Women as Lawyers at the Highest Bar

Twenty-Eight Have Been Admitted to Practice In Supreme Court of the United States

BY WILLIAM H. EVANS.

IT is 28 years since Belva Lockwood made her famous fight for the admission of women to practice before the Supreme Court of the United States, and, strangely enough, just 28 women have been admitted to practice, the last being Miss Ida M. Moyers, of Washington, D. C., who was presented to the high bar last April.

When it is realized that more than 15,000 men have been privileged to appear before that august body, the small number of women who have realized their ambition is brought into sharp contrast, and these 28 women, three o. whom have since died, represent the brains of the women lawyers in the United States, of whom there are less than a thousand practicing law today.

The 28 women admitted to practice before the Supreme Court of the United States, with their residence and date of admission, follow:

Mrs. Belva A. Lockwood, Washington, D. C., March 3, 1879.

Mrs. Laura DeForce Gordon, California, February 2, 1885.

Mrs. Ada M. Bittenbender, Lincoln, Neb., October 15, 1888.

Mrs. Carrie Burnham Kilgore, Philadelphia, Pa., January 8, 1890.

Mrs. Clara Shortridge Foltz, San Diego, Cal., March 4, 1890.

Mrs. Lelia Robinson Sawtelle, Boston, Mass., April 8, 1890.

Miss Emma H. Gillett, Washington, D. C., April 8, 1890.

Mrs. Kate Kane Rossi, Chicago, May 18, 1890.

Mrs. Marilla M. Ricker, Washington, D. C., May 11, 1891.

Mrs. Myra Bradwell, Chicago, March 28, 1892.

Mrs. Fannie O'Linn, Chadron, Neb., October 17, 1893.

Mrs. Kate H. Pier McIntosh, Milwaukee, Wis., January 31, 1894.

Mrs. Ellen Spencer Mussey, Washington, D. C., May 25, 1896.

Miss Alice A. Minick, Lincoln, Neb., January 18, 1897.

Mrs. Caroline H. Pier Roemer, Milwaukee, Wis., January 18, 1897.

Mrs. J. Ellen Foster, Washington, D. C., December 20, 1897.

Mrs. Catherine Waugh McCulloch, Chicago, February 21, 1898.

Miss Clara L. Power, Boston, April 3, 1899.

Mrs. Kate Pier, Milwaukee, Wis., February 1, 1900.

Mrs. Victoria Conkling-Whitney, St. Louis, April 9, 1900.

Miss Florence King, Chicago, April 20, 1903.

Miss Susan C. O'Neill, Waterbury, Conn., April 25, 1904.

Mrs. Sarah Herring Sorin, Tucson, Arizona, April 16, 1906.

Miss Mary L. Trescott, Wilkes-Barre, Pa., April 16, 1906.

Mrs. Ella Knowles-Haskell, Butte, Mont., April 23, 1906.

Miss Mary Philbrook, Newark, N. J., November 8, 1906.

Miss Ida H. Moyers, District of Columbia, April 18, 1907.

Here are some rather interesting points about these 28 women: Mrs. McCulloch is the only woman Justice of the Peace; Mrs. Gordon was the first to make a public speech for woman suffrage; and the first to own and edit a daily newspaper; Mrs. Ricker is the only woman who ever sat on the bench with the Lord Chief Justice of England; Miss King is the only woman patent attorney; Mrs. Mussey is the only woman dean of a law college; Mrs. Lockwood is the first woman to secure equal property rights for women; Mrs. H. H. Pier Simonds is the only woman timber estimator and expert woodsman; Mrs. Gordon was the first to introduce silk culture into California and, with Mrs. Kilgore and Mrs. Foltz, was denied admission to law schools because of her sex.

The right of women to practice law in the United States was bitterly contested by their men opponents for years, but women like Belva Lockwood, Laura DeForce Gordon, Carrie Burnham Kilgore, Clara Shortridge Foltz and Marilla M. Ricker waged the battle to a successful conclusion.

First Woman Practitioner.

The first woman to practice law in this country was Margaret Brent. Lord Baltimore, then Governor of Maryland, asked the Legislature that she be appointed executor of her relatives' estate. One of the learned members said that it was better that the estate be lost than a woman appear to make an argument before them. Margaret Brent, however, won her case.

And yet a few years after the Civil War, when Mrs. Carrie B. Kilgore applied for admission to the law department of the University of Pennsylvania, she was told by the then dean, that "when niggers and women are admitted to the law school," he would resign. Mrs. Kilgore herself related this incident to the writer.

It is largely through the efforts of these 28 women that married women throughout the country have the guardianship of their children equally with the father, and enjoy the right to money earned by them, and women in general have been admitted to law colleges, upon school boards, and to suffrage in many states, through the hard, persistent work of these 28 representative lawyers.

Mrs. Lockwood.

Belva Lockwood, the first woman to be admitted to practice before the United States Supreme Court, is the dean of American women lawyers, and, aside from the fact that on two occasions, she was nominated by the Equal Rights party for the Presidency of the United States, is a remarkably able and brilliant woman.

Mrs. Lockwood is in her 77th year, but her mind is as alert as ever. In fact, she is now engaged on the greatest work of her life, in completing what is probably the most important law case ever won by a woman, the securing of a $5,000,000 judgment against the United States States Government for 6000 Cherokee Indians.

She was graduated in the National University Law School, Washington, D. C., in May, 1873, after having been refused matriculation in Columbia College, now George Washington University, on account of her sex. She was admitted to the bar of the Supreme Court of the District of Columbia, September 23, 1873, and at once entered into the active practice of her profession.

Two years later she applied for admission to the United States Court of Claims, having an important case pending there, and, after repeated postponements, was refused; first, because she was a woman, and, secondly, because she was a married woman. One year later she was proposed for admission to the United States Supreme Court, and was refused as follows: "This application is denied until there shall be a more extended public opinion in its favor, or some special legislation."

The following year the Hon. Ben. F. Butler, at her request, introduced a bill in the House of Representati es for the admission of women to United States Supreme Court. That bill was lost in the House. In 1877, the Hon. Wm. Lawrence, of Ohio, introduced a bill for her relief, which was lost in committee.

At the second session of this Congress, Mrs. Lockwood prepared a bill, which now stands on the statute books of the United States, asking that "any woman of good moral character, and otherwise duly qualified, should on presentation be admitted to the Bar of the United States Supreme Court." This bill passed the House by an overwhelming majority at the same session, and the following year was introduced into the Senate by Senator Sargent, of California, and passed that body by more than a two-thirds majority, February 15, 1879. The bill was promptly signed by President Hayes and a few days later, March 3, 1879, Mrs. Lockwood was admitted to the Bar of the United States Supreme Court, and March 10, 1879, to the Bar of the United States Court of Claims.

She has been in active practice since that time, with the exception that from 1885 to 1896, she was largely on the platform in the various states of the Union, on account of her nomination for the Presidency.

A California Notable.

Mrs. Laura DeForce Gordon, who was the second woman to be admitted to U. S. Supreme Court practice, died in April, in California, at 67. She was possibly the most able representative of the woman suffragists of the West. The wife of a physician, she aided him while he was surgeon on General Banks' Staff during the Civil War.

She delivered the first speech made publicly for woman suffrage, in San Francisco, February 19, 1868. She was also the first woman in the United States to edit and publish a daily paper, owning the Stockton (Cal.) Daily Leader, later changed to the Daily Democrat. This she conducted for four years.

She became interested in law and studied it under one of the most brilliant lawyers on the Coast.

Mrs. Gordon and Mrs. Clara Shortridge Foltz, of San Diego, Cal., the fifth woman to be admitted to U. S. Supreme Court practice, drew up a bill permitting women to practice law in California, and after a hard fight it was passed. Both women applied for admission to the Hastings College of Law, then a department of the State University, but were denied entrance. Mrs. Gordon brought suit in the State Supreme Court, while Mrs. Foltz instituted proceedings in the District Court. These young women, who were then in their thirties, were opposed by three leading members of the bar, two being former Supreme Court Justices, and again won a decisive victory, being admitted to practice in the State Supreme Court in December, 1879.

Mrs. Gordon was very instrumental in securing legislation more favorable to women, including a law, one of whose provisions was that no person should be denied admission to any of the collegiate departments of the State University on account of sex. Still another was that no person should be disqualified by sex to enter any lawful business or profession.

Mrs. Gordon followed up the work by securing legislation giving women probate and property rights, and to appoint women as notaries. She was one of three women who introduced silk culture in California.

Mrs. Kilgore's Struggles.

Like Mrs. Lockwood and Mrs. Gordon, Mrs. Caroline B. Kilgore, of Philadelphia, who was the first woman in Pennsylvania to be admitted to practice, found it extremely difficult to overcome the almost universal opposition to the admission of Pennsylvania women to the bar. Born in Craftsburg, Vt., both parents died when she was a girl. At 13, her guardian decided that two years' education was enough for a girl. At 15 she became a teacher. Three years later she taught Greek and higher mathematics in the public schools at Madison, Wis., and later she became the preceptress of the Evansville Seminary, and still later was graduated from the University of Wisconsin.

Mrs. Kilgore found it almost impossible in the early '60s for a woman to learn anything about the human body, unless she attended a medical college, the public school regarding with horror the thought of teaching physiology to girls.

In 1864 she was graduated from the New York Hygieo Therapeutic Medical College, and was in the first class of women admitted to clinics at Bellevue Hospital. For a few years she was a professor in the medical college.

In 1865 she began to read law, and six years later applied for admission to the law school of the University of Pennsylvania. She was told by the dean that he would resign before he would let "niggers" and women matriculate.

It was not until ten years later that Mrs. Kilgore was able to enter the law schools. Then her troubles began, for no Philadelphia court would admit her to practice. Finally, in 1883, through the efforts of Damon G. Kilgore, her husband, a prominent Philadelphia lawyer, she was admitted to practice in the Orphans' Court. In 1886 she was admitted to practice before the Pennsylvania State Supreme Court.

Mrs. Kilgore says that women lawyers have never been known to use "runners" and none of them has taken advantage of her sex to gain newspaper notoriety.

"Portia of the Pacific."

Mrs. Clara Shortridge Foltz, the "Portia of the Pacific," was born in Lisbon, Ind., and early moved to California. She was the first woman lawyer admitted on the Pacific Coast, and the first woman trustee of the California State Normal School. For years she taught school, and later entered newspaper work. She and Mrs. Gordon made a determined fight to enter the Hastings College of Law, and it was through their efforts that women were admitted to law practice in California. In 1880 she was appointed clerk of the Judiciary Committee of the Assembly.

She early became identified with the Republican party, and stumped the state for years. She was one of the California delegates to the National Bar Association meeting at the World's Fair, Chicago, and organized the Portia Law Club, at that time the only women's law club in the world. She makes a specialty of corporation law. For years she was editor and proprietor of the Daily Bee, of San Diego, Cal.

Philanthropic, Witty Woman.

Not the least interesting of these women is Mrs. Marilla M. Ricker, a woman of so unique a personality that Elbert Hubbard last year devoted an entire issue of The Philistine to her.

She is one of those rare lawyers, the most of whose work has been without money and without price. Few care to belong to a firm of that kind. Admitted to the bar in Washington in May, 1882, she has made a specialty of criminal cases. She is a singularly striking looking woman, tall, mannish, commanding, with iron gray hair. Withal, she is motherly, gentle, sympathetic, kind.

Of her Hubbard says: "She had no predecessors; she has no duplicates, and the only one who looks like her is Marilla Ricker. A ready tongue, a catching laugh, a nimble wit, a clear insight, one who can listen as well as talk, she is one of the most remarkable women lawyers in this country."

It is related of her that after the lawyer opposing her had made a two hours' speech, she addressed the court in these terse words: "Your honor, and gentlemen of the jury, I follow the example of the learned counsel on the other side and submit the case without argument."

The jury laughed, while the court, suppressing a smile, arose and ordered a nolle pros in her favor.

She sits at meat with publicans and sinners, and gamblers and thieves, big and little call her Marilla, and bootblacks follow her and cry: "Let me carry your satchel, Marilla—it won't cost you nothing."

Years ago Mrs. Ricker went to England with a letter of introduction from Chief Justice Chase to the Chief Justice of England. She was the first woman who ever sat with an English Chief Justice on the bench.

She was appointed a United States Commissioner by General Grant, and gave decisions which for terseness, crystalline quality and rare good sense are still quoted.

A woman of wealth, Mrs. Ricker's life has been devoted to the defense of poor women. Most of her clients have been women, and much of her business has been to collect debts due working women by men who have sought to defraud them.

She has argued for equal rights for half a century. She was an abolishionist with John Brown and Wendell Phillips, and stood side by side with Frederick Douglass when to do so was to invite insult and ignominy. She has raised her voice in behalf of children in mills, mines and factories. She has been a personal friend of every President since Lincoln, and every man of prominence in Washington in the last half century has been her friend.

Once when Roscoe Conkling successfully defended a thief and the judge discharged the prisoner, the latter fell on Conkling's neck and wept tears of gratitude. A moment later Conkling missed a $1000-diamond scarf pin.

Mrs. Ricker, who had witnessed the scene, laughed and said: "Roscoe, that is all a part of the game we are playing. Everything we do we do for ourselves. The Ego is the All. He has your diamond—you have your Ego, and it is quite as dazzling as the diamond. Let the carbon go."

Conkling tried to smile and said: "Of course you laugh; it was not your diamond."

And Mrs. Ricker, in mock distress, returned: "It was the turquoise that Leah gave me."

That she has been a veritable Puritan in her life, even her enemies admit. Her name has never been between the lips of scandal. Everywhere she has friends and no intimates. Neither her head nor heart has ever been in chancery. She knows as a lawyer every form of vice, crime and misdemeanor, and yet knowing all sin and vice, the wrong has never smirched her soul. Gentle, moderate in judgment, sympathetic, she knows the best and worst, and yet she knows neither God nor devil.

Here are a few of her characteristic utterances:

"It matters not what you call me, Miss or Mrs., I have been a widow so long that I hardly remember when I was not a widow. I used to tell my mother when I was a child that I ought to have been born a widow and an orphan."

"Men consider marriage a side dish. The average woman thinks it the whole menu. I always considered it a mere incident. Most women think too much of marriage."

New York's Night Court

Average Record Is About One Case Per Minute.

At "Jefferson Market," the colloquially abbreviated name for the New York Police Court which is the "Bow Street" of America, and the temple in which she has nodded blinkingly for upward of a generation, Justice now sits, kept awake by the multifarious night life of the city. From nine each evening till three in the morning she tends her scales, for New York has there established for her the first regular night court in the world, as the megaphone man will tell you when the "rubber-neck wagon" stops before the door. And if you wander in, wondering why there should be a night court and wherein it differs from its daytime prototype, you will find that the night has cast a glamour of its own over the familiar courtroom and the scenes enacted there.

Superficially you discover nothing distinctive in the appearance and conduct of the court, save that the usual bustle and noise and clamor of the day session are lacking. The evening quiet of the city has crept into the room, broken at intervals, with unusual effectiveness, by a passing trolley car or the rush of an elevated train, or, in the succeeding hush, by the clanging gongs of the patrol-wagons unloading their prisoners from the various police precincts of Manhattan. Likewise the outer darkness, accentuated by the brilliant lights of the courtroom, furnishes that subtle mystery which it always lends to crime, and adds the dignity and seriousness which it casts over even a petty tribunal.

At first you may lay the difference to the novelty of the institution. The court held its first session on August 1, and its uniqueness still attracts visitors more or less picturesque, so that it is no ordinary police court audience that drifts in and out and finally dwindles away before dawn from the benches outside the railing. Curious citizens of varying intelligence; serious-faced foreigners straining their ears to understand this new American amplification of justice, men and women from some pleasuring automobile craning to see something unusual—all mingle with the ordinary friends of the accused, and keep the courtroom full well up to the recess at midnight, when the Judge and his staff refresh themselves with luncheon.

Human wrecks, mostly old women, vagrants from the parks and elsewhere, totter up to the bridge and are committed to the almshouse; "drunk and disorderlies," with or without the marks of conflict on their faces, offer time-worn excuses and are fined, discharged or put on good behavior to report to James Louris, the probation officer; wife-beaters are sent to the Island; push-cart men are arraigned and pay the price of their release—till it seems that the phantasmagoria of misfortune will never cease passing.

The record of 60 cases in 65 minutes achieved by Magistrate Whitman, the father of the court, as its first session, during which he sat, is the customary speed. Owing to the somewhat vindictive activity of the police, who for several reasons did not approve of the new order of things, more than 300 arrests were crowded into that first session, but, as they were all properly arraigned and disposed of, the attempt to swamp the new court was thwarted once for all. Since then the average is 125 cases nightly. —Harpers.

I Wonder Why.

Mazie V. Caruthers in Lippincott's.

I wonder why, when mother's tucked
Me in and I'm alone,
My room should seem so different?
Now, if I hadn't known
That great black Something by my bed
Was just a chair, I'd most
Been half afraid it was a giant
Or Mr. Bluebeard's ghost!

My curtain, flowered pink by day,
Hangs long and limp and white,
So like a lady Goop I feel
A little scairt at night.
I try to be courageous, but
When you're alone in bed
You think of all the awful things
In fairy tales you've read.

And, first you know, queer shadows steal
From out the corners, so
Right where I hang my clothes I'm sure
There's something moves, and oh,
I feel a crawly, creepy chill
Way from my head to feet,
And little girls feel comf'tabler
To hide beneath the sheet!

Every Little Helps.

William Heyliger in Lippincott's.

"Where are you going, my pretty maid?"
"I'm going for kerosene oil," she said.
"Will you buy Standard, my pretty maid?"
"I must help pay off the fine," she said.