

Belva A. Lockwood, writing in *Lippincott's Monthly Magazine*, February, 1888

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MY EFFORTS TO BECOME A LAWYER.

From a child, the bent of my mind has been one of extreme practicality. That knowledge only has been prized which I could immediately turn to account in every-day life, and in the pursuit of such knowledge I have been undaunted by conventions. I have never been able to enter into the prejudices of the centuries past, that have had no foundation in reason, in nature, or in nature's laws, not to discover that the limitations of woman's sphere as heretofore dictated by the customs of society were worthy of serious consideration. My only thought was to do those things which in the nature of human affairs seemed the things to be done, and to do them in the best and most expeditious manner. Hence I was not careful as to the nature of my work, so that it was means to an end, and never for a moment stopped to consider whether the labor was such as women were accustomed to do, but only whether I had the ability to perform it.

Of course, with this tendency of mind, I was constantly running into difficulties. At about ten years of age I had read the Bible through, but had read it as a child reads, believing literally all that it contains. I supposed *faith* only was necessary to the re-enactment of the miracles of Scripture. Believing that I had this faith, or might have it, with a proper disposition of mind, I undertook to perform these miracles, and of course ingloriously failed.

My effort at *walking on water* resulted in a sad wetting of my pantalets and skirts, the garments then worn by little country-girls of that vicinage (Niagara County, New York), and somewhat shook my belief in my own abilities, or else in my understanding of the word "faith." I had selected for this experiment a mill-pond near my father's house, and, without notifying any person of my intention, had proceeded to the edge of the pond alone, and, summoning up courage,---or faith, as I thought,---I undertook to imitate the example of the great apostle Peter, by literally *walking on the water*. To my surprise and discomfiture, my feet went through to the sandy bed below; and, although I retired in good order, it was with draggled skirts and a doubting mind, to receive a good scolding from my mother. I had not yet learned that the Scripture was largely allegorical, and indeed had no conception of the nature of an allegory. Neither had I yet been taught that only men were supposed to be the anointed priests of God, and that holy unction had never yet descended on a woman's head. I was classifying the whole human family under the generic term man, and unfortunately have been doing so ever since.

But this failure did not materially damp my hopefulness nor my ardor. Continuity of purpose has also been one of my characteristics. My next effort was to *raise the dead*; and for this purpose I selected a neighboring burying-ground, and the child of a neighbor that had just been interred. Remembering my former failure, I now assumed a more serious frame of mind, and endeavored earnestly and prayerfully to

[216] accomplish the performance of my second miracle. The raising of the dead, as delineated in Scripture, is undoubtedly intended to be received as literal and real. True, the raising of the dead was performed only by our Saviour, except when the witch of Endor raised Samuel for King Saul, but from the teachings one is led to suppose that the prophets might have wrought the same miracles under favorable circumstances and with a faith sufficiently enlarged and strong. But the grave did not open, the dead did not come forth, as in the case of Lazarus; and my self-esteem received another severe shock.

I attributed these failures to a want of either sufficient understanding or sufficient concentration, and still supposed that I should some day be able to accomplish these miracles. I dwelt earnestly on the promise, "If ye have faith even as a grain of mustard-seed, ye shall say unto that mountain, Remove hence, and it shall be remove." I therefore concluded that if an ordinary mortal could remove by his will-power a mountain, then, child as I was, I certainly could move a hill, and so wrought my mind up to attempt the performance of the third miracle. Determined this time to succeed, I selected a small hill and concentrated all my will-power upon it; but the hill did not move. By this time I had lost some confidence in myself, but none in the efficacy of the Scripture, and for a time I abandoned my efforts to accomplish feats so much beyond my ability. Since that time I have learned how to remove a *mountain*, and have removed several. It has been accomplished by will-power and mental effort, combined with indefatigable labor.

I have not raised the dead, but I have awakened the living; and if I have not been able to walk on water the progressive spirit of this age may soon accomplish this feat. The general effect of attempting things beyond us, even though we fail, is to enlarge and liberalize the mind. With work and school I soon abandoned the miracles, but few undertakings were so great that I did not aspire to them. Graduating in the district school, I was soon a teacher of those who so recently had been my associates. Here again came up the odious distinction of sex. The male teachers in the free schools of the State of New York received more than double the salary paid to the women teachers at that time, simply because they were *men*, and for precisely the same work. It was an indignity not to be tamely borne by one with so little discrimination of the merits and demerits of sex, and of course, impolitic as it might seem, I at once began to agitate this question, arguing that pay should be for work, and commensurate to it, and not be based on sex. To-day this custom is changed.

An ardent student of history, I soon discovered that most of the great men of the country had received a collegiate education. I also discovered that the colleges of the country were closed to women. What could a simple country-girl do against the prejudices of centuries? There was only one avenue open to her, and that the one for which the American girl had been educated all of the years of the past century,--- *marriage*. The daughter of a poor farmer, I followed the same well-trodden road, and was soon united in marriage to a promising young farmer of my neighborhood. Marriage to the ordinary woman is the end of her personality, or of her individuality of thought and

[217] action. Forever after, she is known by her husband's name, takes his standing in society, receives only *his* friends, is represented by him, and becomes a sort of domestic nonentity, reflecting, if anything, her husband's religious, moral, and political views, and rising or falling in the world as his star shall go up or down.

I had not even noted this phase of society, and directly adopted the unwomanly habit of pursuing my studies after my marriage, writing theses for literary gatherings, and sometimes for the public press.

A babe soon gladdened my household, but my married life was short, as my husband sickened soon after our marriage and died of a lingering consumption during the fifth year, leaving me, without fortune, to make my way in the world.

Not yet twenty-three years of age, a mother and a widow, with poor parents, with not even a liberal education as a reliance for support, the outlook was gloomy. Gathering together my little means, I soon began to attend school again in a neighboring academy, in order to fitt myself for some active employment whereby I could earn a livelihood for myself and child. Here I was reminded that "married women were not supposed to attend school, even though widowed,"---that it was "an unheard-of and an unusual thing!" "What did I expect to make of myself?" and other impudent questions, were asked me; but I kept on my course and completed the academic term. I now had the hardihood to ask of the trustees the privilege of teaching the winter school in my neighborhood, but was promptly told that the trustees had determined to employ "a man" for the winter months; and so I concluded to make my second term in the academy. The woman teacher was not as popular in that day as she has become in this, and was only employed by sufferance, and for the further reason that her wages, which were then raised by a direct tax on the parents of the pupils, were expected to be much less.

Defeats are always advantageous, if they only *bend* the spirit and do not break it. This added knowledge was undoubtedly necessary to my after-success in this same school, for the winter had only half elapsed when I was waited upon by these same trustees,

informed that they had dismissed their male teacher, and begged by them to accept control of the school. The wages here earned during one year and a half made me contemplate a course in Genesee Wesleyan Seminary, New York, then opened to young men and young women on the same terms, and this resolve was put in force in the autumn of 1854.

To this step all my friends and advisers objected; and I was compelled to use a good deal of strategy to prevent an open rupture. But, after much mending and turning of a scanty wardrobe, with some new additions, my trunk was duly packed for the September term of the school, and with two young-lady companions I undertook the journey, then about sixty miles from home. This was my first journey, and was to me a matter of a good deal of moment. We arrived safely, without incident, just as the shades of night were gathering over the seminary. My first term was devoted entirely and zealously to the routine-work of the school. But the young men were all preparing for Genesee College, then connected with this seminary, and already had

[218] the liberality of the trustees of that Methodist school opened its doors to two women. Here was an opportunity that I could not afford to lose, and which seemed likely to gratify the ambitions of my youth. So, without consulting my friends at home, I offered myself, at the conclusion of the first term in the seminary, to the College Board for examination and matriculation in the Freshman class.

The preceptress in the seminary tried to dissuade me by declaring that in her opinion the seminary course was much more desirable and lady-like, while the President of the college did not smile upon this attempted innovation upon the time-honored prerogatives of man. Raising his spectacles, he gravely asked me if I expected to complete the course. He evidently did not fully comprehend, good man as he was, the nature of the timber of which the young woman who then confronted him was made.

For the years succeeding, I devoted myself unremittingly to the labors of the course, and graduated with honor June 27, 1857. There was at this time no Law Department connected with the institution, or I should undoubtedly have asked admission thereto. But a law class was opened in the village by a young law professor, and a goodly number of college and seminary students, myself among the number, commenced attendance thereon. Naturally enough, the class was frowned upon by the faculties of both seminary and college, as an intrusion upon their rights; but this was the beginning of my study of the law.

Before my graduation, however, I had been elected, over several competitors, preceptress of the Lockport Union School, then incorporated as an academy,---the election to take effect immediately upon my leaving the college. This position had

been offered to me without solicitation, and almost against my wishes, as I had formed other plans; but, upon the advice of President Cummings, I accepted it.

At the end of the first session I visited my parents in Illinois, and brought back with me my little daughter Lura, now six years of age, and my youngest sister Inverno, to put them in school and have them under my charge. The latter graduated in the school three years later, while Lura was prepared for the senior department. Four years of unremitting toil, of earnest work, were spent in this school, then numbering from six to seven hundred young men and women. As a teacher, I did not content myself with the knowledge that I had already acquired, but strove each day to gather up some new thoughts in each of the branches pursued by my respective classes. I was also very active in the School Associations, Town, County, and State, which I often enlivened with an original essay, and almost invariably joined in the debates that were sure to be started at each meeting, on the most approved methods of teaching.

It was at one of the meetings of the State Association that I first met Susan B. Anthony, who, like myself, was in early life a teacher in the public schools of the State of New York. It is true that while in college I had slipped away one evening, without the knowledge of the faculty, to hear Susan deliver one of her progressive lectures on the "wrongs of woman." She was at this time just commencing to argue the necessity for the enlargement of the sphere of labor for woman,

[219] and advocated her employment in shoe-shops, dry-goods stores, and printing-offices, all of which seemed startling heresy to the public of that time. To-day, with shoe-shops, dry-goods stores, and printing-offices filled with women, and hardly an office complete without them, we wonder why this state of affairs did not always exist, and some of my readers doubtless think that it always did. Susan was at this time young and handsome, with only a slight departure in dress from the Quaker costume in which she had been reared,---not yet soured by the rebuffs and inequalities of life, though even at this time evincing a little bitterness in her tone, and some sarcasm in her remarks on the "tyrant man."

I met her repeatedly after this at meetings of the School Association, her spirit of aggressiveness always carrying her so far ahead of any of her competitors as to make her a marked figure. She insisted upon the appointment of women on all committees, and urged them to speak and to vote upon all the questions that came before the association.

Following out Susan's suggestion, she and I were placed on a committee together, to determine whether it was expedient and would be beneficial for the girls in the public schools of New York to be taught to declaim like the boys. The report was to be made at the end of the next school quarter. With my usual practicality, I at once required all

the young women then under my charge to prepare themselves with a declamation to be delivered in public on the Saturday of the coming week; and this order was continued through the quarter. The improvement was so marked, and the success so great, that declamation for the girls became the standing order for the school forever after; and of course the report of the committee was favorable. I had lacked this training in my early life, which as a lawyer would have been of great assistance to me.

The last year of the four of my sojourn in this school witnessed the outbreak of the war of the rebellion. It was a severe shock to my views of the duties and obligations of a civilized and Christian people; but I soon entered into the spirit of it, and, when the necessity for help came, not only organized the young women of the school into classes for the purpose of making clothing, bandages, and lint, but assisted the ladies of the city to organize for work, and continued to act as President of the Aid Society so long as I remained in Lockport.

I resigned from the Lockport Union in the summer of 1861 to take charge of the Gainesville Female Seminary, where I remained for only one year, the seminary building having burned in the mean time. In the Lockport school, during the four years of my stay, I had regularly exercised the young ladies in the gymnasium, and many of them became quite expert gymnasts; but in the Gainesville school, which was exclusively for young ladies, we had no gymnasium, and I resorted to the use of the Caroline Beecher calisthenics instead. I believe that to this exercise, at least in part, I owe my robust health and a certain suppleness of limb that I have never since lost. I quite shocked the lady proprietor who was associated with me in the school by recommending, as the cold weather came on, skating as a proper exercise for the young

[220] ladies. This good dame looked upon the innovation as not only immodest, but as highly irreligious. The roller-skate and the skating-rink had not then been dreamed of. "So use doth breed a habit in a man."

One year of teaching at Hornellsville, and three more in charge of a young ladies' seminary at Owego, New York, carried me through the never-to-be-forgotten struggle of the civil war. War is distasteful to me under any circumstances. I dislike contention and quarrels of all sorts, and have always avoided them when possible, preferring often to suffer ills rather than to make complaint. And yet my whole life has been in almost direct antagonism to all the old-established usages of society and the prejudices of centuries.

I was opposed to slavery from the first moment that I was able to lisp from my school reader,---

"Fleecy locks and black complexion
Cannot forfeit nature's claim:
Skins may differ, but affection
Dwells in white and black the same;"

but I deprecated the methods to which we were compelled to resort for its eradication,---the fearful cruelties and cost of war,---and would much have preferred a peaceful arbitration, to the sad carnage that followed. But no woman's advice was asked about the war; no woman voted a subsidy to maintain it; though all over the land, North and South, women's hearts were wrung over the loss of loved ones whom they were powerless to shield. A war waged without the consent of a majority of the persons who are called upon to maintain it is unjust and tyrannical; but war is wrong *per se*.

But the war closed. The arm of the strongest prevailed. The slave went free. It was a grand step onward in the liberties of the world, but taken at the cost of a vast amount of blood and treasure, which will prove sufficient, when the great outlay is summed up, including the amount paid and to be paid for pensions, to have bought up every slave owned by the South six times over.

The next great contest that is about to sweep over the country and break up the old party lines (bloodless, I hope, for rum has already had her share of blood) is *prohibition*. The earth-rents made by the recent earthquake-shocks will be nothing compared to the rents made in party by the great tidal wave of prohibition that is about to sweep over the land. That one of the great dominant parties now prominent in the political world that dares boldly to incorporate a stanch prohibition plank in its platform will lead on to victory; while the party that rejects it will die as the old Whig party died in 1860. There is no dodging the issue. The controlling political power in this country for the next ten years will be *the reign of the common people*.

The Labor party, the Prohibition party, and the woman, are looming up on the horizon in a magnitude not to be undervalued by one who chooses to read the signs of the times.

The vocation of the old machine politician is gone. The masses

[221] of to-day are educated; the masses of to-day think. The old political issues of the past are dead.

In February, 1866, I sold out my school property in Owego, and came to Washington, for no other purpose than to see what was being done at this great political centre,---this seething pot,---to learn something of the practical workings of the machinery of

government, and to see what the great men and women of the country felt and thought. As I came without any great amount of money in my purse, with no claim to being a public benefactor, with no vote on any important question, and was not a newspaper scribe, I had no pass on the railroad, no free board at the hotels, and hardly a passport into aristocratic society (if such distinction is known to Washington life), and therefore soon found that some exertion would be necessary to sustain myself while I was making my proposed investigations. To this end I accepted a position in a young ladies' school with barely enough salary for my maintenance, but with all the time after one o'clock P.M. to myself. This was satisfactory, as it gave me ample time for investigation; and during the five months that I spent in this school I listened to the debates in Congress and the arguments in the United States Supreme Court, investigated the local government of the District, visited her public buildings, studied her historic reminiscences, her works of art, and finally the geology and geography of the surrounding country.

In my college course I had studied and had become deeply interested in the Constitution of the United States, the law of nations, political economy, and other things that had given me an insight into political life. I had early conceived a passion for reading the biographies of great men, and had discovered that in almost every instance law has been the stepping-stone to greatness. Born a woman, with all of a woman's feelings and intuitions, I had all of the ambitions of a man, forgetting the gulf between the rights and privileges of the sexes. In my efforts to discover new avenues of labor I met with some ludicrous and some serious experiences,---many of which were known only to myself. Andrew Johnson was at this time President of the republic, and William H. Seward Secretary of State. There was a vacancy in the consulship at Ghent. Conceiving that I could fill this position, I had the audacity to make application for it. Preparatory to a prospective appointment, I reviewed my German, read all the authors that I could find on International Law in the United States Supreme Court Library, and, procuring through my member of Congress a copy of the Consular Manual, made myself quite familiar with its contents, so that I fully believed that I was competent to perform the service required of a consular officer, never once stopping to consider whether the nation to which I should be accredited would receive a woman.

To my disappointment and chagrin, no notice was ever taken of my application, and I was too weak-kneed to renew it. The fact that Andrew Johnson soon afterwards became involved in many complications with Congress, which ended in his impeachment by that body, may account in a measure for the lack of interest taken by him and by the public at large in my humble aspirations.

[222] Meanwhile I had started a school at Union League Hall, and had added to my business the renting of four other halls, which were filled nightly with Temperance

Orders, Posts of the Grand Army, and other Orders. "A strange business for a woman," the neighbors said. I did not care for these comments, but the work was distasteful to me, often keeping me up late at night, and placing me constantly in contact with people with whom I had no affiliation. All my leisure hours were employed in study. And now, possessing myself of an old copy of the Four Books of Blackstone's Commentaries, I gave myself daily tasks until I had read and re-read them through. In the midst of these labors I committed the indiscretion so common to women of this country, and, after fifteen years and more of widowhood, married the Rev. Ezekiel Lockwood, on the 11th of March, 1868.

But this marriage did not cure my mania for the law. The school was given up, and during the following year I read Kent's Commentaries, occupying all the spare moments in the midst of my domestic work. In the autumn of 1869, on the opening of the Columbian College Law Class, I attended with my husband, by invitation of its President, Dr. Samson, the opening lecture of the course, delivered by him. I also went to the second lecture, and before the third presented myself for matriculation in the class and offered to pay the entrance-fee. This was refused, and I was thereupon informed that the question of my admission would be submitted to the faculty. One week, two weeks, elapsed, when one day I received a letter running thus:

"Columbian College, Oct. 7, 1869.

"Mrs. Belva A. Lockwood:

"Madam,---The Faculty of Columbian College have considered your request to be admitted to the Law Department of this institution, and, after due consultation, have considered that such admission would not be expedient, as it would be likely to distract the attention of the young men.

"Respectfully,

"Geo. W. Samson, *Pres.*"

I was much chagrined by this slap in the face, and the inference to be drawn from it, that my rights and privileges were not to be considered a moment whenever they came in conflict with those of the opposite sex. My husband counselled that I should keep silence about it, as his relations with Dr. Samson, as ministers and co-laborers in the same church, had hitherto been friendly. But the truth would out. The newspaper men got hold of it, as newspaper men will, and came to me and demanded to see the letter, declaring that the action of Dr. Samson was a matter of public interest. My husband protested; but I read them the letter, retaining the original, which I still have.

Next year the National University Law School was opened, and, ostensibly as a part of its plan to admit women to membership on the same terms as young men, I was

invited, with other ladies, to attend the classes, and gladly accepted. At its first session, fifteen ladies ma-

[223] triculated, partly as a novelty, I suppose, but certainly without any adequate idea of the amount of labor involved. Many of them left with the close of the first quarter; but some continued through the year, and a few of them held on until the middle of the second year. Only two persons, Lydia S. Hall and myself, completed the course. At first, besides the regular class-recitations, we were admitted to the lectures with the young men, although the recitations had been separate. This was a compromise between prejudice and progress. It was not long before there commenced to be a growl by the young men, some of them declaring openly that they would not graduate with women. The women were notified that they could no longer attend the lectures, but would be permitted to complete the course of studies. As Commencement day approached, it became very evident that we were not to receive our diplomas, nor be permitted to appear on the stage with the young men at graduation. This was a heavy blow to my aspirations, as the diploma would have been the entering wedge into the court and saved me the weary contest which followed.

For a time I yielded quite ungracefully to the inevitable, while Lydia S. Hall solaced herself by marrying a man named Graffan and leaving the city. She was not a young woman at that time, but a staid matron, past forty; and after her departure I entirely lost sight of her, and suppose she became "merged," as Blackstone says, in her husband. I was not to be squelched so easily.

I asked a member of the bar, Francis Miller, Esq., to move my admission to the bar of the Supreme Court, D.C., which he did, some time in the latter part of July, 1872, and I was referred to the examining committee for report. I at once hunted up the committee and asked for the examination. It was with evident reluctance that the committee came together for the examination, which was quite rigid and lasted for three days. I waited for weeks after this, but the committee did not report. Thereupon I entered complaint of their action to the Supreme Justice, David K. Cartter, and another committee was appointed. It was Judge Cartter who one year before, in the revision of the Laws of the District of Columbia, knowing that some women in the District were preparing for admission to the bar, had asked that the rule of court be so amended as to strike out the word "male," and it had been done, so that this disability no longer stood in my way. The new committee, like the old one, examined me for three days, but would not report. They were opposed to the innovation. The age of progress that had to some extent softened and liberalized the judges of the District Supreme Court had not touched the old-time conservatism of the bar. I was blocked, discouraged, *pro tempore*, but had not the remotest idea of giving up.

Desperate enough for any adventure, I now, at the request of Theodore Tilton, went on a canvassing and campaigning tour through the Southern States in the interest of the New York *Tribune* and *Golden Age*, and of Horace Greeley, whom the Liberal Republicans had nominated for the Presidency in July, 1872. My trip was a reasonably successful one, but it did not elect Greeley.

After the political sky had cleared, I made my appearance at a

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[224] course of lectures in the Georgetown College Law Class; but when a call was made by the Chancellor for the settlement of dues my money was declined, and I was informed by a note from the Chancellor, a few days later, that I could not become a member of the class. I then turned my attention to Howard University, and for a time attended the lectures in that institution; but the fight was getting monotonous and decidedly one-sided. Some of the justices of the peace in the District, and Judge William B. Snell of the Police Court, had notified me that I would be recognized in their respective courts as attorney in the trial of any case in which I chose to appear; and Judge Olin had recognized me in the Probate Court of the District. I had even ventured to bring suit on a contract in a justice court. This procedure was considered so novel that it was telegraphed all over the country by the Associated Press.

I now grew a little bolder, and to a certain extent desperate, and addressed the following letter to President Grant, then President *ex officio* of the National University Law School:

"No. 432 Ninth Street., N.W.,

"Washington, D.C., September 3, 1873.

"To His Excellency U.S. Grant, *President U.S.A.*:

"SIR,---You are, or you are not, President of the National University Law School. If you are its President, I desire to say to you that I have passed through the curriculum of study in this school, and am entitled to, and *demand*, my diploma. If you are not its President, then I ask that you take your name from its papers, and not hold out to the world to be what you are not.

"Very respectfully,
"Belva A. Lockwood."

This letter contained about as much bottled-up indignation as it was possible for one short missive to conceal under a respectful guise. I received no direct answer, but the

next week I was presented by the Chancellor of the University, W. B. Wedgewood, with my diploma duly signed, and a few days after I was admitted to the bar.

On my admission, the clerk remarked, "You went through to-day, Mrs. Lockwood, like a knife. You see the world moves in our day." Justice Cartter said, "Madam, if you come into this court we shall treat you like a man." Justice Arthur McArthur remarked, "Bring on as many women lawyers as you choose: I do not believe they will be a success." These comments did not affect me, as I already had my hands full of work, and cases ready to file in anticipation of my admission. My friends had confidence in my ability; and the attention that had been called to me in the novel contest I had made not only gave me a wide advertising, but drew towards me a great deal of substantial sympathy in the way of work. Besides this, I had already booked a large number of government claims, in which I had been recognized by the heads of the different Departments as attorney: so that I was not compelled, like my young brothers of the bar who did not wish to graduate with a woman, to sit in my office and wait for cases. I have

[225] been now fourteen years before the bar, in an almost continuous practice, and my experience has been large, often serious, and many times amusing. I have never lacked plenty of good paying work; but, while I have supported my family well, I have not grown rich. In business I have been patient, painstaking, and indefatigable. There is no class of case that comes before the court that I have not ventured to try, either civil, equitable, or criminal; and my clients have been as largely men as women. There is a good opening at the bar for the class of women who have taste and tact for it.

But neither my ambitions nor my troubles ceased with my admission to the District bar. On or about the 1st of April, 1874, having an important case to file in the Court of Claims, I asked one A. A. Hosmer, a reputable member of the bar of that court, to move my admission thereto, having previously filed with the clerk my power of attorney in the case, and a certificate from the clerk of the District Court of my good standing therein, as required by the rule of that court.

At precisely twelve o'clock the five justices of that dignified court marched in, made their solemn bows, and sat down. Without ceremony, after the formal opening of the court by the clerk, and the reading of the minutes of the last session, my gracious attorney moved my admission. There was a painful pause. Every eye in the courtroom was fixed first upon me, and then upon the court; when Justice Drake, in measured words, announced, "*Mistress Lockwood, you are a woman.*" For the first time in my life I began to realize that it was a crime to be a woman; but it was too late to put in a denial, and I at once pleaded guilty to the charge of the court. Then the chief justice announced, "This cause will be continued for one week." I retired in good

order, but my counsel, who had only been employed for that occasion, deserted me, and seemed never afterwards to have backbone enough to keep up the fight.

On the following week, duly as the hand of the clock approached the hour of twelve, I again marched into the court-room, but this time almost with as much solemnity as the judges, and accompanied by my husband and several friends. When the case of Lockwood was reached, and I again stood up before that august body, the solemn tones of the chief justice announced, "Mistress Lockwood, you are *amarried woman!*" Here was a new and quite unexpected arraignment, that almost took my breath away for the moment; but I collected myself and responded, with a wave of my hand towards my husband, "Yes, may it please the court, but I am here with the consent of my husband," Dr. Lockwood at the same time bowing to the court. My pleading and distressed look was of no avail. The solemn chief justice responded, "This cause will be continued for another week."

Seeing that a fierce contest was imminent, I forthwith employed a member of this bar, one Charles W. Horner, to appear and plead my cause. He was a man who loved justice, and who feared neither the court nor conservatism. He prepared an able argument, presented it to the court on the following Monday, and, after patient attention, was allowed to file the same with the clerk, while the cause of "Lockwood" was continued for one more week. Next Monday, Judge Peck, who

[226] had been sitting in the cause, had died; and of course there was an adjournment for another week. Upon the convening of the court at this time the cause was given to Judge Nott to deliver the opinion of the court; and three weeks were devoted to this work. I had time to reflect, to study up on my law, to ponder upon the vast disparity between the sexes, and, if I had possessed any nice discrimination, to see the utter folly of my course. But I would not be convinced.

Three weeks later, I was again present on the solemn assembling of that court. It took Judge Nott one hour and a half to deliver his opinion, which closed as follows:

"The position which this court assumes is that under the laws and Constitution of the United States a court is without power to grant such an application, and that a woman is without legal capacity to take the office of attorney."

Of course this was a squelcher, and with the ordinary female mind would have ended the matter; for it was concurred in without a dissenting voice by the four other judges on that august bench. But I was at this time not only thoroughly interested in the law, but devoted to my clients, anxious that their business should not suffer, and determined to support my family by the profession I had chosen. My cases and my powers of attorney were filed in the court, and there was nothing to prevent me from

taking the testimony, which I did, and preparing the notices and motions which my clients filed. Nevertheless I found that I was working continuously at a disadvantage, and that my clients lacked the confidence in me that I would have commanded had I stood fairly with the court.

I had another important case in course of preparation to file in the Court of Claims, and, in order to bridge over the disability under which I stood with the court, I took an assignment of the claim. But in this I hardly succeeded better. The case was that of Webster M. Raines *et ux.* against the United States, and my assignment covered only one-third of it. I appeared *in propria persona*, and attempted to argue my own case. The chief justice declared that I was *not* the assignee, although the original claimant appeared in court and declared that I was, and stated also his desire to have me represent his portion of the case. It was no use. When I arose to explain my position, the court grew white at my audacity and imperturbability, and positively declined to hear me. Then I hired a lawyer to represent me in the case,---a male attorney, who had been a judge on the bench. He occupied the court for three days in saying very badly what I could have said well in one hour. This was some little revenge; but he lost my case, and I at once appealed it to the United States Supreme Court, hoping that before the case would be reached in that court I should have had the three years of good standing in the court below, and thus become entitled to admission thereto under the rule, which reads, "Any attorney in good standing before the highest court of any State or Territory for the space of three years shall be admitted to this court when presented by a member of this bar." I read the rule over carefully and repeatedly, to make sure that it included me, and asked myself, Why not? Was not I a member of the bar of the Supreme Court of the District of

[227] Columbia in good standing? Had I not been such for three years? The law did not say "any man," or "any male citizen," but "any attorney."

Patiently, hopefully, I waited. At last, in October, 1876, full of hope and expectation, and in company with the Hon. A. G. Riddle, whom I had asked to introduce me, I presented myself before the bar of the United States Supreme Court for admission thereto. Again I had reckoned without my host. My attorney made the presentation, holding my credentials in his hand. Those nine gowned judges looked at me in amazement and dismay. The case was taken under advisement, and on the following Monday an opinion rendered, of which the following is the substance: "*As this court knows no English precedent for the admission of women to the bar, it declines to admit, unless there shall be a more extended public opinion, or special legislation.*"* No pen can portray the utter astonishment and surprise with which I listened to this decision. My reverence for the ermine vanished into thin air. I was dazed, and kept repeating to myself, "No English precedent! How about Queens Eleanor and Elizabeth, who sat in the *aula regia* and dispensed the duties of chief

chancellor of the English realm in person? How about Anne, Countess of Pembroke, who was hereditary sheriff of Westmoreland, and who at the assizes at Appleby sat with the judges on the bench?" "A more extended public opinion,"---how was I to make it? "Special legislation,"---how was I to obtain it, with a family to support, and a sick husband on my hands? I went home, and again took up the thread of my law cases before the District bar, but determined not to let this matter rest.

What next? When Congress assembled in December, I appealed to the Hon. Benjamin F. Butler to draft and introduce in that body a bill for the admission of women to the bar of the United States Supreme Court. This was my first bid for the *special legislation*. The bill was carefully drawn, introduced, recommended by the House Judiciary for passage, debated, and ingloriously lost on its third reading.

The following year a second bill, drafted, at my suggestion, by Hon. Wm. G. Lawrence, fared even worse than the first, and died almost before it was born.

During all these years of discouragement I was indefatigable in the prosecution of my cases before the bar of the District, and had won some reputation as a lawyer. My husband, after three years of total prostration, died, April 23, 1877. In the autumn of 1877 some of the newspaper men of Washington, who had begun to be interested in the long and unequal contest that I had waged, asked me what I intended to do next. "Get up a fight all along the line," I replied. "I shall ask again to be admitted to the bar of the Supreme Court; I shall myself draft a bill and ask its introduction into both Houses of Congress; and, as I have now a case to be brought in the Federal court in Baltimore, Royuello vs. Attoché, I shall ask admission to the bar of

***Justice Miller dissented from this opinion, and the chief justice himself, but if his decision was ever reduced to writing, he never allowed it to be printed. It was in vain that I sought a copy of it from the clerk.**

[228] the Federal court at Baltimore." This latter claim had been sent to me from the city of Mexico, and was for fifty thousand dollars. "Very well," said they: "we are going to help you out this time." And they did.

I prepared and asked the Hon. John M. Glover to introduce into the House of Representatives, in December, 1877, the following bill:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

"That any woman duly qualified who shall have been a member 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 practise before the Supreme Court of the United States."

I was soon called to make an argument before the House Committee on the Judiciary, after which the bill was favorably reported without a dissenting voice, and passed the House early in the session by a two-thirds majority.

On reaching the Senate, it was referred to the Senate Judiciary and committed to the Hon. Aaron A. Sargent, of California. Conceiving that the bill as it passed the House was not broad enough, he amended it, but his amendment was lost and the Judiciary Committee made an adverse report on the bill. I had done a great deal of lobbying and had used a great many arguments to get the bill through, but all to no avail. With consummate tact, Mr. Sargent had the bill recommitted, but it went over to the next session. I worked diligently through the second session of the Forty-fifth Congress for the passage of my bill, but the Judiciary Committee made a second adverse report on the bill, and this time Mr. Sargent had the forethought to have the bill calendared, so that it might come up on its merits.

But another misfortune overtook me: Mr. Sargent was taken ill before my bill was reached, and compelled to go to Florida for his health. What was I to do now? Here was my work for years about to be wrecked for want of a foster-mother in the Senate to take charge of it. I knew pretty well the status of every member of that body, for I had conversed with all of them, both at this and at the previous session; and in this extremity I went to the Hon. Joseph E. McDonald, of Indiana, and besought him to take charge of the bill. At first he declined, because, as he said, it was Mr. Sargent's bill, and, when I insisted, he bade me go to the Hon. George F. Hoar. I found that gentleman somewhat unwilling to take the entire responsibility of the bill. I was not satisfied to leave anything that I ought to do undone, and so returned to Mr. McDonald, told him that I feared Mr. Sargent's health was such that he would not return in time, and besought him to take upon himself the responsibility of urging and securing the passage of the bill, saying that Senator Hoar would assist him, and Senator Sargent also, when he returned. From the time he assumed this responsibility Senator McDonald was vigilant in the interest of the bill, and, as the Forty-fifth Congress drew to a close, used what in-

[229] fluence he could to get the bill up. It was in a precarious position. A single objection would carry it over. When it was about to be reached, I grew anxious, almost desperate,---called out everybody who was opposed to the bill, and begged that

it might be permitted to come up on its merits, and that a fair vote might be had on it in the Senate.

I have been interested in many bills in Congress, and have often appeared before committees of Senate and House; but this was by far the strongest lobbying that I ever performed. Nothing was too daring for me to attempt. I addressed Senators as though they were old familiar friends, and with an earnestness that carried with it conviction. Before the shadows of night had gathered, the victory had been won. The bill admitting women to the bar of the United States Supreme Court passed the Senate on the 7th of February, 1879. It was signed by the President, Rutherford B. Hayes, some days later.

On the 3d of March, 1879, on motion of the Hon. A. G. Riddle, I was admitted to the bar of the United States Supreme Court. The passage of that bill virtually opened the doors of all the Federal courts in the country to the women of the land, whenever qualified for such admission. I was readily admitted to the District Courts of Maryland and Massachusetts after this admission to the Supreme Court.

On the 6th of March, 1879, on motion of the Hon. Thomas J. Durant, I was admitted to the bar of the United States Court of Claims. Thus ended the great struggle for the admission of woman to the bar. Most of the States in the Union have since recognized her right thereto, and notably the State of Pennsylvania, as in the case of Carrie B. Kilgore, who has recently been admitted to the Supreme Court of the State.

Belva A. Lockwood.

*

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