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WOMEN IN THE LAW.

Their past, Present and Future.

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In view of the fact that woman's struggle for admission to the bar was begun only a few years ago and is scarcely now an accomplished fact, we may safely say that the woman lawyer is not that much talked of individual, a "Woman with a Past."

Myra Bradwell's application for admission to the bar of Illinois was the first serious attempt by a woman, in this country to share the burdens of the legal profession. Mrs. Bradwell studied with her husband and in 1868 took the necessary examinations and applied for admission. Her case was considered with great seriousness and it was finally decided that under the laws of Illinois, which state follows the common law, a woman was not entitled to admission to the practice of law. Mrs. Bradwell carried her case to the supreme court of the United States on a constitutional question, which need not be discussed here. In 1873, only twenty-seven years ago, the supreme court of the United States handed down its decisions that no constitutional rights of a woman as a citizen of the great republic were violated by a state in limiting the right to practice in its courts to male citizens. This was the decision of the court but Chief Justice Chase filed a dissenting opinion. It is often said by lawyers that the dissenting opinion contains the law on the question. Perhaps woman will agree with them in this case.

Right here let me say that the statement that we so often hear that woman have no citizenship is not correct, though only last summer I heard a lawyer deny that women were citizens. Any dictionary will tell you that we are and it is interesting to note that the opinion of the court in Mrs. Bradwell's case admits that she is a citizen of the United States. Mrs. Maud Balington Booth, as you know, was herself naturalized as an American citizen, preferring to hold her citizenship in her own right rather than through the naturalization of her husband.

Being refused admission to the bar, Mrs. Bradwell ceased her efforts in her own behalf and set about accomplishing for her sex in the future what she had been unable to secure. She appealed to the legislature and succeeded in getting an Act passed which made women eligible to all occupations, professions and employments, except military. This was a service for which the name of Myra Bradwell should be honored by every woman in the United States. Illinois is a common law state and until the passage of this act women were debarred from many occupations in which they are no commonly engaged. Since its passage ninety-two women have been admitted to the bar in that state. It is significant that in 1890 the supreme court of Illinois, on its own motion, admitted Mrs. Bradwell to the practice of law upon her application filed twenty-two years before.

I have spoken particularly of Mrs. Bradwell's case because hers is the most important experience as well as the first. She is the only woman who fought her case through to the highest court in the country.

Other women have procured legislation in their state, but Mrs. Bradwell made the hardest fight and had the greatest influence.

Most of the states now admit women to practice in their courts. Many of the good law schools, including some of the best, are co-educational, so that there is ample opportunity for women to pursue the study of law under the best instructors. For those of more conservative tastes there is one law school, at least, exclusively for women.

At the present time, therefore, it is not difficult for a woman to enter the practice. The women lawyers has found favor with judges and the law givers, from the seats of the mighty the edict has gone forth that the courts of justice shall open unto her, but having achieved so much the battle is not won. When she holds in her hand a diploma from a reputable law school and various solemnly worded documents on parchment bearing the seals of state and federal courts, she must then turn to see how she stands with the law breaker, the oppressed, the soulless corporation, the injured, those weak in body, mind, or spirit, those who for any reason have a grievance of a dispute which the law of the land may be invoked to settle. It was comparatively easy, once she set her mind upon it, to convince legislatures and courts that she could interpret the law, but to convince clients that she can defend them and put their enemies to flight, "aye, there's the rub." Like all other great questions, the question of women in the law must at last be referred to the average citizen. The average man and the average woman form the court of last resort in which the ultimate success or failure of the woman lawyer is to be determined. When the average man and the average woman are ready to entrust their rights and their property to the care of a woman who has an LL. B. after her name, then the practical problem is solved and the way will be opened.

Personally I believe that the great cities offer better opportunities for women in the profession. There the practice is so great that each lawyer may - in fact must - take up a special line of practice. In a small city or village everyone must take a general practice and there is much that is not well suited to women. Where a firm is composed of both men and women a general practice goes very well. This has been my own experience and I think that any woman who has a taste for the law will work hard both in preparing for her profession and in doing the work that comes to her, will find plenty to do in such a partnership. Where the client is a woman one might think that her case could be handled best by a woman, but that is not always the opinion of the client. Sometimes women are harder to convince than men that another woman is a sincere and capable worker in an occupation heretofore followed exclusively by men. On day when I was alone in my office an old lady, who had known me from babyhood, came in and enquired for my father. The stenographer informed her that he was out but that Miss Prouty was in. The old lady gave a contemptuous sniff and announced with engaging frankness: "I want someone who knows more than Miss Prouty." I have always been told that woman could not be depended upon to stand by each other - perhaps this is true. At any rate it would bear thinking about and I would respectfully submit the suggestion to women's clubs and conventions. But there are compensations. Not long afterward as balm to my wounded spirit came a man who said: "I was looking for your father but I guess you know just as much." I had grave doubts on that subject but I thought it was not necessary to mention them.

Law is necessarily the most conservative of the professions and it is not strange that people are slow in accepting such an innovation as the woman lawyer. Encouragement is found in the feeling of fraternity existing among lawyers, and I am glad to say that this fraternal spirit extends even to the sisters-in-law. Lawyers are not divided by schools as are physicians nor by creeds as are ministers - they form one brotherhood and there is a certain friendliness and courtesy among them that I think is not found among the members of other professions. I do not want my friends, the doctors, and the ministers, to take exception to this statement. If it does not seem true to them I hope they will put it down to my great love for my own profession and the natural tendency to see the good in one's chosen calling. My own experience has been most pleasant in this regard. The men attorneys are universally courteous and agreeable to me and seem to be as kindly disposed as possible.

It is sometimes thought that because many women lawyers do not try cases they are unsuccessful and lacking in energy, I do not think this view correct. A great deal of a lawyer's best and hardest work is done outside the courtroom and it is not necessary that all should be trial lawyers, but if a woman has ability in that direction she can expect her fair degree of success, although there are many cases she will not care to try and that clients will prefer to have tried by men. Judges vary. Many are naturally opposed to women but often they are disposed to give them a fair hearing, though they are prone to regard them as something of a curiosity. I was somewhat embarrassed by the gallantry of the foreman upon the occasion of my first jury case.

The jury had found in favor of my client and when they came in with the verdict, instead of passing it up to the judge, as is customary, the foreman dropped it into my lap as he passed me on the way to his seat in the jury box. He evidently thought that as I had won the verdict it was mine.

Although I do not advise girls indiscriminately to study law, with a view to practicing, I have faith in the future of the woman lawyer. Rev. Anna Shaw tells us that men have driven women out of their old employments of spinning, weaving, cooking and washing, and in each case have come to do the work so much better and quicker that they will hold it. This might open the way for women in the occupations and professions which used to belong exclusively to men, but if it does it must be on the same terms. Not that I believe that women will become so much better lawyers that they will drive men from the field - they will not. But I do mean that women must do the work well in order to hold their own with the men. They must ask no favors on account of sex and must be equally as energetic and as well informed as the men in the profession. The women who will succeed are those who really have ability and aptitude for the work - just as in everything else. In certain lines of practice women should be peculiarly successful, and always the able woman who is especially fond of a particular branch of the law can succeed by making that branch her specialty and devoting herself to it.

Miss Bartelm of Chicago, has had most flattering success in probate law. This is probably the branch most eminently suited to women practitioners.

In the state of Iowa a large number of women have been admitted to the bar and several are engaged more or less actively in the practice. My friend, Mrs. Lloyd Kennedy of Sioux City, is well known to the equal suffragists of Iowa as she was one time your most efficient president. She is a woman of marked ability and had made a success of her profession. Here in Des Moines you have the only law firm composed entirely of women in the state and I hope to see them achieve great success.

In San Francisco, Mrs. Clara Foltz has acquired some fame, and in New York a young woman has just announced herself as a criminal lawyer.

Perhaps the most talked of woman lawyer in Chicago is Mrs. Kate Kane Rossi. It was she who struck the opposing counsel over the head with her umbrella in the heat of argument one day in court, while she was still Miss Kane. Sometime after her marriage an altercation with an elevator boy who refused to take her baby carriage up in the elevator, brought her faithful umbrella again into play and the perambulator went up. A law journal, under the heading, "Chicago's Leading Lady Lawyer." Refers to her in the following terms: "Mrs. Rossi is always a lawyeress militant, and her appearance in the justice court is usually followed by a lively and exhilarating time. I do not consider the militant woman lawyer typical of the sex in that profession as I have never met that type myself.

Whether one cares to practice or not I recommend the study of law to all who have the taste and opportunity. It gives a broad culture that I think no other study can give and if more women would give themselves to the study of the laws by which they are governed and under whose protection they live, they would be better prepared to assist in governing the country when the ballot is at last placed in their hands.