina, died in 1886. She was admitted to the Supreme Court of the State in January, 1878, having passed a highly creditable examination. She practiced in Dobson, in partnership with her brother, Samuel L. Holton, devoting herself chiefly to office work and the preparation of civil cases, until a short time before her death.

Ada H. Kepley, of Effingham, Illinois, was the first woman to graduate from a law school in this or any other country.

She took her degree in June, 1870, from the Union College of Law, Chicago.

The major part of law schools of the United States now freely admit women when applied to for that purpose. Among those still refusing are the law departments of Yale, Harvard, and Georgetown universities, and Columbia College; the Cumberland University Law School of Lebanon, Tennessee, the Law Department of the Washington and Lee University in Lexington, Virginia, and the Law Department of the University of Virginia. "One woman, however, does wear the honors of the degree of Bachelor of Laws as conferred by Yale. This is Alice R. Jordan, now Mrs. Blake, who, after a year of study in the Law School of Michigan University and admission to the bar of Michigan in June, 1885, entered the Law School at Yale in the fall of the same year, and graduated at the close of the course with the degree as already stated. Dean Wayland, of Yale Law School, sends me a catalogue of the University, and writes that the marked paragraph on page 25 is intended to prevent a repetition of the Jordan incident. The paragraph referred to appears on the page devoted to departments of instruction, and reads: 'It is to be understood that the courses of instruction above described are open to persons of the male sex only, except where both sexes are specifically included.'"—(Lelia J. Robinson, LL.B., in an article on "Women Lawyers in the United States," in *The Green Bag*, January, 1890.) As to the relative standing of the sexes as students in law schools, Hon. Henry Wade Rogers, dean of the department of law of Michigan University, says: "The women who have attended the Law School have compared favorably in the matter of scholarship with the men. They are just as capable of acquiring legal knowledge as men are." This law school has graduated more women than any other in the country. Hon. Henry Booth, dean of Union College of Law, gives the standing of women in scholarship as that of a fair average, and says: "We discover no difference in the capacity of the sexes to apprehend and apply legal principles. We welcome ladies to the school and regard their presence an advantage in promoting decorum and good order."

A law school for women has recently been opened in New York City. Its founder is Madame Emile Kempin-Spyri, a graduate of the School of Jurisprudence, of the University of Zurich, in 1887. Her application for admission to the order of advocates of her native country, Switzerland, being denied,

she emigrated to the United States. She is the counsel of the Swiss Legation in Washington.*

Women lawyers of this country are entitled to practice before all courts, State and national, the same as male lawyers. When not admitted under existing statutes, the respective legislatures, so far, with two exceptions, have promptly passed enabling acts. Women anxious for admission were the first to advocate these. One exception to the usual legislative promptness is found in the case of Annie Smith, of Danville, Virginia. The Judge of the Corporation Court, to whom she applied in 1889 for a certificate to enable her to be examined, refused it on the ground that for a woman to obtain license the present statute would have to be amended. Mrs. Smith, aided by her husband, an attorney, vainly endeavored to secure the necessary enactment during the last session of the State Legislature. The bill, a general one, was voted down ; but a private bill, to enable Mrs. Smith only to obtain license, was favorably reported. The Legislature, however, adjourned before final action on it. Mr. and Mrs. Smith will continue their efforts until successful.

The other exception was a prior one, but admission came without legislation. This is found in the case of Carrie Burnham Kilgore, of Philadelphia. Speaking of her twelve years' struggle for admission, Miss Martin, in her article on "Admission of Women to the Bar," already cited, says : "In December, 1874, Carrie Burnham (now Kilgore), of Philadelphia, began the long and tedious warfare that she has been obliged to wage for admission in Pennsylvania. The Board of Examiners refused to examine her, because there was 'no precedent for the admission of a woman to the bar of this county,' and the Court refused to grant a rule on the board requiring them to examine her. Mrs. Kilgore then tried to have a law passed forbidding exclusion on account of sex, but the Judiciary

* Dr. Kempin writes : The Law School for women was a private undertaking, but founded with the aim to connect it with an already existing institution after having proven its vitality. With the help of the Women's Legal Education Society, an incorporated body of women interested in the higher education of their sex, the Law School succeeded in connecting itself with the University of the City of New York. In response to a request of the Women's Legal Education Society the doors of the Law Department of the University were thrown open to women on the same terms as to men, and a lectureship created to which I was selected as a lecturer on the same footing as other lecturers in the Law Department and especially to instruct classes of non-matriculating students who desire a knowledge of law for practical guidance and general culture.—ED.

Committee of the Senate took the position that the law as it stood was broad enough, and so it would seem to be. The Act of 1834 declares, 'The Judges of the several Courts of Record in the Commonwealth shall respectively have power to admit a competent number of persons of an honest disposition, and learned in the law, to practice as attorneys in their respective courts.' The Senate finally passed the clause desired, at two or three sessions, but it was never reached in the House. Finally Mrs. Kilgore gained admission to the Law School of the University of Pennsylvania in 1881, where she had previously been denied, and by virtue of her diploma from there, in 1883, was admitted to the Orphans' Court of Philadelphia. She was then admitted to one of the Common Pleas Courts, but denied admission to the other three, though it is the custom when a person has been admitted to one, to admit to the rest as a matter of course. As soon after admission to the Common Pleas Court as the law allows, two years, and in May of this year, 1886, Mrs. Kilgore applied and was admitted to the Supreme Court of the State, and by virtue of this admission, all the lower Courts are now compelled to admit her. Thus, Pennsylvania has accomplished after twelve years, what Iowa did seventeen years ago without any ado, and with a statute that might have afforded a reasonable ground for refusal, which the Pennsylvania statute did not." Since her admission, Mrs. Kilgore has been in active general practice. Her husband, an able lawyer, in whose office she studied and worked, died two years ago, in 1888. He had a large clientage. After his death, Mrs. Kilgore was requested to take charge of his cases in all but one instance. She is the attorney for Harmon Lodge, I.O.O.F., and the Relief Mining and Milling Company. Several times she has been appointed master and examiner by the courts. A special correspondent of the *Chicago Daily Tribune*, in its issue of April 5, 1890, speaking of Mrs. Kilgore's efforts and successes concludes with: "She has several interesting children and a delightful home, neither her struggle for woman's rights nor her devotion to her professional concerns having interferred with her domestic duties nor estranged her from the hearth."

This reminds us of many interesting cases of motherly care and devotion on the part of women practitioners, two of which we cannot refrain from mentioning. One is in regard to Ohio's first woman lawyer, Annie Cronise Lutes, of Tiffin, who was admitted to practice before the courts of that State in April, 1873. Her sister, Florence Cronise, was admitted in

September of the same year. These two sisters, since their admission, have pursued the steady, straight practice of law without deviation. For several years they were law partners. In 1880, Mrs. Lutes and her husband, who had been fellow students in the same office, and were admitted to the bar at the same time, formed a partnership. (This left Miss Florence to practice alone, which she has since done with signal success.) Mr. and Mrs. Lutes were married in 1874. They have three daughters. The two eldest (aged fourteen and twelve respectively) are attending the Heidelberg University, at Tiffin, taking the full classical course, *for which they were prepared under the instruction of their mother*, never having attended public school. The full force of this fact will become apparent further on. In 1881 Mr. Lutes became *totally deaf*. In a letter showing the extent of their law practice, which was published in the article on "Women Lawyers in the United States," already cited, Mr. Lutes says:

"Our practice is general in character, and extends to the courts of this State and the United States courts for the Northern District of Ohio. The following facts will enable you to form an estimate as to the nature and extent of Mrs. Lutes's pratice and experience at the bar. The bar of this county has forty-five members. The total number of civil cases on the trial docket of the term just closed was 226; of that number, our firm was retained in fifty cases, which is probably a fair average of our share of the business for this county, and our practice also extends to a considerable extent to the adjoining counties of this district."

Mr. Lutes's infirmity necessarily imposes extra duties on his faithful partner, which the following extract from the *Chicago Daily Tribune*, of April 5, 1890, graphically pictures: "Mr. Lutes is totally deaf, but his wife sits by him in court and repeats word for word what is said, and although her lips make no audible sound, every word said by judge, jury, or opposing counsel is understood. Without her assistance he would be perfectly helpless, so far as his law practice is concerned. The two work together on every case that is brought to them, and it is seldom a person sees one without the other. Their practice is lucrative and extensive."

The other case is that of Clara S. Foltz. Her married life was unfortunate. She had the family to support. This she did by undertaking dressmaking and millinery, and then conducting classes in voice culture and keeping boarders. An attorney who "admired her keen reasoning powers and her

incisive logic," one day said: "Mrs. Foltz, you are such a good mother that I believe you would make an able lawyer. Here is a copy of Kent's Commentaries. I wish you would take it home and read it." She did so as she nursed her babies—five of them now. Shortly afterward she began the study of law in an office. Subsequently she secured a divorce and the custody of her children. In September, 1878, she was admitted to practice and removed to San Francisco for a course in the Hastings Law College. She made application for admission as a student in the college and the dean permitted her to attend the lecture for three days, while the directors were deciding what to do about it. They refused her application on the ground that it was "not wise or expedient, or for the best interest of the college, to admit any female as a student therein." Mrs. Foltz informed the dean that she meant to attend the lectures—peaceably if she could, but forcibly if she must. She promptly commenced action for a mandate to compel the directors to admit her. She won. The directors appealed the case to the State Supreme Court. Mrs. Foltz appeared and argued her side of the case, making the point that the Law College was a branch of the University, and that woman's right to enter the latter was unquestioned. The Court agreed with her, and held that "An applicant for admission as a student to the Hastings Law College cannot lawfully be rejected on the sole ground that she is a female." (Foltz *v.* Hoge, *et al.*, Cal. Supreme Court Rep., vol. liv. p. 28.) She entered the college and remained there eighteen months, attending three classes daily to overtake her class. Finally overstudy, lack of means, and the care of her children, prostrated her. It was a severe disappointment not to be able to complete the prescribed three years' course and win her degree. She will yet gain it. Mrs. Foltz thus tells the story of her first case:

"I firmly believe in the Infinite. The day the Supreme Court admitted me—it was on Thursday—I traveled from San Jose to San Francisco. An old gentleman who knew of my struggles and ambitions was on the train. He explained in an apologetic way that he thought perhaps I would be willing to assist him in finding a land claim that he had pre-empted, and which another settler contested. My would-be client had all the necessary proofs and witnesses ready, and the case was to come up at ten o'clock the following day. I had never been in a land office. I was ignorant of the methods of procedure, but I could soon learn. I accepted the case.

"That day was a crisis in my life. To pay the ten dollar

fee of the Supreme Court I pawned this breastpin—dear old pin! Next morning, before I was up, a knock came to my door as the clock struck seven. My client was there. I dressed myself and carried on a conversation through the door. What would I charge for my services, he asked. I did not know, but ventured a guess at the correct figure. I would undertake the case for $25. He hesitated a little, and said that after witnesses fees and other expenses were paid he would have but $15 left, and that if I had a mind to take that sum it would be all right. I accepted eagerly, for I needed the money. Next I invited the witnesses in and questioned them. We parted to meet at the land office, but I went down in advance to see the Surveyor-General. I hold that the truth is always the best, so I told him that I had a case at ten o'clock, but knew nothing about land-office matters, and that I wanted to learn the law. He was very kind and furnished me with a pamphlet of instructions. Then I ventured to request that the case might go over to 1 P.M. He found that it could. I was immensely relieved and hastened off with my precious pamphlet. Client and witnesses were on the stairs. I informed them of the change in time and turned back. Didn't I get that pamphlet by heart though! And I won my first case, redeemed my cherished pin, and paid my board bill."

Laura De Force Gordon, who was also denied admission to the Hastings Law College, and aided Mrs. Foltz in her mandamus case, successfully defended a Spaniard charged with murder, within two months after her admission to the bar in 1879. "Among her most noted criminal cases was that of The People *v.* Sproule, which was indeed in some respects the most remarkable trial in the whole range of criminal jurisprudence in California. The defendant had shot and killed a young man named Andrews, by mistake for one Espey, the seducer of Sproule's wife. It was a fearful tragedy, and the excitement was so great that the jail had to be guarded for a week to prevent the lynching of the prisoner. Mrs. Gordon undertook his defense, against the advice of the most distinguished lawyers in the State, and obtained a verdict of "Not guilty" amid the most deafening cheers of men and hysterical cries of women, half-weeping jurymen joining in the general clamor of rejoicing." ("Women Lawyers in the United States," in *The Green Bag*, January, 1890.)

In speaking of her practice, Mrs. Lockwood says: "My first was a divorce case and I won it, but the man refused to pay the alimony. The judge told me there was no law to make

him pay it. I told him there was, and I showed him I could issue a *ne exeat.* I issued the writ, and the man was clapped into prison until he agreed to pay the alimony. Years afterward a similar case came up and the men who were the lawyers asked if there was no way to compel a man to stay in the District until he paid the alimony. The clerk said: 'Belva Lockwood is the only one who has ever issued a *ne exeat* in the District; you had better consult her.' Many a time I have been saved by a little wit. Once my client, a woman, got upon the witness stand, in spite of all I could do, and acknowledged she had committed the crime of which she was accused. It was for shooting a constable, and that woman described the whole thing, talking until I was glued to my seat with fright. When she stopped and I had to get up I didn't know what I was going to say, but I began, 'Gentlemen of the jury, the laws must be enforced. My client has committed the double offense of resisting an officer of the law and shooting a man. The District is under the common law. That law says a woman must obey her husband. Her husband told her to load a gun and shoot the first officer that tried to force his way into the house. She obeyed him. Gentlemen, I claim that that husband loaded the gun and shot the officer, and as the judge will not postpone this case until I can have the husband brought from the West, where he is, I claim you are not trying the right prisoner. You would not have a woman resist her husband?' The jury brought in the verdict of 'Not guilty,' and the judge, a crusty gentleman, said, when the next case was brought up: 'I will call a new jury for this case, as the old one has just done a hard day's work.'"

Col. C. K. Pier, his wife, and three daughters, of Madison, Wisconsin, are widely known as "the Pier family of lawyers." The Colonel is a lawyer of long standing. Mrs. Pier and their eldest daughter graduated from the Law Department of the University of Wisconsin in 1887. All three practice together. The two younger sisters, Carrie and Harriet, have nearly finished the course in the law school from which their mother and sister graduated. Miss Kate, in her twenty-first year, appeared before the Supreme Court and won her case, the first to be argued by a woman in the supreme tribunal of the State. A newspaper, commenting on the fact, says: "Her opponent was J. J. Sutton, a veteran practitioner. The gray-haired patriarchs of the profession smoothed the wrinkles out of their waistcoats and straightened their neckties, and then wiped the specks off their spectacles. The audience was one before which any

young man might readily have been excused for getting rattled. There were present Gen. E. E. Bryant, dean of the law faculty, ex-Secretary of the Interior William F. Vilas, and a host of visiting legal lights. Even the dignified judges were compelled to affect an extra degree of austerity to conceal their interest in the young attorney. But Miss Pier showed no sign of embarrassment. Her argument was direct and to the point, and, moreover, relieved of the superfluities that frequently characterize the verbose utterances of more experienced attorneys of the male sex. She stated her case unhesitatingly, and frequently turned to and cited authorities, showing an acquaintance with the law and a degree of self-possession which indicated that she was truly in love with her profession. She showed she possessed the true mettle for success, and two weeks later, when the judges rendered their decision, she had the pleasure of winning her first case. Since then both she and her mother have frequently argued cases before the Court."

Almeda E. Hitchcock, of Hilo, Hawaii Islands, graduated from the Law Department of the Michigan University in 1888, and was admitted to the Michigan bar. Her father is one of the circuit judges of that far away island. On her return home she was admitted to the Hawaiian bar on presentation of her license from the Michigan Court, the first instance of a woman's receiving license to practice law in that kingdom. The same day she was appointed notary public and became her father's law partner.

Marilla M. Ricker, while a resident of the District of Columbia, was appointed Commissioner and Examiner in Chancery by the Supreme Court of the District, and several cases were heard before her. Other women lawyers, in various parts of the country, have been appointed examiners in chancery and examiners of applicants for admission to the bar. Mary E. Haddock, LL.B., in June, 1878, was appointed by the Supreme Court of Iowa to examine students of the State University for graduation and admission to the bar. She was reappointed for two successive years. Ada Lee, of Port Huron, Michigan, the year following her admission in 1883, was elected to the office of Circuit Court Commissioner, having been nominated, without solicitation on her part, by the Republican, Democratic, and Greenback parties of St. Clair county. "She performed the duties of this office, and held it until the expiration of her term, despite the fact that thirteen suits were begun to oust her, during which time two hundred and seventeen cases were tried before her." Mrs. J. M. Kellogg acted as Assistant

Attorney-General during the time her husband was Attorney-General of Kansas. They are law partners.

Phoebe W. Couzins, LL.B., was chief deputy United States Marshal for the Eastern District of Missouri during the time her father was the Marshal. At the death of her father she was named his successor, which position she held until removed by the in-coming Democratic administration. Catherine G. Waugh, A.M., LL.B., was for a year or two Professor of Commercial Law in the Rockford (Ill.) Commercial College. Mrs. Foltz delivered a legal address before the students of Union College of Law in 1886. Mary A. Greene, LL.B. recently delivered a course of lectures before the students of Lasell Seminary on "Business Law for Women."

Several able articles have been written for law journals by women lawyers of this country. Of books, M. B. R. Shay, is author of "Students' Guide to Common Law Pleading" (published in 1881.) Of this work, Hon. R. M. Benjamin, dean of Law Faculty, and Hon. A. G. Kerr, professor of Pleading of Law Department of the Illinois Wesleyan University, say, as published in Callaghan & Company's annual catalogue of law books:

"We have examined with considerable care Shay's Questions on Common Law Pleading, and can cheerfully recommend them to students as admirably adapted to guide them to a thorough knowledge of the principles of pleading as laid down by those masters of the system, Stephen, Gould, and Chitty."

Lelia Robinson Sawtelle is author of "Law Made Easy" (published in 1886). Of this work, Hon. Charles T. Russell, professor in Boston University Law School, says: "For the end proposed, the information and instruction of the popular mind in the elements of law, civil and criminal, I know of no work which surpasses it. It is comprehensive and judicious in scope, accurate in statement, terse, vigorous, simple, and clear in style. My gratification in this work is none the less that its author is the first lady Bachelor of Laws graduated from our Boston University Law School, and that she has thus early and fully vindicated her right to the highest honors of the school accorded her at her graduation." Mrs. Sawtelle has since written a manual entitled "The Law of Husband and Wife," which likewise has been well received. She is now at work upon another to be called "Wills and Inheritances."

We have already spoken of Myra Bradwell as the editor of the *Chicago Legal News*. Catharine V. Waite, LL.B., edits the *Chicago Law Times*, which she founded in 1886. Bessie Bradwell Helmer, LL.B., compiled, unassisted, ten volumes of

Bradwell's Appelate Court Reports. Cora A. Benneson, LL.B., was law editor for the West Publishing Company of St. Paul, Minnesota, in 1886.

The first association of women lawyers is called "The Equity Club." This was organized in October, 1886, by women students and graduates of the Law Department of Michigan University, having for its object "the interchange of encouragement and friendly counsel between women law students and practitioners." It is international in scope. Each member is required to contribute a yearly letter, "giving an account of individual experiences, thoughts on topics of general interest, and helpful suggestions," for publication and distribution among members of the association.

Another association of women lawyers, organized in 1888, is the "Woman's International Bar Association," having for its object:

1. To open law schools to women.
2. To remove all disabilities to admission of women to the bar, and to secure their eligibility to the bench.
3. To disseminate knowledge concerning women's legal status.
4. To secure better legal conditions for women.

Women lawyers are welcomed as members of bar associations established by their brothers in the profession. Many have availed themselves of this privilege.

For various reasons quite a number of women admitted have not, so far, identified themselves with law practice. Others have allowed themselves to be drawn into temperance and other reform movements; but the greater portion at once settled down to follow their chosen pursuit with no deviation, and are ripening into able, experienced lawyers, and winning their fair share of clientage. Some confine themselves mainly to an office practice, seldom or never appearing in public; others prefer court practice. Those who enter the forum are cordially countenanced by brother lawyers and acceptably received before court and jury. As a rule they are treated with the utmost courtesy by the bench, the bar, and other court officers.

Woman's influence in the court room as counsel is promotive of good in more than one respect. Invectives against opposing counsel, so freely made use of in some courts, are seldom indulged in when woman stands as the opponent. And in social impurity cases, language, in her presence, becomes more chaste, and the moral tone thereby elevated perceptibly. But

there should be one more innovation brought into general vogue, that of the mixed jury system. When we shall have women both as lawyers and jurors to assist in the trial of cases, then, and not until then, will woman's influence for good in the administration of justice be fully felt. In Wyoming and Washington the mixed jury system has been tried and found perfectly practicable.

There has not been time enough yet for a woman to develop into an Erskine or Burke, an O'Connor or Curran, a Webster or Choate. But few men have done so, if history correctly records. Woman has made a fair beginning, and is determined to push on and upward, keeping pace with her brother along the way until, with him, she shall have finally reached the highest pinnacle of legal fame.