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ADMISSION OF WOMEN TO THE BAR.

The efforts of women to gain admission to the Bar in the United States, first took practical shape and became a success, according to the best of my information, in the year 1869.

Phoebe W. Couzens' application for admission to Washington University Law School at St. Louis had been favorably acted upon in 1868, and Elizabeth (Lila) Peckham had been, for some time, a law student in Milwaukee, and been generally known to the public as such. Miss Peckham died before admission, but she had attracted much attention by her ability.

In June, 1869, Arabella A. Mansfield, a graduate of Iowa Wesleyan Seminary, was admitted to the Iowa Bar at Mt. Pleasant, Iowa, and this, notwithstanding the statute provided only for the admission of "white male citizens." The Examining Committee in its report, which is of record, said, "Your Committee have examined the provisions of Section 2,700 of Ch. 114, of the Revision of 1860, concerning the qualifications of attorneys and counselors in this State, but in considering the section in connection with division 3 of Section 29, Ch. 3 of the Revision, on construction of statutes, 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 can not qualify for the practice of law." Section 2,700 provides for the admission of "white male persons." Section 29 provides that "words importing the masculine gender only may be extended to females." George B. Corkhill, afterward U. S. Dist. Att'y., for the District of Columbia was one of the signers of this report. Thus it will be seen that the first woman who applied for admission met with no opposition.

In August, 1869, Myra Bradwell of Chicago, was examined and her competency certified in the usual way to the Supreme Court of Illinois, and a motion made, for her admission. The Court informed her it would be compelled to deny her application, because of the disabilities she labored under as a married woman in regard to making contracts, but being met by an exhaustive argument on this point, the Court abandoned its first reason and refused admission on account of sex. It decided that inasmuch as women were not known as attorneys at Common Law, it was sufficient reason for the Court to decline to exercise its discretion *and* admit them; that the matter ought to be decided by the Legislature. Mrs. Bradwell appealed from the decision to the Supreme Court of the United States, claiming that it was contrary to the Fourteenth Amendment, and the Fourth Article of the Federal Constitution to deny her admission for the reasons given. Mr. Justice Miller delivered the adverse opinion of the Court, stating that admission to practice in the Courts of a State was not one of the privileges belonging to citizens of the United States which States were forbidden to abridge. Mr. Justice Bradley said, it was not one of the privileges of *women* citizens and enlarged upon the functions of womanhood and laws of the Creator, being, it is supposed, fully informed upon the latter. The report of the case, 16 Wall. 130, states that Chief Justice Chase "Dissented from the judgment of the Court and all the opinions." Mrs. Bradwell has since devoted herself to the publication of the Chicago Legal News, Statutes, Law Reports, etc. Her daughter Bessie (now Mrs. Helmer,) graduated from the Union College of Law of Chicago, and was admitted to the

Bar in 1882, and is associated with Judge and Mrs. Bradwell in the work of the Legal News and the preparation of Bradwell's Appellate Court Reports.

Lemma Barkaloo of Brooklyn, New York, being refused admission to the Law School of Columbia College entered the Law School of Washington University at St. Louis in the Fall of 1869), and in March, 1870, on examination, was admitted to the Circuit Court at St. Louis, and enrolled as an attorney in the Supreme Court of Missouri. Miss Barkaloo tried the first case by a woman attorney in this country, so far as I am informed. She died of typhoid fever in September, 1870. At a meeting of the St. Louis Bar, in reference to her death, it was resolved "that in her erudition, industry and enterprise, we have to regret the loss of one who in the morning of her career, bade fair to reflect credit upon our profession and a new honor upon her sex."

In June, 1870, Adah H. Kepley of Effingham, Ill., graduated at the Union College of Law, Chicago, but under the holding in Mrs. Bradwell's case could not be admitted. In November, following, a motion was made in the Court at Effingham, that Mrs. Kepley be allowed to practice at that Bar, and Judge Decius in entertaining the motion said, "that while the Supreme Court had refused license to a woman in another case, he yet thought the motion was proper, and in accord with the spirit of the age, and if it was the unanimous sense of the Bar, he did not feel at liberty to deny the motion," and he directed the order entered, allowing her to practice. Mrs. Kepley has since been admitted to the Supreme Court, and to the full privileges of an attorney.

In May, 1871, Phoebe W. Couzens graduated from Washington University Law School, St. Louis and was admitted to the Missouri Bar, the event receiving a great deal of notice from the public press. A year later, while travelling in Utah, she was accorded the complimentary attention of admission to the Utah Bar, Georgia Snow, daughter of the Attorney General of the Territory being admitted at the same time. Miss Couzens had been connected with the woman suffrage movement before admission, and she has made that her principal work since.

About the same time that Miss Couzens was admitted in Missouri, Sarah Kilgore graduated from Michigan University Law School, and was admitted to the Michigan Bar.

In the Fall of 1871, Alta M. Hulett, after spending a year and a half as a student in the law office of Hon. Wm. Lathrop of Rockford, was refused admission in Illinois, and at once prepared a bill providing "that no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex," and this became the law in March, 1872. Miss Hulett lectured on the subject while the bill was pending, and met with a hearty response from the public. She next spent a year in the law office of Sleeper and Whiton, and was admitted on her 19th birthday, June 4, 1873. From that time until the sickness that caused her death, she was in active practice in Chicago, and very successful. Shortly after admission to the State Court, she was admitted to the United States Courts for the Northern District of Illinois, being the first woman admitted to a U. S. Court, I think. Her death occurred in the Spring of 1877. 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 women practitioner.

In the early part of 1872, Charlotte E. Bay, a colored woman and graduate of Howard University was admitted to the Supreme Court of the District of Columbia. She had an office in Washington, for a time, but now lives in New York City.

In October, 1872, Clara H. Nash, in partnership with her husband F. C. Nash, at Portland, was admitted to the Supreme Judicial Court of Maine.

In April, 1873, Nettie Cronise, (now Lutes) was admitted in Ohio, and immediately began practice in Tiffin. In Sep-

tember, of that year, her sister Florence was also admitted, and the two were in partnership in practice three or four years, and until Miss Nettie's marriage with N. B. Lutes, a lawyer of Tiffin, with whom she has since been associated under the name of Lutes & Lutes. Florence Cronise continues in practice by herself. Mrs. Lutes, not long after her admission was appointed by the Court to examine applicants for admission, and Florence Cronise has since acted in the same capacity. The Cronises and Miss Hulett were about the first, probably the first women to open law offices and being an active, energetic practice of the profession.

In September, 1873, Belva A. Lockwood upon graduation from the National University Law School, was admitted to the Supreme Court of the District of Columbia. In May, 1874, she was denied admission to the U. S. Court of Claims, because, it was claimed, of common law disabilities; but the same year was admitted to an U. S. Court for the Western District of Texas, a Court that had just the same authority on the subject and no more. In November, 1876, she was refused admission to the United States Supreme Court, Justice Miller dissenting. Mrs. Lockwood next directed her efforts to securing all Act of Congress preventing the exclusion of women on account of sex, and the Act was passed in February, 1879. Mrs. Lockwood was soon after admitted to the U. S. Supreme Court and to the Court of Claims. She has been admitted, at least allowed to practice in the Circuit Court Of St. George County, Maryland.

In June, 1874, Lavinia Goodell was admitted to the Circuit Court of Rock County, Wis., and began practice at Janesville. Having business in the Supreme Court the year following, she applied for admission there, and was refused, although it was the rule of that Court, to admit attorneys from the Circuit Courts, as a matter of course. Judge Ryan asserted that the common law had excluded women ever since Courts administered the common law, and said that if a change was to come, he would have no voluntary part in bringing it about. He even intimated that the Court would not be bound to admit, even if an act were passed requiring it, but the act was promptly passed,

and Miss Goodell admitted. Miss Goodell continued in practice until her death from sciatic rheumatism, March 31, 1880. She had a judicial mind and extensive legal learning, and her arguments evinced a thorough appreciation of the genius and spirit of law. Before preparing for the Bar, she was several years employed in the literary work of Harper Bros., New York.

In the Fall of 1874, J. Ellen Foster of the firm of Foster & Foster, Clinton, Iowa, was admitted in Iowa. She has been engaged in practice and in temperance work, giving a great deal of time to temperance work, in which she was engaged before admission.

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 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 Penn. 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.

In the Winter of 1870 and 1871, M. Fredrika Perry began her law studies in the office of Shipman & Loveridge, at Coldwater, Mich. She spent two years there as student and clerk, and then two years in the Law School of Mich. University. Upon receiving her diploma from the Law School in March, 1875, she was admitted to the Michigan Bar, and in September following to the Illinois Bar, and located and began practice in Chicago. A short time after, she was, on motion of Miss Hulett, admitted to the U. S. Circuit and District Courts for the Northern Dist. of Illinois. She continued in practice in partnership with Ellen A. Martin under the name of Perry & Martin, until her death, (the result of pneumonia) June 3, 1883. 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."

Soon after Miss Perry began her studies with Shipman & Loveridge, Ellen A. Martin entered the law office of Cook & Lockwood, Jamestown, New York, and remained there as student and clerk for two years. She then spent two years, in the Law School of Michigan University, graduating, and being admitted to the Michigan Bar, at the same time with Miss Perry. A few months later, she was admitted to the Illinois Bar, and located in Chicago, in company with Miss Perry where she has since remained. Both Miss Perry and Miss Martin were refused admission to the Harvard Law School, the reason privately assigned being that it was not considered practicable to admit young men and young women to the Law Library at the same time, and it was not considered fair to admit to the Law School without giving the privileges of the Library. I believe the authorities have not yet found any way to get around or over this mountain of difficulty.

In June, 1875, Emma Haddock of Iowa City, Iowa, associated in practice of law with her husband Judge Haddock, graduated from the Law Department of the State University, and was admitted to the State Bar. In November following, she was admitted to the U. S. Circuit and District Courts at Des Moines. In June, 1878, Mrs. Haddock was appointed by the Supreme Court to examine students of the University for graduation and admission to the Bar, and was re-appointed for two years following.

In the summer of 1875, Elizabeth Eaglesfield was admitted to the Bar at Terre Haute, Indiana, the law only providing for admission of voters. The Court held that a law requiring them to admit voters, did not prevent their admitting persons who were not voters. Mrs. Eaglesfield is a graduate of both the Literary and Law Departments of Michigan University, and practices in Terre Haute.

In 1876, Mary E. Foster, a graduate of the University Law School, was admitted, and opened an office at Ann Arbor, Michigan.

In 1877, Martha A. Dorsett, previously admitted in Iowa, asked admission in Minnesota, and was refused. She then secured the passage of a law which dropped the word "male" from the statute, and was admitted under the new law.

In January, 1878, Tabitha A. Holton was admitted to the Supreme Court of North Carolina, on motion of Judge Albion Tourgee, then practicing in Raleigh. Miss Holton afterward practiced in Dobson, in partnership with her brother.

In July, 1878, Kate Kane, who had spent one year in the Michigan University Law School, and one year, as student and clerk in the law office of A. A. Jackson at Janesville, Wis., was admitted at Janesville. Miss Kane practiced in Milwaukee five years, and then located in Chicago, where she has since practiced.

In 1879, Angie King was admitted in Wisconsin and Clara S. Foltz and Laura DeForce Gordon in California, and Mrs. M. B. R. Shay in Illinois. I understand the passage of a law was necessary in California, before the Courts would admit women, but I have no definite information. Miss King practices in Janesville. She was in partnership with Miss Goodell under the name of Goodell & King before Miss Goodell's death. Mrs. Foltz and Mrs. Gordon practice in San Francisco. They were first known to the public in a legal capacity, by their arguments on the application for a mandamus to compel the opening of the Hasting's Law School of California University to women students. Mrs. Gordon was admitted to the Supreme Court of the United States in February, 1885. Mrs. Shay lives at Streator and has written a book entitled "Students' Guide to Common Law Pleading," published by Callaghan & Co. She is a graduate of the Bloomington Law School.

In 1880, Cora A. Benneson of Quincy, Ill., graduating from the Michigan University Law School was admitted to the Michigan and Illinois Bars. Terrie M. Sumner in partnership with her husband at Waukesha, was admitted in Wisconsin.

In 1881, the following women were admitted: Jessie M. Johnson of the law firm of Johnson & Johnson, Knoxville, Iowa, Ida M. Tillottson, Millbrook, Kansas, and Edith Sams

in Ohio. Miss Sams was in partnership with Florence Cronise at Tiffin until her marriage in 1883, since which time she has been in business with her husband, C. A. Seiders, a lawyer at Paulding, Ohio.

In 1882, there were admitted, besides Bessie Bradwell before mentioned, Lelia G. Robinson, Boston, Mass., Mary Hall, Hartford, Conn., Marilla M. Ricker, Washington, D. C., and Ada M. Bittenbender of the firm of H. C. & Ada M. Bittenbender of Lincoln, Nebraska, and I think Flora M. Wagstaff of the firm of Wagstaff & Wagstaff, Paola, Kansas. Miss Wagstaff was practicing then. The Massachusetts Court refused Miss Robinson admission until a legislative act was passed requiring it. In Connecticut, under a similar state of the law, Miss Hall was admitted without legislative action. I am told that M. Josephine Young was admitted in 1882 or before and practiced law in Sacramento, California, in connection with her husband ; also that there was a woman practicing in Waupaca County, Wisconsin, before that time.

Since 1882, I have not kept track of admissions, but have learned incidentally of the following, which I name as nearly as known to me in the order of admission ; Cora Hurtz, Oshkosh, Wisconsin, Louise H. Albert, Cedar Rapids, Iowa, Maria E. De Geer, Syracuse, Kansas, Mattie H. Strickland, St. Johns, Michigan, Mary A. Leonard, Seattle, Washington Territory, Mary P. Spargo, Cleveland, Ohio. Alice C. Nute, Chicago, Illinois, Mary Geigus Coulter, Freeport, Illinois, Kate Stoneman, Albany, New York, Catharine V. Waite, Chicago, Illinois, and Catharine G. Waugh of Rockford, Illinois. Mrs. Leonard, after admission in Washington Territory, in 1885, was refused admission to the Oregon State Courts but immediately admitted to the United States Courts there. Miss Nute studied in the office of Judge C. B. Lawrence, until his death and afterward in the office of Goudy & Chandler, Chicago. She was a leading court reporter for several years before admission and had an excellent opportunity for learning court practice, which she improved. Miss Stoneman was refused admission in New York until the Legislature changed the law, which it did promptly. Mrs. Waite was

one of the early graduates of Oberlin College, and has been a student of law and familiar with practice many years, though not completing a course of study until June, 1886, in the Union College of Law Chicago. Miss Waugh graduated in the Union College of Law, at the same time with Mrs. Waite.

It is not likely I have obtained the names of all the women who have been engaged in practice, even down to 1883. It is difficult to obtain information of persons so widely scattered. There have been many women who have pursued law studies and been admitted, but for other purposes than the practice of law, and those are not included here. I have intended to include only those who have engaged at some time, in some line of lawyer's work or been instrumental in opening the way for the admission of women to the Bar or to the Law Schools.

Under substantially the same laws, no statute any where requiring their admission at first, women were admitted in some states on the first application and refused in others; admitted by one judge and denied by his successor, as in Ohio, when Agnes Scott applied in 1878 for admission to the same court where the Cronises had been practicing for five years; admitted to one court, of a City, and denied admission to others of the same grade; admitted to several United States Circuit and District Courts, and denied admission to the United States Court of Claims and Supreme Court.

Women were admitted on their first application, without any thing in the law specially requiring it, in Iowa, Missouri, Michigan, Utah, District of Columbia, Maine, Ohio, Wisconsin, Indiana, Kansas, Connecticut, Nebraska, Washington Territory, and to the United States Circuit and District Courts in Illinois, Iowa and Texas. In Wisconsin and Ohio where, after some women had been admitted, others were refused by other judges, the legislatures at once passed laws forbidding their exclusion. In Illinois, Minnesota, Massachusetts, Oregon, New York, the United States Supreme Court and Court of Claims, and I think in California, the courts would not admit women until laws were passed providing for it and in all cases, unless it be Oregon, the legislatures promptly passed them. In Congress the law was delayed for a time, the judiciary com-

mittee of the Senate holding that no special legislation was necessary; that the U.S. Courts already had sufficient authority to admit women. In Pennsylvania, the admission of women has finally been under the original law passed in 1834 for the admission of "persons" The first time the matter could be acted upon by the Supreme Court of Pennsylvania, it acted favorably.

The statutes in the States where women applied for admission have been of three kinds; those which provided for the admission of Voters, as in Indiana; those which provided for the admission of "male" persons or citizens, as in Iowa, Minnesota, California and New York; and those which provided for the admission of "persons" or "citizens," without words of limitation, as in all other cases where application was made. In Indiana, the Constitution said, "voters shall be admitted," and the Court at Terre Haute said this required them to admit voters, but did not prevent their admitting others persons, and admitted a woman. Iowa decided that under its rules of construction, it could include women, and, as it was consistent with times and circumstances to do so, it would. The Legislatures of Minnesota, California, and New York, dropped the Word "male" from the statute and New York added, that race or sex should not constitute a cause for refusing admission to the Bar.

In the states where the provision was for the admission of "persons" or "citizens," there were no words other than these, providing for the admission of women, and there were no words excluding them. Under this condition of the law most of the courts where women applied, at once admitted them and spent no time upon fine spun theories, but a few of the courts saw great obstacles in the way and refused admission. Most of the latter endeavored to maintain their position upon some theory of the common law; some said that at common law a woman could not hold office, and an attorney was an officer of court; others said that the disabilities of a married woman in regard to making contracts would render her unable to perform the duties of an attorney; others, that as women were not know as attorneys at common law, and were not thought of as

attorneys when our statutes were passed, it could not have been within the intention of the legislature to include them, and therefore, they were not included in the words "persons" and "citizens" in the statutes regarding admission of attorneys, and it would be an act of judicial usurpation for the court to admit them.

The favorable decisions of a majority of the courts, in advance of legislation requiring the admission of women, support the opinion that there was no common law on the subject, at least that there was nothing against it. Women were never excluded at common law nor ever admitted; they had not applied; there had been no action, and could not be said to be any law; it was a new case, competent for the courts to act favorably upon, if they desired. Judge Thayer said in admitting Mrs. Kilgore to Common Pleas No. 4, in Philadelphia, "To decide new questions as they arise out of the changing conditions of society, and to define legal rights heretofore undetermined by any statute or legal decision can not be said in any just sense, to be an usurpation of legislative powers nor an unwarranted exercise of judicial authority."

It is not easy to understand how any principle of common law would be contravened by the admission of women. Even married women could be agents at common law and bind their principals, and their husbands not be liable from their misconduct; and an attorney at law is an agent, an agent required to have a license from court in order to act. It is true that he is an officer of Court, but he is this hardly more than in name; he exercises a privilege or franchise rather than an office. His duty as an officer consists mainly, if not wholly in assisting the court to a fair and full understanding of the matters in controversy before it. Whatever may be said about the ability of women to hold office at common law, (and the point claimed is not admitted,) it is certainly straining a point very much to use it as a reason for excluding women from the practice of law.

The disabilities under which a married woman labored in regard to making contracts would in reality have little or nothing to do with her efficiency as an attorney. The point is

well considered by Judge Pierce in his opinion dissenting from the decision refusing Mrs Kilgore admission to one of the Philadelphia Courts. He says, "There is certainly no legal disability by reason of her sex in an unmarried woman being a member of the bar. But it is said that a married woman, by reason of her coverture, cannot perform the duties of the office. Before considering this question, let us inquire what legal officers or functions a married woman can perform. At law she can be an executrix, administratrix, trustee, guardian, agent, and even agent of her husband. But it is supposed that, by reason of her inability to make contracts in certain cases, she cannot fulfill the office of attorney-at-law. Why is there any greater disability by reason of 'her coverture, to act as an attorney-at-law than as an executrix, administratrix, guardian or trustee? In each case she is acting on behalf of others, and is held to the same responsibility as if she were a *feme sole* or a man. Her responsibility does not rest in contract, but in the good faith with which she executes the trusts reposed in her. For any failure of duty or breach of trust she is not held liable as for breach of contract, but in consequence of the neglect or violation of the duties imposed on her by the assumption of the trust. And for any failure of duty in her office of attorney-at-law, she would be subject to the same liabilities and penalties as if she were a *feme sole* or a man, and for the same reason, to-wit: a breach of trust. The argument attempted to be drawn from her inability to contract has no more place in the consideration of this question than it has in the question of her ability to act as executrix, administratrix, guardian or trustee."

The other points of objection are considered in the case of Mary Hall, reported in 50 Conn. 131. Justice Park said in giving the opinion of the court, that "the statute provides 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 has come down, with some changes, from the year 1750, and in essentially its present form from the year 1821. Held that under it a woman could be admitted as attorney."

The Court said "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 admission under it. Shall we now hold that it can not apply to black men." * * * "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." * * * "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 restriction upon human liberty, all claims for special privileges are to be regarded as having the presumptions 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 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 language of the Act of Congress of 1825 is, that the Postmaster general shall establish post-offices and appoint postmasters. Here women are not included except in the general term "postmasters," a term which seems to imply a male person, and no legislation from 1825 down to the present time authorizes the appointment of women." * * * "The

same may be said of pension agents." * * "Public opinion is every where approving of such appointments. They promote the public interest which is benefited by every legitimate use or individual ability, while mere justice, which is of interest to all, requires that all have the fullest opportunity for the exercise of their abilities."

The opposite conclusions to which different courts will sometimes come, depending upon whether they are dominated by a liberal and progressive spirit or a narrow and dogmatic one, is well illustrated by the decisions of the Connecticut and Massachusetts Courts upon the construction of the words "persons" and "citizens" in the statutes upon attorneys. The Massachusetts Court considered in the case of Miss Robinson, (131 Massachusetts 376) that since the word "citizen" was introduced into the statute long ago, and its use in recent times was but a repetition, the re-enactment of the statute without words expressly extending its provisions to women, and since the time when other statutes had expressly modified the rights and capacities of women in other important particulars, tended rather to confute than advance the theory that the legislature intended these words to comprehend women. The Connecticut Court said that inasmuch as the legislature had revised the statutes since women began practicing law in different parts of the country, and had not inserted words of exclusion or limitation, it must be presumed that they left this statute unchanged with full knowledge that the statute as it stood, was broad enough to include women, and it must be presumed to express the legislative intent of to-day rather than that of perhaps a hundred years ago, when the statute was originally enacted.

The true reason for the adverse decisions that have claimed common law objections, and a reason more or less plainly indicated in the opinions given, has been, not so much that there was anything in the law against it, as that, in the mind of the court, it was not considered woman's proper work to practice law. The Albany Law Journal in summarizing the objections of one of the Philadelphia judges, summarizes substantially, most of the adverse decisions in cases where the word "male"

did not appear in the statute. The Journal says, "The court put the denial partly on the ground of protection to women, partly on the ground of nature's order, and partly on the ground of shock to sentiment." The Journal adds, "one would think the Philadelphia Common Pleas People were living forty years behind the times."

Women are now admitted every where in this country that they have applied, I understand, unless it be in the state courts of Oregon.

It will be noticed from the foregoing that the opposition to the admission of women has not been general, but quite the contrary. They have been admitted in the great majority of classes on their first application, and when the court has not been equal to the emergency the legislature has. The bench and bar as a rule have shown a spirit of cordiality toward women attorneys, and a disposition to help rather than to hinder.

The fact that words of commendation have been used herein in regard to the dead and not in regard to the living, should not be taken as a reflection upon the living. Most of the women attorneys have been persons of ability, have appreciated the importance of their work, and have done carefully and well what they have undertaken. It can not be denied that there have been a few, who have been principally engaged in making what has sometimes been termed a "racket," but the proportion of such lawyers among women is no larger than among men, nor indeed as large.

Since the foregoing was ready for the press, I have learned that Mattie K. Pearce, and Miss Burlingame, graduates of Michigan University and members of the Michigan Bar, contemplate practicing law - the latter in Joliet, Illinois.

The investigation and correspondence necessary for the preparation of this article, were mainly carried on by Miss Perry in 1882. I am also indebted for information to the files of the Chicago Legal News.

Ellen A. Martin.